

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

**PROCEEDINGS OF  
OF THE CITY OF  
Monday, May 5,**

The city council of the city of Grand Forks, North Dakota met in its regular session at the Chester Fritz Auditorium at the University of North Dakota on Monday, May 5, 1997 at the hour of 5:00 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; absent: Council Member Glassheim - 1.

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

APPROVE MINUTES APRIL 7, 1997

Typewritten copies of the minutes of the regular council meeting of the city council held on Monday, April 7, 1997 were presented and read. It was moved by Council Member Beyer and seconded by Council Member Polovitz that these minutes be approved as read. Carried 13 votes affirmative.

SUSPEND AGENDA AND CONSIDER FLOOD-RELATED  
ITEMS

It was moved by Council Member Babinchak and seconded by Council Member Hafner to suspend the agenda and consider flood-related items. Carried 13 votes affirmative.

Ken Vein, city engineer, stated that the city has had the devastation of the flood and that there are two central problem areas that need to be addressed - destruction of public infrastructure system and also private infrastructure system; that initial public infrastructure damage estimates are about \$250 million at this time. He reported that there has also been destruction of public confidence that we are safe from future flood events of this magnitude and need to work through some solutions and do have some disaster recovery teams here, that we are working with FEMA and various other federal and state agencies in an effort to reconstruct our infrastructure, both public and private. He stated that they know that it's going to be costly and costs involved for each of us.

He stated that as far as returning some of the public confidence in the infrastructure system and safety from future flood events, they have been working with the Corps of Engineers on a flood protection project that they have been studying and that we have to work in conjunction with FEMA to pursue a flood protection project for the city. He stated that we would have to correct some of the past development errors that have become apparent during the flood and to develop a plan for the future and need to move quickly as our construction season is very short and people need answers. He stated that may mean relaxing some of the rules, and that they have already had to do that and continue to do as redevelop and need public and private cooperation. He stated that they will have to use federal agencies to get back on our feet and recovery included federal government and state government for direct assistance.

Mr. Vein reported they are proposing to put together a project recovery team of specialists to work with various city government officials and this body, that they are looking at planners to look at master planning for the city, engineers and architects to help design that plan, construction management to help work toward building that plan, need to look at housing concerns, some of the federal resources that are available for us, financing specialists and some of legal things. He stated he is looking to put together city staff members to work with firms, consultants in each one of those areas and in about a week will bring back this team to the council for review and concurrence.

14884

May 5, 1997

He stated that housing needs are high priority and are going to pursue something, both short and long term; that they will repair and rebuild what public infra-structure they can, but are going to have to construct many new areas for both public and private infrastructures systems. He stated they need to look at temporary housing, will work with UND throughout the summer, and look at new trailer parks for short term, also trailers parked at individual homes as they rebuild. He stated they need to look at permanent housing developments and what's available and where infrastructure in place, or new development areas where infrastructure can be added easily on a short term basis. He stated they need to include options for affordable housing. He stated the same things apply to business recovery as some businesses may not be able to rebuild, have to look for both temporary and permanent facilities. He stated that the recovery team they are proposing will come back with some short and long term solutions where should go in the future.

Hazard Mitigation (flood protection project): He reported they have been working with the Corps of Engrs. since 1991 and were in the third phase of a five-phase plan; and that current event changes everything that was previously presented, when plan for the future, base it on what's happened in the past and this event has changed our past. He stated that a new scope and project will be developed, that they have met with the Corps and they have stressed an urgency to move that project up at least two years as previously discussed. He stated that we need to involve East Grand Forks in a total project. He reported that components of a new project will include levee alignment, some type of flood wall and also need to look at channel modifications (straighten or realign), modification of bridges because of effect they had this year, possible elimination of some of the bridges and potential for a diversion to divert some of the water around the city. He reported that the details will take long time to iron out but there are three primary players - Corps of Engineers, FEMA and the City and County because alignment would be in both areas. He stated they may need to change project limits to include Highway North businesses and south to include Burke Addition. He stated that there has been a lot of concern about the need for a flood protection plan and what that means for the properties within the city, mainly what areas should be allowed to redevelop and which areas should not. He looked at this today and people and businesses need answers fairly quickly, that it has been very difficult to try to determine something on a very short notice but have worked with Corps of Engrs. and they have given us information on such things as soil stability and even though haven't done all of the hydrology, do know some of the hydraulics

of the drainage basin and the area through the city.

Mr. Vein stated that the proposed project will probably include the entire city, that they looked at historic sections of the city, at areas where properties received 50% damage or more, secondary lines of protection, and wanted to look at some coordination with the city of East Grand Forks. He stated that major problem with flood this year was the large volume of water coming through the city and when it gets to the city has to be channeled through small area, and need to try to help increase that area so the water can flow more efficiently and may involve modifications to the structures.

Mr. Vein presented plan which includes the areas he has discussed, that there are two different alignments, one based on hydrology and soil stability and second one based on an attempt to move that line closer to the river and go to a different method of protection such as a flood wall, that primarily they looked at an earth levee, that original plan was for a dike, 100-year flood elevation of 52.4' plus 3 to 4 ft. of freeboard; that new project is going to use the 1997 flood of 54.3' with freeboard above that, and that there is another level of protection that is higher than that, but not determined; that the alignments of both levels of protection are very similar. He presented layout of plan showing proposed dike boundaries and alignment through the city: Document No. 7299 - Map.

He reported he had reviewed plan with Corps of Engineers and that it's best he

14885

May 5,

1997

could put together on short term and intended to answer people's questions on what can do or not do, and they would have to continue working with federal agencies. The council stated they need to give people answers as soon as possible. Mr. Vein stated that something has to be determined because people want to do repairs, etc, to have something in more detail than what have here, and are working with EGF on this, needs to be coordinated effort when they come in with combined flood protection plan. He reported that they have discussed a diversion plan, that alignment they are looking at now has not entirely considered the hydraulics of getting the water through town, that if a diversion plan becomes a part of the permanent plan, it's still going to involve diking in the city, but could change alignments slightly. He stated they know that the diversion plan was in excess of \$120 million but if feasible, would pursue. He also stated that any type of flood protection plan would have closures on the English Coulee so water will not be able to back up through the Coulee, could either pump water that does flow naturally over such a closure or would divert that around the city; that they would also look at closure on the southend drainway and Belmont Coulee - several closures with some type of pumping facilities for those areas.

Council Member Sande questioned whether this plan considers the possibility of relocation of houses not damaged more than 50%; Mr. Vein stated that under a mitigation project, they would move houses out, that there's a 404 buyout program for those that are 50% damaged and also that

those houses within the 100-year flood plain that received 50% damage can be elevated so that lowest finished floor would be above the 100-year flood, but not very realistic within these areas. He stated that the southend drainway should be included in redevelopment of the city, it intercepts some of the overland flooding, and also necessary for both business and residential, need for development of the southwest part of the city. It was noted that there are a number of downtown business that are considering rebuilding; and Mr. Vein stated that if within the boundary line, they couldn't reconstruct in some of these areas as long as City maintains a floodway, for most part would not pay to redevelop. He also noted that the line goes through water plant and sludge plant, which would have to be relocated.

There was some discussion re. areas along Chestnut and Chestnut Place, where FEMA won't let property owners rebuild, what the long range plan is so that people know whether to rebuild or not because they won't be out of the 100-year flood plain until after flood protection put in place. Mr. Vein stated that as long as property 50% damaged they wouldn't be allowed to rebuild whether dike there or not; he would like to see those areas redeveloped in the future when flood protection in place.

Mayor Owens asked if there was anyone in the audience who had comments:

A number of individuals addressed council with questions re. rebuilding, dike alignment, etc.:

Ray Slominski, 630 Maple Avenue.

Joe Litzinger, 1512 Chestnut Street.

Dennis Gustafson, 515 Maple Avenue.

Tera Eastman, owner of rental property at 7 Euclid Avenue.

Council Member Beyer stated that people need to know how long before City makes decision; Mr. Vein stated that they accept plan put forth today can make that decision; however Council stated it was not ready to make that decision. Mr. Vein stated map based on best available information.

Council Member Bakken stated that he thinks City needs to know more before making decision, what FEMA, what Corps going to recommend, what government going to do. when get some guidelines then make decisions, no way to rebuild in some areas.

Dee Breitwieser, 2624 Olson Drive.

14886

May 5, 1997

John Sheffer, 102 Polk Street.

A resident stated his business was at bottom of City Center Mall, Global Recycling, and was opposed to mayor's declaration re. no scavenging from berms.

Sunny Andreu, lives about a block from the water plant, City Center Antiques and Dakota Books, business in the City Center Mall, here on behalf of the businesses in the Mall, about 75% willing to be back in business and like downtown, looking for space and looking to city for answers, would like to stay downtown, need to know where line is.

Peter Boley, 124 Fenton, stated knowing how aggressive this plan may seem to be and that flood protection critical for the city, let's not give

away aesthetics and neighborhoods that could be saved and kept, including downtown area; would like to have consideration that flood wall and dike system not be only method of protecting city but work in conjunction with diversion project, use in conjunction with less aggressive dike system so not take all character out of the city.

Steve Monroe, 223 Polk.  
Paul Johnson, 802 Lincoln Drive.  
Scott Lindgren, 407 Pakenham.

Mr. Vein reported they will take second look at those properties on top of hill, possible some rechannelization and will work with both sides of the river. He stated there are some gray areas, line closest to river where at. need to get information compiled, council would like to look at where line is.

Howard Swanson, city attorney, stated that the process for acquiring property has not been well defined by FEMA to the City or the Corps of Engrs. and thinks they can define 3 separate areas where City would be acquiring properties: 1) those properties damaged more than 50% and are included within the areas that city engineer has identified as most likely not to be rebuilt, those would receive structural condemnation proceedings, if the property owner did not contest could be done rather quickly, but if property owner did contest condemnation proceedings, that would be longer period of time; that funding has not been identified either in process or amount by any federal agency for property acquisition, first proceedings is condemnation based upon extent of damage, 2) straight out acquisition, voluntary proceedings in which the property owner and City would reach a mutual agreed purchase price for the property, those home depending upon structural integrity may lend themselves to be sold and relocated, 3) eminent domain proceeding, where structural integrity still intact but in area that needs to be cleared, the City would begin eminent domain proceedings in an attempt to locate the price which the court would determine to be appropriate and the property acquired by the City; that structure could be sold and relocated to an existing subdivision or a newly created subdivision. He stated that in concept those would be proceedings which City would take to acquire property but at this time no commitment from any federal or state agency to fund those acquisitions, City of its own funds, would not have the wherewithal to acquire any substantial portion of the property.

Mayor Owens stated that she could assure residents of these areas that Mr. Vein will work diligently to come up with some answers within short period of time, and would encourage some of the residents who are homeless to register for the temporary homes that are coming in until something is decided and guarantees that the City will not leave residents in limbo any longer than absolutely have to until find out where FEMA and other agencies are at with this; sympathize with the residents but City doesn't have money to buy properties.

Ray Slominski, 630 Maple Avenue, questioned whether City was intending to put services (water, sewer, etc.) back in Lincoln Drive area temporarily. Mr. Vein stated they would have to look at individual areas, that if homes are

14887

May 5,

1997

structurally damaged and property owner not allowed to rebuild, wouldn't, but in areas where allowed to rebuild would make every attempt to do that. Mayor Owens suggested they set up neighborhood meetings to let them know what they can do now. Mr. Vein stated he would recommend open house type of situation and answer specific questions. Council Member Beyer stated rather than holding open house, go out and talk to people and look at their 'open house'. Council Member Hagness suggested that before next Monday's meeting chairs have meeting with agency and find out whether money available, how much and under what circumstances.

Lori Carlson, 17 Polk Street.

Mr. Vein stated that in his presentation he talked about putting together advisory committee that could look at what can or can't do in these areas that have been damaged but how to redevelop into other areas to make use of infra-structure throughout, looking at lots that are developable now, both residential and commercial, and how could develop in very short period of time because goal was where they could go and try to put together program to allow them to do that in most cost effective manner, but need to put together list of qualified consultants who have been through this before and who can help us long term. He stated they hope to have that group ready and to come back for concurrence in a week, and have to be looking at temporary housing up and operating within two weeks.

Mr. Swanson presented several issues for the council to consider: 1) the council could by resolution this evening establish a temporary moratorium on the issuance of any building permits that would be in the flood mitigation zone, which would be that line in river side of the diagram presented by the city engineer. He stated that would not be a final or permanent decision but would give a temporary action and would preclude any new building permits either for repair or replacement of structures that were damaged and lie on the other side of that line.

It was moved by Council Member Beyer and seconded by Council Member Hafner to establish a temporary moratorium on the issuance of any building permits for repair or replacement of structures that were damaged and lie on the river side of the exterior line of the flood mitigation zone in the city. Carried 13 votes affirmative.

Mr. Swanson reported that they have been requested by both FEMA and the Army Corps of Engineers to approve a resolution regarding debris removal agreements with both of those agencies, that agreement appears to be in standard form, and would need motion to authorize proper City officials to sign that agreement. It was so moved by Council Member Polovitz and seconded by Council Member Hanson. Carried 13 votes affirmative.

Mr. Swanson also presented the matter of building permit and demolition fees for discussion, that presently the ordinance would establish what those fees are, and that there has been discussion as to whether City should maintain, reduce or eliminate those fees. Council Member Hagness stated he wasn't sure what consequences would be in waiving all the fees, but would be in favor of waiving electrical fees. Mr. Swanson reported

that to this point the only fees waived are some electrical certificate fees, but as far as building permit fees or demolition permit fees, no action has been taken. He stated that some of the consequences the council needs to be aware of are that as a result of the flood the tax base has been severely eroded, that will impact property tax revenue, and in addition have had severe damage to retail community and that will impact sales tax revenue, not that building permit fees will entirely off-set those losses but if council were to eliminate building fees will significantly decrease the revenue the city would otherwise have for its normal governmental services which will substantially increase over what had in previous times. He stated that if they reduce fees entirely will not only have a loss of that revenue but other revenues identified, but if don't reduce fees, place some burden on those

14888  
May 5, 1997

businesses and home owners that are seeking to rebuild. He stated that some of those fees recoverable through insurance or other federal programs, and may be best if council were to look at a reduction in fees without a total elimination, and Mr. Carsen has not been able to make any determination as to extent of erosion of the tax base. Council Member Beach stated that if fees reduced or eliminated he would hope they would differentiate between flood damaged and other areas of the city.

Bruce Melin, building inspector, stated it was his wish that the council forgive the fees for building, plumbing and mechanical permits on single-family owner occupied dwellings that were affected by the flood. Council Member Klave stated he tended to agree with that, but have community to maintain and run, that it was his understanding that FEMA will assist in issuing permits, collect fees and assist staff.

After some discussion it was moved by Council Member Klave and seconded by Council Member Hagness to waive 25% of the building permit fee of remodeling reconstruction of those buildings, both commercial and residential, affected by the flood. Carried 13 votes affirmative.

Mr. Swanson reported that the local Electrical Board as well as the State Electrical Board have made recommendations to the council to suspend all local licensing and bond requirements for electrical contractors and that would also include local electrical fees, that the reasoning was the difficulty in bringing additional electrical contractors into the city to do electrical turn-ons for several thousand homes that remain without power and would be on a temporary basis, initially for a 30-day period. He stated that on one hand need to have competent electricians quickly turning on power for homes and businesses and on the other hand there is a concern on level of competency and consumer protection and are recommending that the City require any contractor to be licensed by the State of North Dakota and meet their licensing, bonding and insurance requirements but would not need any local requirements for those electrical contractors doing business in the city for whatever time period council may determine.

After some discussion it was moved by Council Member Beach and seconded by Council Member Hanson that we waive fee until June 30, 1997. Mr. Swanson also informed council that the City has entered into cooperative agreement with the ND Attorney General's Office and ND Secretary of State that we are offering combined licenses and are operating at the ND Job

Service Office and that it is his understanding that those license available within minutes to hours, including background checks where necessary.

Upon call for the question and upon voice vote, the motion was defeated.

Mr. Swanson reported that the Mayor has not exercised any order increasing any bond requirements for any contractors, merchants, etc. and he has not made a recommendation to increase those but if any see having any problem with local or out of state contractors attempting to be licensed in the future, may come back with recommending increasing bonding levels. He stated he also wanted to make council aware that there is presently no ordinance in place re. price increases or gouging, that the Mayor does have the authority to issue such an order, that they have had research done, and council is also in a position to adopt an ordinance in that regard, but that based on their legal research it appears that any order or ordinance regarding price gouging has to reflect market conditions in which either supplies, labor, etc. can be passed on, so price gouging ordinance or order will only impact on certain areas of unscrupulous commerce but will not entirely protect community from that, and that he did not have recommendation for council at this time.

Mr. Swanson presented to the council for consideration his recommendation that the council introduce an ordinance amending the emergency disaster ordinance in

14889

May 5,

1997

three ways, 1) to authorize the mayor to issue an order suspending any ordinance or resolution for the protection of property, for the protection of life or for the conduct of government activities or any other substantial need determined by the mayor for a 30-day period, which period could be extended by action of the city council; it would also allow her to continue the scheduling of meetings and hearings for a period of up to 60-days and she would also have the ability to issue orders requiring or granting waivers or variances of certain governmental activities for a period of 30-days and council could extend that. He stated that the existing ordinance simply doesn't contemplate the magnitude of a disaster the city has experienced and would recommend introducing for first reading.

It was moved by Council Member Hanson and seconded by Council Member Ellingson to approve recommendation from the city attorney relative to amending the emergency disaster ordinance as outlined. Carried 13 votes affirmative.

Council Member Polovitz introduced an ordinance entitled "An ordinance amending Section 2-0104(3) of the Grand Forks City Code relating to the powers of the mayor during a local disaster or emergency", which was presented, read and passed on its first reading.

Mr. Swanson reported that with respect to the Corps of Engineers contract specifications, that last week a bid spec. went out in which a firm out

of Mobile, Alabama was granted award of the contract and which was subsequently terminated; that in reviewing the bid specifications, he found what he considered to be significant deviations from standard practice in the area of bonding and insurance, that the Army Corps of Engineers' specifications had minimal insurance requirements, substantially less than what the City has in its normal specifications and had no bonding requirements which would run to the City of Grand Forks. He stated that after discussion with local representatives on site, the Corps of Engineers as well as their general counsel in St. Paul, he is recommending that this body adopt a resolution adopting the minimum standards set forth by the City of Grand Forks in their standard specs. book and recommending to the Army Corps of Engineers that the areas including insurance, bonding and licensing be adhered to in future bid specifications issued by the Army Corps of Engineers. It was so moved by Council Member Hanson and seconded by Council Member Ellingson. Carried 13 votes affirmative.

Mr. Swanson reported that they had spent great deal of time identifying which sections contained in the Grand Forks City Code which his office deemed appropriate to recommend be suspended which fall generally in areas of parking, nuisances, sanitation, fees and charges, streets and sidewalks and zoning. He stated they are proposing to the council is that they introduce for first reading an ordinance temporarily suspending these various ordinances. He identified certain sections, ie., that in the parking code have several ordinances, one dealing with parking of trucks, motor homes on the streets, another dealing with 24-hour parking, limited time parking and daily parking restrictions, and those would appear to come into play with the placement of RV's, mobile homes and other equipment necessary for reconstruction of the community; noise ordinance has restrictions on total decibels and times which may not be conducive to some of the work needed to be done; abandoned property which requires police department to take into possession; garbage and rubbish not in containers; garbage collection fees and schedules; landfill hours; nuisances on private and public property; downtown parking assessment that are on-going, minimum water bills and shut-offs; requirements for use of public sewers; wastewater service charge; mosquito control fee, storm sewer charges, placement of building materials on public sidewalks, blockage of streets or obstruction to sidewalks; zoning area -temporary suspension on uses in agricultural zones, residential, business, industrial, PUD's and University zones which would allow for non-conforming uses to be conducted within those zones on a temporary basis (offices, storage, etc.), rules re. signage, off-street parking, access, and parabolic antennas, subdivision regulations, etc., prohibition on mobile homes as accessory buildings,

14890

May 5, 1997

certificates of occupancy, etc. and other requirements. He stated it was their recommendation that the council consider suspending those items, but would draw their specific attention to ordinances re. fees and charges as whether they wish to consider at this time on a temporary basis, but some type of action will be required. There was some discussion re. sunset clause, and Mr. Swanson stated he was not recommending any time but until any further action of the council.

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

Hafner that we amend the City Code re. items as presented. Carried 13 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance authorizing the temporary suspension of sections of the Grand Forks City Code by the mayor and the city council during a local disaster or emergency", which was presented, read and passed on its first reading.

COMMENTS BY MARSHAL GRABEAU, CITY OF DES MOINES, IA

Mr. Grabeau stated that on behalf of city of Des Moines they welcome the opportunity to serve the city of Grand Forks in time and need, that they appreciated the wide-spread assistance and support they received in 1993 and extend to Grand Forks that same helping hand, that accordingly on April 28, their city council passed the following resolution: Be it resolved by the city council of Des Moines, IA that the mayor pro tem and city manager are authorized and directed to make available all appropriate resources to the citizens and municipal government of Grand Forks, North Dakota, to aid in the effort to reclaim and rebuild the city. He stated that his visit was the initial aspect of that response.

Mr. Swanson stated he wished to publicly thank the officials of the city of Des Moines and in particular the city attorney's office, they responded immediately to his phone call and provided him same day materials, and have pledged their assistance not only to his office but to all the agencies in Grand Forks, that he has found the help provided by Des Moines to be exceptional, to be highly competent and professional and would wish that message be extended to all city officials in Des Moines.

Mayor Owens also thanked Mr. Grabeau on behalf of the mayor's office and the city council.

SUSPEND AGENDA TO CONSIDER MATTER OF  
REVENUE BONDS FOR UNITED HOSPITAL

It was moved by Council Member Hagness and seconded by Council Member Hafner to suspend the agenda and consider the matter of revenue bonds for United Hospital. Carried 13 votes affirmative.

COUNCIL MEMBER HANSON EXCUSED

HOLD PUBLIC HEARING AND ADOPT RESOLUTION  
RELATING TO MUNICIPAL INDUSTRIAL DEVELOPMENT  
ACT; AUTHORIZING THE ISSUANCE OF REVENUE BONDS  
TO FINANCE A PROJECT FOR THE UNITED HOSPITAL,  
AND AUTHORIZING EXECUTION AND DELIVERY OF  
DOCUMENTS RELATING THERETO

The city auditor reported that notice of public hearing on the proposal that the City issue its revenue bonds, in one or more series, under the North Dakota Municipal Industrial Development Act of 1955, that the proceeds of the revenue bonds, if issued, would be used to pay part or all of the costs incurred in the acquisition by The United Hospital of real and personal property consisting of

the assets of Grand Forks Clinic, Ltd. and Medical Facilities Company, as  
14891

1997

May 5,

established by the council on April 7, 1997, had been published as required and affidavit of publication was filed with the city auditor's office.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter.

Dwight Thompson, chief financial officer for Altru Health Systems, was present to answer any questions the council might have.

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

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7300 - Resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Hafner and upon vote being taken thereon the following voted in favor: Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; and the following voted against the same: none; whereupon the resolution was declared passed and adopted and was signed by the mayor and her signature attested by the city auditor.

DETERMINE INSUFFICIENCY OF PROTEST AND DIRECT  
THAT RESOLUTION ON ANNEXATION OF PRAIRIE VIEW  
FIRST ADDITION, INCL. LECLERC FARM HOME AND  
UNPLATTED PROPERTY ADJACENT THERETO BE FILED  
AND ANNEXATION ACCOMPLISHED

The city auditor reported that proper notice had been placed in the Grand Forks Herald publishing the resolution of annexation passed on March 17, 1997 and that the City has provided the required mailed notice to the individual property owners relative to the annexation of Prairie View First Addition, including adjacent R/W, and LeClerc Farm Home (unplatted), and that the notice called for a hearing to be held on April 21, 1997 for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation, but because there was no meeting on April 21 because of the flood, the matter was presented this evening. The city auditor exhibited the affidavit of publication indicating publication on March 22 and 29, 1997; and further reported that no written protests had been filed with the auditor's office.

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 Ellingson that a finding of insufficiency of protest to the annexation be entered. Carried 12 votes affirmative.

It was moved by Council Member Hagness and seconded by Council Member Beyer that the city auditor be and is hereby directed to file with the

Grand Forks County Register of Deeds the resolution of annexation, with appropriate map. Carried 12 votes affirmative.

HOLD PUBLIC HEARING, DETERMINE INSUFFICIENCY  
OF PROTEST ON ANNEXATION OF PORTIONS OF  
DANKS SECOND ADDITION, MCENROE PROPERTY,  
BIRKHOLZ' PROPERTY AND UNPLATTED PROPERTY

The city auditor reported that the proper notice had been placed in the official newspaper publishing the resolution of annexation passed on March 17, 1997 and that the City had provided the required mailed notice to the individual property owners relative to the annexation of portions of Danks Second Addition, McEnroe Property, Birkholz Property and unplatted property located east and west of South 14892 May 5, 1997

42nd Street from DeMers Avenue South, as described in the resolution, and that the notice called for a hearing to be held on April 21, 1997 for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation, but because there was no meeting on April 21, 1997 because of the flood the matter was presented this evening.

The city auditor exhibited the affidavit of publication indicating publication on March 22 and 29, 1997; and further reported that no written protests had been filed with the auditor's office.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter.

Jim Tibbetts, 214 Fenton Avenue, asked if this was The Aurora property, and he was informed it was property adjacent to Aurora. He stated that the City doesn't have money to pay for people who lost their houses and they are still dealing with these things. Mr. Swanson reported that the property being annexed is not the property The Aurora would be located on, it would be adjacent to portions of those lots and would also include property on the east side of 42nd. He stated that one of the reasons the annexation is here is not only to provide infrastructure right of way along 42nd but also to accommodate some of the requests for zoning; and that the annexation will allow that property to be taxed in the city as opposed to not being taxed in the city.

Mayor Owens closed the public hearing.

It was moved by Council Member Beyer and seconded by Council Member Sande that a finding of insufficiency of protest to the annexation be entered. Carried 12 votes affirmative.

It was moved by Council Member Hagness and seconded by Council Member Ellingson that the city auditor be and is hereby directed to file with the Grand Forks County Register of Deeds the resolution of annexation, with appropriate map. Carried 12 votes affirmative.

HOLD PUBLIC HEARING, DETERMINE SUFFICIENCY  
OF PROTEST ON ANNEXATION OF LONGVIEW ADDITION

AND ADJACENT UNPLATTED PROPERTIES, RESCIND  
ANNEXATION PROCEEDINGS AND INTRODUCE ORDINANCE  
TO ANNEX LONGVIEW ADDITION

The city auditor reported that the proper notice had been placed in the official newspaper publishing the resolution of annexation passed on March 17, 1997 and that the City has provided the required mailed notice to the individual property owners relative to the annexation of Longview Addition, and adjacent unplatted property including 32nd Avenue South R/W, South 52nd Street R/W, BNSF Railroad R/W, BN Railroad property, UND property, Storage Partners property and Nor-Agra property, and that the notice called for a hearing on April 21, 1997 for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation. It was noted that because there was no council meeting on April 21, 1997 because of the flood this matter was presented this evening.

The city auditor reported that his office had received protests from the following property owners: Storage Partners, Nor-Agra, Inc. and UND Alumni Association and Foundation which represents 54.38% of the property proposed to be annexed.

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

Mr. Swanson, city attorney, advised that in light of the 50% protest the council

14893

May 5,

1997

has three options: 1) that if the council wished to move forward with the resolution of annexation in the manner in which first acted upon, would need to pass a motion petitioning the attorney general to establish annexation review commission; 2) do nothing and the resolution of annexation would die; or 3) adopt resolution recognizing the sufficiency of protest and then adopt resolution rescinding prior action regarding the annexation which would put council in position to move forward at a future date and reconsider annexation of this area at a different date or portion of the annexation; and the third option is his recommendation.

It was then moved by Council Member Polovitz and seconded by Council Member Beyer that a finding of sufficiency of protest be entered. Carried 12 votes affirmative.

There were some questions from council re. providing of utilities to the Longview Fibre property. Mr. Swanson reported that Longview Fibre can petition for annexation of their property, that the annexation attempt by council was larger than Longview itself, included property on both sides of the railroad tracks along 32nd Avenue South, consequently the majority of the property owners that protested were not in the area that Longview Fibre had wanted, so they can make their petition for annexation which could be done by ordinance.

Al Grasser, asst. city engineer, reported that when the assessment district drawn all property was included under tapping area, and

annexation shouldn't have bearing on the projects. Mr. Swanson agreed and stated that the City has ability under Code to enter into agreements with Longview Fibre to provide those utilities even though not yet annexed to the city.

Ray LeClerc, acting city planner, reported that there is a letter on file from Longview Fibre requesting the annexation of their entire property (both lots).

Upon call for the question, carried 12 votes affirmative.

It was then moved by Council Member Polovitz and seconded by Council Member Babinchak to rescind the annexation by resolution proceedings of the council taken on March 17, 1997. Carried 12 votes affirmative.

It was moved by Council Member Polovitz and seconded by Council Member Beyer to approve annexation of both lots of the Longview Fibre property contingent upon request for annexation having been filed. Carried 12 votes affirmative.

Council Member Polovitz introduced an ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, all of Longview Addition including 32nd Avenue South right of way adjacent thereto", which was presented, read and passed on its first reading.

CONTINUE PUBLIC HEARING ON DETERMINATION  
OF PROTEST ON PAVING PROJECT NO. 4557,  
DISTRICT NO. 551 TO JUNE 2, 1997

The city auditor reported that the period for filing protests on the resolution of necessity or the improvements in and for Paving District No. 551, Project No. 4557, paving in Rivers Edge Resubdivision and Anderson's Subdivision had expired on April 11, 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.

The city auditor reported that due to circumstances, the call for bids had not gone out on this project and that council might want to continue the hearing to a date certain. It was moved by Council Member Beyer and seconded by Council

14894

May 5, 1997

Member Hafner that the hearing on the determination of protest be and is hereby continued to June 2, 1997. Carried 12 votes affirmative.

It was moved by Council Member Beyer and seconded by Council Member Hafner to continue the public hearing to June 2, 1997. Carried 12 votes affirmative.

MATTER OF SALE OF \$1,935,000 TAXABLE WATER  
RESERVE REVENUE BONDS, SERIES 1997C

The matter was held.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

The following consent agenda items were referred to committee:

Finance Committee:

1) matter of Airport Authority Board.

APPROVE BILL LISTING

Vendor Payment Listing No. 97-06, totaling \$565,367.21, 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 Ellingson and seconded by Council Member Babinchak that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

CONCUR WITH STATE TAX DEPARTMENT IN  
ADMINISTRATION OF CITY SALES TAX FOR  
ALTRU HEALTH SYSTEM

Committee No. 1, Finance, reported having considered the matter of concurrence in the administration of city sales tax for Altru Health System by the Tax Commissioner's Office, and recommended to concur with the State Tax Commissioner's Office in the administration of city sales tax.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE RENEWAL OF PSAP JOINT POWERS  
AGREEMENT

Committee No. 1, Finance, reported having considered the matter of renewing Grand Forks County Public Safety Answering Point (PSAP) joint powers agreement, and recommended to approve renewal of the agreement.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 12 votes affirmative.

ADOPT LEAVE SHARING PROGRAM POLICY

Committee No. 1, Finance, reported having considered the matter of review of sick leave transfer policy, and recommended the adoption of the leave sharing program policy with amendment to the last paragraph of the policy that the rules and regulations contained in the policy not be changed in the implementation and

1997

administration of these programs.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE BUDGET AMENDMENT

A request to amend the budget for the finance and administrative office in the amount of \$750.00 from cash carry-over to office equipment for work station ordered in 1996, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this budget amendment be approved. Carried 12 votes affirmative.

TABLE INDEFINITELY MATTER OF PERFORMANCE  
OBJECTIVES FOR CITY POSITIONS

Committee No. 1, Finance, reported having considered the matter of performance objectives for positions in city departments, and recommended approval for the forthcoming year with Human Resources to consider some of their discussion re. uniformity of performance objectives, sign-off of performance report, for all departments, to work through within the year with report back to committee.

Committee No. 2, Public Safety, reported having considered the matter of performance objectives for positions in city departments, and recommended to approve the concept of the performance objectives for positions in the city departments (police, fire, municipal court and PSAP).

Committee No. 3, Public Service, reported having considered the matter of performance objectives for positions in city departments, and recommended to approve the performance objectives.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that these recommendations be and are hereby approved.

Council Member Carpenter stated he would like to have further discussion and moved to table indefinitely; Council Member Beyer seconded the motion. Carried 12 votes affirmative.

COUNCIL MEMBER HAFNER EXCUSED

APPROVE REQUEST FROM WALSH HALL FOR VARIANCE  
TO NOISE ORDINANCE

Committee No. 2, Public Safety, reported having considered the request from Walsh Hall for variance to the noise ordinance for event (Walshstock '97) on April 26, 1997, and recommended to grant a variance to the noise ordinance to 12:00 midnight.

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

APPROVE CARNIVAL PERMIT

Committee No. 2, Public Safety, reported having considered the request from Schoeppner Shows for carnival at South Forks Plaza parking lot May 21 to June 1, 1997, and recommended to approve application for carnival permit.

It was moved by Council Member Ellingson and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 11 votes  
14896  
May 5, 1997

affirmative.

TABLE INDEFINITELY REQUEST TO EXPAND  
LICENSED LIQUOR PREMISES TO ADJ. BUILDING

Committee No. 2, Public Safety, reported having considered the communication from Daniel Sampson, LTD Investments, Inc. dba The Edge, 10 North 3rd Street, to expand licensed liquor premises to adj. building, and recommended to allow expansion of the current licensed liquor premises for The Edge, contingent upon final approval by the fire, health and inspection departments, and amendment of existing application including diagram of new premises.

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

It was moved by Council Member Beyer and seconded by Council Member Babinchak that this matter be tabled indefinitely. Carried 11 votes affirmative.

APPROVE APPLICATION FROM GREATER GRAND  
FORKS FAIR & EXHIBITION ASSN., INC. FOR  
RENEWAL OF ALCOHOLIC BEVERAGE LICENSE

Committee No. 2, Public Safety, reported having considered the application from Greater Grand Forks Fair & Exhibition Assn., Inc. for renewal of alcoholic beverage license, and recommended to approve the application for renewal of the license subject to final approval by the fire, health and inspection departments.

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

TABLE INDEFINITELY MATTER OF SELECTION  
OF ARCHITECT FOR NEW SOUTHSIDE FIRE  
STATION

Committee No. 2, Public Safety, reported having considered the matter of selection of architect for new southside fire station, and recommended to authorize entering into negotiations with EAPC for architectural services for the southside fire station.

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

It was moved by Council Member Beyer and seconded by Council Member Babinchak that this matter be tabled indefinitely. Carried 11 votes affirmative.

APPROVE BUDGET AMENDMENTS

A request to amend the Communicable Disease budget in the amount of \$5,265.00 to reflect 1996 cash carryover from unexpended grant funds, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be and is hereby approved. Carried 11 votes affirmative.

A request to amend the Tobacco Control Grant budget in the amount of \$5,465 was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be and is hereby approved. Carried 11 votes affirmative.

A request to amend the Care Coordination Grant budget in the amount of \$3,419.00 to reflect unexpended grant funds, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be and is hereby approved. Carried 11 votes affirmative.

14897

May 5,

1997

A request to amend the Mosquito Control budget in the amount of \$15,182.00 to establish contingency fund to purchase additional chemicals for adulticiding and larviciding, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be and is hereby approved. Carried 11 votes affirmative.

A request to amend the health department budget in the amount of \$14,775 to purchase 1997 Ford Taurus, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 11 votes affirmative.

COUNCIL MEMBER HAFNER REPORTED BACK

APPROVE REQUEST FROM RED RIVER HIGH SCHOOL FOR WAIVER OF BUILDING PERMIT FEE FOR CONSTRUCTION OF BUILDING FOR CLASS PROJECT

Committee No. 3, Public Service, reported having considered the request from Red River High School for waiver of building permit fee for construction of building for class project, to approve the request.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

RECEIVE AND FILE MATTER OF REDUCTION IN

SAMPLING FREQUENCY IN RDO FOODS COMPANY  
INDUSTRIAL WASTE PERMIT

Committee No. 3, Public Service, reported having considered the matter of reduction in sampling frequency in RDO Foods Company industrial waste permit, and recommended to receive and file.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE EASEMENT FOR RELOCATION OF  
ELECTRIC TRANSMISSION LINE

Committee No. 3, Public Service, reported having considered the easement for electric transmission line to relocate two double pole structures beyond the proposed paving area at 24th Avenue South between South 38th Street and South 42nd Street, for and in consideration of the sum of \$1.00 and other good and valuable considerations, grantee Minnkota Power Cooperative, and recommended to accept the easement in the amount of \$1.00 for relocation of the line.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE CERTIFICATES OF SUBSTANTIAL  
COMPLETION, WATER TREATMENT PLANT IMPROVE-  
MENTS, PROJECTS NOS. 4202, 4045 AND 4056

Committee No. 3, Public Service, reported having considered the matter of certificates of substantial completion for water treatment plant improvements: a) Hanson Electric, Proj. Nos. 4202, 4045 building and 4056; b) Lunseth Plumbing for Projects Nos. 4204, 4045 building and 4056; c) Innes Construction for Project Nos. 4202 and 4045 building; and recommended to approve the certificates.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

14898

May 5, 1997

RECEIVE TABULATION OF BIDS, ESTIMATE OF  
TOTAL COST, AND AWARD CONTRACT, SEWER  
PROJECT NO. 4625, DISTRICT NO. 385, AND  
WATERMAIN PROJECT NO. 4626, DISTRICT NO.  
254, CONTINGENT UPON ANNEXATION

The city auditor presented and read tabulation of bids which had been received and opened for Sewer Project No. 4625, District No. 385, and Watermain Project No. 4626, District No. 254, sanitary sewer and watermain to serve Longview Addition, indicating that Robert Gibb & Sons, Inc. was low bidder in the amounts of \$102,513.00 and \$94,120.00 respectively for a total bid of \$196,633.00: Document No. 7301 - Bid Tab.

The city engineer's estimates of total cost for Sewer Project No. 4625,

District no. 385, and for Watermain Project No. 4626, District No. 254, in the amounts of \$                      and \$                      , respectively, were presented and read.

Committee No. 3, Public Service, reported having considered the bids for Sanitary Sewer Project No. 4625, District No. 385, and for Watermain Project No. 4626, District No. 254, sanitary sewer and watermain to serve Longview Addition, and recommended to return the bid of Schipper Construction unopened because of irregularity in the bid.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

Committee No. 3, Public Service, reported having considered the bids for Sanitary Sewer Project No. 4625, District No. 385, and for Watermain Project No. 4626, District No. 254, sanitary sewer and watermain to serve Longview Addition, and recommended to accept the low bid of Robert Gibb & Sons, Inc. in the amounts of \$102,513.00 and \$94,120.00, respectively, for a total bid of \$196,633.00, contingent upon annexation.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

Council Member Beyer introduced the following resolution, which was presented and read: Document No. 7302 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Sewer Project No. 4625, District No. 385 and Watermain Project No. 4626, District No. 254, to Robert Gibb & Sons, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried and the contract awarded.

RECEIVE TABULATION OF BIDS, ESTIMATE OF  
TOTAL COST, AND AWARD CONTRACT, STORM SEWER  
DRAINWAY PROJECT NO. 4440

Committee No. 3, Public Service, reported having considered the bids for Project No. 4440, southend drainway, and recommended to return the bids of Schipper Construction, Construction Engineers, Ltd, and ICS, Inc. unopened because of irregularities in the bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

The city auditor presented and read tabulation of bids which had been received and opened for Sewer Drainway Project No. 4440 indicating that Riley Brothers

14899

1997

May 5,

Construction, Inc. was low bidder in the amount of \$2,099,055.40:  
Document No. 7303: Bid Tabulation.

The engineer's estimate of total cost for Storm Sewer Drainway Project No. 4440, Phase 1A, in the amount of \$902,114.00 (plus tapping area), was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4440. southend drainway, and recommended to accept the low bid of Riley Brothers Construction, Inc., Morris, MN in the amount of \$2,099,050.40, contingent upon approval from the State Department of Health.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

Council Member Beyer introduced the following resolution, which was presented and read: Document No. 7304 - Resolution.

It was moved By Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Southend Drainway Project No. 4440, District No. 386, to Riley Brothers Construction, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried and the contract awarded.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
SEWER PROJECT NO. 4463, DISTRICT NO. 387

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4463, District No. 387, storm sewer on South 42nd Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 7305 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried and the contract awarded.

ACCEPT ENGINEER'S REPORT, SEWER PROJECT  
NO. 4463, DISTRICT NO. 387

The city auditor presented and read the engineer's report on Sewer Project No. 4463, District No. 387: Document No. 7306 - Report.

It was moved by Council Member Beyer and seconded by Council Member Klave that this report be and is hereby approved. Carried 12 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND  
SPECIFICATIONS, SEWER PROJECT NO. 4463,  
DISTRICT NO. 387  
14900  
May 5, 1997

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7307 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 12 votes affirmative.

HOLD BIDS FOR PROJECT NO. 4591, UPGRADE  
LIFT STATION 29

Committee No. 3, Public Service, reported having considered the matter of bids for Project No. 4591, upgrade lift station 29, and recommended to award Schedule B, general, to Innes Construction for \$69,737.00.

Committee No. 3, Public Service, reported having considered the matter of bids for Project No. 4591, upgrade lift station 29, and recommended to award Schedule B, electrical, to John's Refrigeration, in the amount of \$54,000.

It was moved by Council Member Beyer and seconded by Council Member Klave that these recommendations be and are hereby approved.

Council Member Babinchak questioned effect of flood on Lift Station 29 and award of the bids. Al Grasser, asst. city engineer, reported that all lift stations suffered some damage, that these bids are for upgrades and no FEMA funding for upgrading, funding available only to replace what was there. He stated that there was no urgency in awarding this bids and his recommendation would be to hold bids and talk to contractor to see whether he would honor those bids (over the 30-day period).

It was moved by Council Member Babinchak and seconded by Council Member Polovitz to hold until get answers to those questions. Carried 12 votes affirmative.

HOLD MATTER OF CHANGE ORDERS ON PROJECT NO.  
4225.3, FRONTAGE ROADS ON SOUTH WASHINGTON  
STREET

Committee No. 3, Public Service, reported having considered the change order for Project 4225.3, frontage roads on South Washington Street, and recommended to approve the change orders in the amount of \$403,982.50.

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

Council Member Beyer questioned whether this project was going to proceed as planned. Mr. Grasser reported that Mr. Vein was going to be contacting the State DOT, Marshal Moore and Ray Zink, re. this project, but it is their intention to bring the matter to public service for discussion. He noted that the contract has already been awarded and it's more a question of whether to proceed with South Washington this year or attempt to delay for a year, may be other questions; and questioned whether want to invest that level of construction activity and that level of disruption this year; however, there are some far-reaching legal and financial implications with the NDDOT so don't have answers, and change orders would be contingent upon the rest of the project.

After some discussion and upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried.

#### HOLD ITEMS RELATING TO EVENTS CENTER

It was moved by Council Member Ellingson and seconded by Council Member Beach

14901

May

5, 1997

that the items relating to the events center: 1) matter of award of contracts for Categories 4 (utilities), 5 (parking surface) and 6 (concrete landscape) of Bid Package 2 and 2) award of testing and inspection contracts be held. Carried 12 votes affirmative.

#### APPROVE APPOINTMENTS TO VARIOUS COMMITTEES

Mayor Owens announced the appointment of Yvonne Fischer to the Mayor's Committee on Employment of People with Disabilities and asked for concurrence in this appointment. It was moved by Council Member Beyer and seconded by Council Member Babinchak to approve the appointment. Carried 12 votes affirmative.

Mayor Owens announced the reappointment of Council Members Hamerlik and Babinchak to the Pension Committee for three year terms and asked for concurrence in these appointments. It was moved by Council Member Polovitz and seconded by Council Member Ellingson that these appointments be approved. Carried 12 votes affirmative.

Mayor Owens announced the reappointment of David Ramsett to the Special Assessment Commission for a six-year term and asked for concurrence in this appointment. It was moved by Council Member Klave and seconded by Council Member Beach that this appointment be approved. Carried 12 votes affirmative.

#### APPROVE ESTIMATES, VARIOUS PROJECTS

The city auditor reported that Estimate Summary No. 295, estimates for April, 1997 were paid on an advance basis and those estimates totaled \$700,160.96; and Estimate Summary No. 296, dated April 30, and totaling \$88,786.95, were presented and read.

It was moved by Council Member Hagness and seconded by Council Member Hafner that these estimates be and are hereby approved and that the city auditor be and is hereby authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried.

#### REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to the council and referred to committee as follows:

1) matter of noise from Borrowed Bucks was presented to the council, Mayor Owens referred the matter to the public safety committee.

#### ADJOURN

It was moved by Council Member Ellingson and seconded by Council Member Babinchak that we do now adjourn until Monday, May 12, 1997 at 5:00 p.m. Carried 12 votes affirmative.

Respectfully submitted,

John M. Schmisek  
City Auditor

Approved:

Patricia A. Owens, Mayor