

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
12, 1997**

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

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the Chester Fritz Auditorium at the University of North Dakota on Monday, May 12, 1997 at the hour of 5:00 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Sande, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; absent: Council Members Ellingson, Klave - 2.

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.

**ADOPT ORDINANCE NO. 3643, AMENDING EMERGENCY
DISASTER ORDINANCE**

An ordinance entitled "An ordinance amending Section 2-0143(3) of the Grand Forks City Code relating to the powers of the mayor during a local disaster or emergency", which had been introduced and passed on its meeting on May 5, 1997 was presented and read for consideration on second reading and final passage.

Howard Swanson, city attorney, reviewed the changes to the ordinance and recommended final approval.

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

Thomas Lax, 1116 2nd Avenue North, stated that they leave the section allowing temporary suspension of any regulation or ordinance by the mayor at 30 days and then return city back to the people.

**ADOPT ORDINANCE NO. 3644, SUSPENDING VARIOUS
SECTIONS OF THE CITY CODE ON A TEMPORARY BASIS**

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 had been introduced and passed on its first reading on May 5, 1997, was presented and read for consideration on second reading and final passage.

Mr. Swanson reviewed changes in the ordinance setting forth the suspension of various ordinances in Chapters 8 dealing with Traffic and Motor Vehicles (parking); Chapter 9, Noncriminal Property Offenses (involving hauling, covered trucks, etc.); Chapter 10, Public and Sanitary Nuisances, dealing with abandoned property and noise control; Chapter 13, Health and Sanitation, dealing with garbage collection, landfills, rodents); Chapter 14, Grand Forks Business District, deals with downtown parking assessments; Chapter 15, deals with waterworks and

various charges, including wastewater charges; Chapter 16, Use and Care of Streets and Sidewalks, including encroachments, obstructions and excavations; Chapter 19, dealing with Building Code and various zoning ordinances (proposing to suspend virtually all uses within designated zones, rules and regulations within land development code, as well as nonconforming uses, and in administration and building permits (certificates of occupations), platting requirements. He stated the ordinance includes temporary suspension of fees and charges, i.e., garbage collection and disposal, downtown assessment fees, waste-water, etc.

He also reported that any suspension of any ordinance may be terminated by

14903

May 12,

1997

resolution of the city council.

COUNCIL MEMBER CARPENTER REPORTED PRESENT

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the ordinance adopted.

CONTINUE SECOND READING OF ORDINANCE TO ANNEX
ALL OF LONGVIEW ADDITION TO MAY 27, 1997

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 had been introduced and passed on its first reading on May 5, 1997, was presented and read for consideration on second reading.

The city auditor reported that notice to the public that this petition for annexation had been filed with the city council had not been published as required.

Mayor Owens called for the public hearing, there were no comments. Mr. Swanson recommended that they continue the public hearing and second reading of the ordinance to a date certain.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik to continue the public hearing and second reading of the ordinance to Tuesday, May 27, 1997. Carried 12 votes affirmative.

ACCEPT BIDS AND AWARD CONTRACTS FOR PROJECT
NO. 4591, UPGRADING OF LIFT STATION 29

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

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

call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried.

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

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

Council Member Beyer asked to be excused from voting on this matter; it was moved by Council Member Sande and seconded by Council Member Hagness that Council Member Beyer be excused from voting. Carried 11 votes affirmative.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": none; Council Member Beyer abstaining.

APPROVE APPOINTMENT OF BUSINESS REDEVELOPMENT
TASK FORCE

14904
May 12, 1997

Mayor Owens announced the appointment of the Business Redevelopment Task Force as follows: Tom Clifford, Chair; June Randeall, Randy Newman, Duaine Espegard, Jack Carroll, Greg Gerloff, Jean Kiesau, Jim Dalglish, Hal Gershman, Dave Norman, Robert Boyd, Richard (Dick) Olson, Wes Rydell, Jim Kennelly, and Mike Maidenberg, and asked for concurrence in these appointments.

It was moved by Council Member Sande and seconded by Council Member Beach to concur in the appointment of the Business Redevelopment Task Force. Carried 12 votes affirmative.

ACCEPT RESIGNATION OF COUNCIL MEMBER
ELLINGSON

Mayor Owens presented a letter of resignation from Council Member Ellingson, Ward 2, effective May 16, 1997, and stating that he has enjoyed his time on the council and has nothing but praise for the members and their commitment to the City of Grand Forks; and that he believes that the community will emerge from this disaster as a stronger and better place to live.

MATTER OF FLOOD-RELATED ITEMS

Ken Vein, City Engineer and Director of Public Works, reported that the City of Grand Forks has been working with the Corps of Engineers since 1991 on a flood protection project. He reported that it was the city council that in 1987 first requested funding from Congress to work with the Corps of Engineers at starting to look at a permanent protection

project for the city; that in 1991 a recon-naissance level study was conducted by the Corps to determine that there was a federal interest in pursuing a more permanent flood protection project and in 1993 that project started and have been underway since then looking at various aspects of a project, and the City cost-shared 50-50 with the Corps on \$2.1 million study that was to be a protection project for the entire city. He re-reported that the current event has changed a lot of things from the way that study was proceeding; that originally were looking at a protection project based on a 52.4 ft. gauge flood, but with the flood this year it has become part of the historical data used for determining some of the probabilities and extent of future floods; this flood hit in excess of 54 ft. and now dealing with the Corps in putting together some type of permanent flood protection project and in working with them they have agreed to speed up the process as much as possible so get new protection project in place as soon as possible - to be under construction in 2 to 3 year range He reported that earlier estimates were in \$40-42 million but extent of project now seeing something more extensive than that, and now looking at incorporating East Grand Forks into the flood protection project. He stated that the new project needs to involve a lot of further study, need to look at levee alignment and elevation, look at incorporating flood walls into the protection project, look at channel modifications (straighten), effects of bridges (modified or replaced or eliminated), and any future project has to incorporate looking at a diversion channel, and all those things will be incorporated into future flood protection projects for the city. He stated that details have to be worked on with the City, Corps of Engineers, Fema and County. He stated he thought they should look at larger protection project to protect to higher level and limits extend farther north and south, north past 27th Avenue North approx. one mile and south past 62nd to include Burke Addition and west of Interstate a mile or more and would want to make sure that area would be in protection project so city would have room to grow. He reported that in any type of protection project is going to take several years to plan and construct, that there are restrictions under flood insurance and Fema programs for redevelopment of the city, 50% rule in the flood-plain areas, that lot or property owners want to know what effect that 50% rule would have on their property and also what effect any future levee alignment, wall alignment or whatever would have on their properties and demanding some type of knowledge of what they could do for rebuilding, week ago presented plan of what that alignment might look like, that
14905

May 12,

1997

since that time have met with Corps and reviewed alignment and tried to eliminate gray areas and also some new alignments were determined and are incorporated on the map. He reported they have submitted copies of the map on 11x17 sheets for council members and the public to look at - small scale map and should give general overview of what proposed alignment would look like (larger scale maps on display in the lobby area). He reported there were two main factors used in determining where the line is: 1) geotechnical data - looked at stability of banks to support the dike system; and 2) hydraulics - so have cross sections to pass water through the city. He reported that there are some other items that needed to be looked at - at saving as many properties as possible, didn't want to eliminate homes or businesses if didn't need to and looked at historic areas of town, and tried to address those areas that had 50%

damage or more, looked at properties where could have secondary line of protection and coordination between Grand Forks and East Grand Forks.

Mr. Vein reviewed levee alignment on the map and elimination of gray areas: Document No. 7308 - Map. Mr. Vein stated they tried to save as many properties as could, that the alignment based on geotechnical information because of soil stability for placing a dike on top of that property, that with whatever line of protection, even with the diversion, some type of levee system would have to be in place and looking at placing it on stable ground that is able to support whatever height that dike may be, that there has not been a determination of the height of the dike, whether protecting ourselves to a height of 60 ft or to 54.3 with 3 ft. of freeboard. He reported that the Corps will continue their study of both alignments and will work with them on all the other possibilities, including diversion to see what can do to lessen the impact on the city properties, that no matter what project pursue a levee system is going to be required, need to make sure the entire city is protected so system adequate for everybody and need to do whatever is necessary to insure that people have save place to live, invest and to build on, and that he would be open to any questions they might have on the alignment.

Mayor Owens opened discussion by the council.

There was some discussion re. diversion channel - diverting Red Lake River around north of East Grand Forks, effect. Mr. Vein stated that would reduce some flow through the city, but would have to defer to the Corps. He reported there had been some discussion re. diverting many miles to the south and several miles to the north and pick up Red Lake River also - 8-10 mile diversion and very costly. He commented on the diversion channel - that when you look at hydraulics and how the water would flow through the city, the less water going through the channel the less height the dikes required to be; that he was told you have as much water in the top five feet of this past flood as you did in the bottom 49 ft. because of the way the water spread out, so to build a channel to divert that volume of water you would still be maintaining your existing channel also, and when look at way water flows and how backup occurs, flows through very narrow channel, and even increasing that channel significantly, still is neck of the bottle and no clear answer to solving our problem except to try to make that neck as wide as can, and even then spreads out. He stated that whatever project they pursue, even if a diversion, has to involve some type of dike system to contain a certain amount of that but at some point that diversion gets to be so large, becomes unfeasible.

Mr. Vein stated that if property has 50% or more damage and is within the flood-plain would be in the buyout program as it exists today.

Mr. Vein reported that there is stability in the Plum and Pakenham area for a dike to be placed but because of the hydraulics (flow of the water), that area through the computer modeling the Corps has done requires that line to be moved farther west on Almonte; on Reeves Drive, not hydraulics controlling but geo-technical or soil problem that placing dike in that area on weakened soil creates 14906

May 12, 1997

weak link which they are trying to avoid, and in order to maintain dike

system that won't slide into the river need to make sure that is moved farther back. He noted in the area of Reeves Drive would look at effect of flood wall would have, but that's part of up-coming study. He stated they would look at channel modification to see what effect that would have; he stated problem with channel modification is that it would get water through city faster but once past the city, slows up and catches up with you. He stated that as water came through city and area filled to the north, had backwater effect and slowed up and height of river continued to increase and becomes complex issue.

There were some questions re. condition of existing dikes whether need temporary repairs, and Mr. Vein stated that only dike built to Corps' standards is dike in Lincoln Drive area, floodwall over-topped, and balance of temporary dikes allowed to remain on permanent basis do not meet requirements of a Corps dike. He reported that if do dike project, existing dikes removed.

There was some discussion re. farmland run-off; that to control would have to build dams on tributaries, etc. and is not economically feasible besides running into environmental concerns in building dams on tributaries and was written off very early as flood protection.

Council Member Babinchak asked if dredging of the river had been considered; Mr. Vein stated that they could check and see what benefits would be, doesn't see as a permanent solution, doesn't know effect of that but could address.

Council Member Beach questioned if line along the river they are discussing today is part of a ring dike around the entire city connecting to I-29 to the north and to the south; Mr. Vein stated that it was except that it would extend farther north and south than the plan shows and quite possibly a mile or two west of I-29. Council Member Beach also noted that Mr. Vein had mentioned that RDO Foods might be left outside the protected area but still be allowed to function as they are today, and whether there were any other institutional settings or private residences that would have that same treatment. Mr. Vein stated they would have to look at on an individual basis because this would be a secondary line of protection, and is one of the policies that needs to be addressed as a part of the whole flood protection plan that they are in the process of formulating. Council Member Beach questioned City's responsibility in providing utilities if properties allowed to remain on the wet side of the dike. Mr. Vein stated that to provide sanitary sewer or water service wouldn't want conduit under dike for any water to pass back and forth so concerned about providing services, and that those on the wet side of the dike wouldn't be eligible for flood insurance program.

Council Member Hagness stated that Mr. Vein had reported that it would take several years to design and construct, which would leave property owners in limbo as far as staying in their place of business or residence until the dike is built, asked what parameters are for staying during that time, and whether they could hook up to utilities. Mr. Vein stated that those are policies that the council ultimately is going to have to put in place, that there needs to be an effort to keep both homeowners and businesses in some of those areas at least for the time being because there aren't other areas for them to move to, and part of the overall flood recovery has to be developing new areas for housing and business

interests but in the meantime may want to consider how we can keep those individuals in those buildings for a short period but not allowing them to spend lot of money redeveloping or improving their property but allow improvements so they can inhabit and use for the short period, and need to develop additional policies re. that because part of that would be properties within or out of the 100-year flood plain, properties that received 50% or more damage and those properties on wet or dry side of the line may require a different type of policy. He stated that is something they need to discuss with HUD and FEMA before bringing back to this body.

14907

May 12,

1997

Council Member Hagness stated that so the public knows who is responsible for buying out properties on both sides of the dike, that there were lot of people affected by 50% or more on both sides of the dike, that he viewed some homes on Vail Circle, Chestnut Place and they had 3-4 feet of water on their main floor and walls buckling in basement, will block grant help them or what direction will City be looking for Congressional help for the people who have been damaged the most. Mr. Vein stated that no matter what program they present, no merit unless funding to support it, so have to make sure the funding is there as we are developing those programs. He stated that the areas mentioned, ie., Vail Circle, Chestnut or Walnut, or other that may not be in the 100-year flood-plain and suffered damages and the policy they want to develop city wide will be to look at those, however, once the flood protection project is in place some of those properties will be protected in the future. He stated that the flood control project has to have closure on the English Coulee that won't allow that water to back up and has to include a diversion before it gets to the city so during the spring will divert around, so once those things have happened and they also get closures on Belmont Coulee and southend drainway, the area within will be protected. He stated if bought out now, could be redeveloped later.

Council Member Hagness asked how soon money available for buyout, Mayor Owens stated that the money would be allotted through the State, then through Community Development Block Grant programs which are administered through the Urban Development Office, and that there would be guidelines and policies set up by the council to use what is allotted to us. Mr. Vein stated that they are looking at other avenues, to borrow money and repay so could do buyouts as quickly as possible.

Council Member Hagness raised questions re. housing needs, and stated that Dan Schmaltz, developer, would like to develop north of University Avenue and west of 55th Street right away with 40-50 modular homes. Mr. Vein reported that there is a HUD team coming here who will be working on some master planning, where to look at some of the housing, that some of the planning documents in place but which may need to be modified, that they have to act quickly but want to make sure best for the city in the long term. He stated he would recommend suspending some of the rules to speed up process to have permanent housing in place by winter, and also need to look at existing inventory of lots and how to use those for redevelopment, and for long term need to look at redeveloping some of the existing areas where 50% or more damage and look at developing low cost housing areas, around golf course to the south, that building levee

system will involve lot of excavation and in the future could involve lake where get water in and out of and incorporate into anything long term, including trailer parks which could be converted to single family housing, and that all of this has to be involved in long range plan.

WAIVE LICENSE FEE FOR ELECTRICAL CONTRACTORS

Council Member Hagness presented the matter of waiving fees for electricians from out of the city (transient merchant's license fee of \$300 and electrical contractor's license fee of \$105. It was noted that the Governor had waived the state transient merchant license fees for contractors coming into the city. It was then moved by Council Member Hagness and seconded by Council Member Hafner to waive the transient merchant's license fee of \$300 for electricians for sixty days. The city auditor reported that currently electrical contractors, plumbers and mechanical installers are exempt from the transient merchant license requirements but which are charged for other contractors outside a twenty-five mile radius of the city.

John McCormack, 124 Rolling Hills Circle, questioned why do they have city electrical inspectors if worried about getting shoddy electrical contractors. Tim Manz stated that city inspectors checking for the quality of workmanship and making sure work meets minimum Code requirements, that they don't do background

14908

May 12, 1997

checks.

Tom Lax suggested setting up fund for customer to pay into and the contractor would not get paid until passed by the city inspector; it was stated that the City cannot do that, is between customer and private business.

After further discussion Council Member Hagness and Hafner amended their motion to waive the \$105 electrical contractor's license for period ending July 16, 1997 and to extend local contractors' licenses for two months.

It was moved by Council Member Glassheim and seconded by Council Member Babinchak to amend the motion to delete the \$105 from the motion. After some discussion Council Member Glassheim withdrew his amendment.

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

MATTER OF FLOOD RELATED ITEMS

Council Member Polovitz asked for review of policy in place, whether property owners in the 100-year floodplain can go back to their house and make livable for 2-3 years and buy time while dike under construction. Mr. Vein stated that building permit isn't necessary for electrical, plumbing or mechanical work; haven't developed in conjunction with HUD or FEMA what those policies should be; that they feel that if have a home that can be occupied for short term, that's in all of our best interest but going to depend on whether in the floodplain or on which side of the line; there are a lot of complexities, etc. and will not be presenting those policies tonight. Mr. Vein stated there needs to be a policy

acceptable for everybody that this body needs to make in conjunction with agreement from other agencies.

Mayor Owens asked for comments from the audience, that they give their name and address, that they keep comments to about a minute and not duplicate so get as many comments as can.

The following individuals addressed the council re. buyout of property, owners' liability/responsibility for property, moratorium on building permits, etc.:

Marty Coyle-Rush, 812 North 4th Street
Thomas Lax, 1116 2nd Avenue North
David Thompson, 321 Kittson Avenue
Vivian Valentine, 615 Omega Avenue
Linda Gustafson, 17 Vail Circle
Lora Cowell, 1701 Riverside Drive
Vern Sander, 317 Euclid Avenue
Stella Hegg, 611 Plum Avenue
Hal Gershman, 517 Reeves Drive
Mrs. Copeland, 809 Almonte Avenue
Larry Jahnke, 247 Northridge Hills
Rita Deleski, 623 Plum Avenue
Delinda Gilbertson, 821 Lincoln Drive.
Todd Nedberg, 106 North 3rd Street, Dacotah building
Curtiss Hunt, 1513 Baron Blvd.
Bill Haug, 235 Northridge Hills Court
Resident of 118 Belmont Road
John McDonald, 821 Letnes Drive
Joan Shulind, 223 Euclid Avenue
Paul Epstein, 2606 Olson Drive
Ray Slominski, 630 Maple Avenue
Mark Froemke, 1027 Lanark Avenue
Gary Tweeten, 308 Lincoln Drive.
Clarence Peterson, 3315 Elmwood Drive

14909

May 12,

1997

Gary Mathison, 1510 Walnut Street
Hank , Global Recycling, 103 DeMers Avenue
Dennis Kulas, 728 North 4th Street
Scott Ripplinger, 815 Almonte Avenue
Dean Engel, 1125 Lincoln Drive
Shirley Barcome, 2424 Olson Drive
Luke Davis, 21 South 4th Street

COUNCIL MEMBER HANSON EXCUSED

Ione Worman, 1111 Lincoln Drive

Mr. Swanson stated in answer to questions re. flood insurance and City's buyout that under current federal guidelines, without a change, proceeds from flood insurance policies are deducted from any buyout price arrived at on voluntary agreement. He stated that the City has no program and no money to undertake any buyouts at this time, what money and what programs

the City may have available to it will come from multiple sources of the federal government, at this time neither the money nor the programs have been committed to the City of Grand Forks. He stated further that under the current regulations of what is called the 404 program, which is administered by FEMA, it appears that proceeds from flood insurance are deducted from any acquisition price.

David Jenson, 326 Lincoln Drive
Judy Reller, 615 Maple Avenue
Leonard Deleski, 623 Plum Avenue

Mr. Swanson reported that the purpose of the temporary moratorium was to delay any activity for a week to two weeks, based upon information from EPA and CDC on the need to allow properties to dry out before you had immediate reconstruction and also allowed the various federal, state and local agencies to do some evaluation of what types of properties were damaged and to what extent, it was never intended to be any type of long term moratorium; that with respect solely to the temporary moratorium it would appear to be appropriate to recommend that you amend the moratorium to allow that any property located outside the 100-year floodplain, regardless of extent of damage, would allow to be rebuilt to a pre-flood condition, secondly, for any structure within the 100-year floodplain that has damage of 50% or greater you could not issue a building permit even under present Code or under present federal regulations; third option would be if the council wished to identify particular areas within the city that you did not wish to have redevelopment occurring of any form. The categories council is reviewing are those properties outside the 100-year floodplain, those properties within the 100-year floodplain and sub-category there would be more or less than 50% damage, and the third category would be any designated area the council felt needed to be addressed separate and distinctly from issues of floodplain or damage.

Council Member Beyer moved to lift moratorium on the homes that are outside the 100-year floodplain that have less than 50% damage and the homes that are in the 100-year floodplain that have less than 50% damage. Council Member Hagness seconded the motion.

Mr. Swanson stated that the way he understood the motion was that only category not allowing the issuance of building permits would be a structure damaged more than 50% regardless of where located.

Mr. Vein reported that the only area where City can't provide services is at the bottom of Lincoln Drive. Mr. Vein reported in answer to question re. houses in that area with less than 50% damage, that problem is ability to serve some of those areas with less than 50% damage because of lift station serving that area was at the bottom of the hill, and they installed temporary lift station farther up on 8th Avenue that can serve a majority of the area but not the entire area;

14910

May 12, 1997

and other problem is with the condition of the watermains, that was one of the areas with severe damage and don't have valves even to shut it off, could only go as far east as Almonte, great costs would be involved and would be temporary, at being able to continue to serve some of those properties even if they didn't flood.

After some discussion Council Member Glassheim moved to amend the motion where city engineer certifies that city sewer and water can be adequately provided; Council Member Hafner seconded the motion. Upon call for the question and upon voice vote, the motion carried.

Mayor Owens stated that she was just informed by Mr. Freise of State Emergency Management that if they lift the moratorium there is no effect on eligibility for the FEMA programs.

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

The following individuals also addressed the council:

Scott Lindgren, 407 Pakenham
Bill Graveline, Reeves Drive

Council Member Glassheim stated there has been tremendous pressure on the council over the past few weeks to make a decision quickly and stick by it and also counter-pressure of the same weight to do the right thing and not to act without sufficient information to tell where the line should be; that he would like to accomplish both things: 1) to tentatively adopt the line before us, 2) to hold neighborhood meetings at which public officials will attend to answer questions and explain the line and get into more detail; 3) to authorize engineering department to hire highly qualified second opinion on the impact of diversion, bridge replacement and dredging, and 4) to set two weeks from tonight for final adoption of the line by the council. Council Member Sande seconded the motion.

Doug Christensen, 19 Inland Hills Court, attorney, stated it was premature to adopt the line, that they could adopt a resolution that as soon as the money is available the city would begin the buyout program, 404 funds. He also stated that the city is losing tax base, no sales tax, but when adopt the line anything beyond that line goes to zero market value and if adopt the line will encourage lot of people not to pay their taxes. He stated they don't need a line tonight.

Jim Torkelson, 2525 Olson Drive
Shirley Olson, 715 Lincoln Drive
Dianna Sulerud, 519 Lincoln Drive
Mark Hall, 15 Inland Hills

After further discussion Council Member Sande withdrew her second to the motion, and the motion died for lack of a second.

Council Member Sande moved the tentative adoption of the line on the map presented; the motion died for lack of a second.

It was then moved by Council Member Beyer and seconded by Council Member Babinchak to table this matter until next meeting. Carried 11 votes affirmative.

AUTHORIZE DIRECT PURCHASE OF 911 SYSTEM EQUIPMENT

Pete Eggimann, PSAP, reported that their situation is still of an emergency nature, that their 911 calls are still being diverted to Bismarck and they need to get their console radio capability back as

quickly as possible so that they can handle that type of call again. He reported they have turned in a damage

14911

May 12,

1997

estimate to FEMA in excess of \$550,000 in regards to the radio system, that last Friday the 911 Authority Board and the 911 User Board met and made a recommendation that we rebuild our communications system in a wider scope, they want to look in terms of providing county-wide coverage and have it capable of handling public works as well as public safety, and that we meet with East Grand Forks and explore the possibility of working with them on the infrastructure. He stated that that's going to take some time to put together and they can't wait until that plan is developed before they proceed on the console part of the system. He stated he is asking for recommendation to spend the money necessary to get the console back in place and would allow them to function on a limited basis, and that the amount of money necessary to proceed wouldn't exceed \$235,000. He noted that the matter of portable radios is separate issue and not to be considered this evening. He stated that he is asking for this recommendation based on a FEMA recommendation that they proceed with this and it is his understanding that funding would fall under emergency reimbursement type of situation.

Mr. Swanson reported that they are asking to authorize the encumbrance of funds up to \$235,000 and to find that under the emergency situation you direct purchase this equipment in order that they can bring their 911 system into an operable status, and is asking council to commit expenditure up to \$235,000 immediately. The city auditor reported that initially take funding from Loan and Stabilization Fund and hope for reimbursement. Mr. Swanson stated council needs either to move forward and spend the money and rely either upon the present revenues in the DSR that will be submitted for public assistance or operate without a 911 system. Mr. Eggimann reported that there is more than enough money in the Enhanced 911 Fund to make one or two years worth of lease purchase payments if that would become necessary, if they shouldn't get any funding at all. A representative of the State Emergency Management Office stated that it sounds as though the 911 system was a casualty of the flood and is very likely that it could be an eligible public assistance DSR written on that project, and may be eligible for the 100% emergency protective measures fundings.

It was moved by Council Member Hagness and seconded by Council Member Beyer that we authorize funding up to \$235,000 and to authorize direct purchase of the equipment. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried.

ADJOURN

It was moved by Council Member Hafner and seconded by Council Member Beyer that we do now adjourn until Monday, May 19, 1997 at 5:00 o'clock p.m. Carried 12 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Patricia A. Owens, Mayor