

**PROCEEDING OF THE CITY COUNCIL**

**GRAND FORKS, NORTH DAKOTA**

**16, 1996**

**OF THE CITY OF**

**Tuesday, January**

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Tuesday, January 16, 1996 at the hour of 7:30 o'clock p.m. with President Hagness presiding. Present at roll call were Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; absent: Council Members McCabe, Hanson, Glassheim, Klave, Geller, Johnson - 6.

President Hagness announced that anyone wishing to speak to any item may do so by being recognized prior to a vote being taken on the issue.

ADOPT ORDINANCE NO. 3558, RELATING TO  
SPECIAL SIGN PROVISIONS IN DESIGNATED  
GEOGRAPHICAL AREAS

An ordinance entitled "An ordinance adopting Section 18-0301(6)(I) of the Grand Forks City Code relating to special sign provisions in designated geographical areas", which had been introduced and passed on its first reading on November 6, 1995 and upon which public hearing had been continued until this evening, was presented and read for consideration on second reading and final passage.

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

The Planning and Zoning Commission reported having considered the matter of ground monument signs on 32nd Avenue South between Wilcox and Malm and LumberMart, and recommended approval and final passage of the ordinance as amended, with the amendment providing for a pylon (on-premise) advertising sign with a maximum height of 26-feet on the property commonly referred to as the Slumberland property and limits the signage on the property commonly referred to as the Schreier property to ground monument (on-premise) advertising signs having a gradual increase in height west to east from 8 feet to 24 feet.

It was moved by Council Member Babinchak and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 8 votes affirmative.

It was moved by Council Member Babinchak and seconded by Council Member Sande that the ordinance be amended to provide for a pylon (on-premise) advertising sign with a maximum height of 26 feet on the property commonly referred to as the Slumberland property and limits the signage on the property commonly referred to as the Schreier property to ground monument (on-premise) advertising signs having a gradual increase in height west to east from 8 feet to 24 feet. Carried 8 votes affirmative.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the ordinance adopted.

ADOPT ORDINANCE NO. 3559, RELATING TO OFF-STREET PARKING AND LOADING, AMENDING COMMERCIAL AND ENTERTAINMENT SUBSECTION AS IT RELATES TO GROCERY OR SUPERMARKET

An ordinance entitled "An ordinance relating to Chapter XVIII of the Land 14320 January 16, 1996

Development Code of 1987, as amended; Article III, Rules and Regulations; Section 18-0302 Off-Street Parking and Loading; amending commercial and entertainment, subsection (14)(B), as it relates to grocery or supermarket", which had been introduced and passed on its first reading on December 18, 1995, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date no protests or grievances had been filed with his office.

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

The Planning and Zoning Commission reported having considered the matter of the request from the Planning Department for final approval of an ordinance to amend the text of the Land Development Code, Section 18-0302, to revise the parking requirements for grocery store, and recommended approval and final passage of the ordinance.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 8 votes affirmative.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the ordinance adopted.

ADOPT ORDINANCE NO. 3560, A TECHNICAL CORRECTIONS ORDINANCE TO INCLUDE ALL OF AUDITOR'S RESUBDIVISION NO. 21, AUDITOR'S RESUBDIVISION NO. 23 AND SPECIFIC LOTS AND BLOCKS IN VEITS ADDITION WITHIN THE B-4 (CENTRAL BUSINESS) DISTRICT

An ordinance entitled "A technical corrections ordinance regarding the amendment of the Zoning Map of the city of Grand Forks, North Dakota, rezoning and excluding from the R-4 (Multiple Family Residence) District and including within the B-4 (Central Business) District, all of Auditor's Resubdivision No. 21 to the city of Grand Forks, North Dakota; all of Auditor's Resubdivision No. 23, Grand Forks, North Dakota; and Lots 5 and 6, Block 1, Lots 1, 3, 5, 7 and 9, Block 3, and all of Blocks 2, 5 and 8, Veits Addition, Grand Forks, North Dakota", which had been introduced and passed on its first reading on December 18, 1995 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening and further that to date no protests or grievances had been filed with his office.

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

The Planning and Zoning Commission reported having considered the matter of the request from the Planning Department for preliminary approval of a technical corrections ordinance relating to the rezoning of Auditor's Resubdivision No. 21 (Ordinance No. 3544 refers to Auditor's Resubdivision No. 2), and recommended approval and final passage of the ordinance.

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It was moved by Council Member Hoepfner and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 8 votes affirmative.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the ordinance adopted.

ADOPT ORDINANCE NO. 3561, RELATING TO  
PENSION PLAN

An ordinance entitled "An ordinance amending Section 7-0203 relating to eligibility for pension plan", which had been introduced and passed on its first reading on January 2, 1996, was presented and read for consideration on second reading and final passage.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the ordinance adopted.

HOLD PUBLIC HEARING ON URBAN RENEWAL PLAN  
IN ORIGINAL TOWNSITE, LOTS 1 AND 2, BLOCK 17,  
FOR THE RENOVATION OF THE GRAND FORKS MERCANTILE  
EXCHANGE PROPERTY, 124 NORTH 3RD STREET

The city auditor reported that the required legal notice had been published calling for a public hearing on the urban renewal plan in Lots 1 and 2, Block 17, Original Townsite, and the southeasterly 40 feet of proposed vacated 2nd Avenue North adjacent thereto, for the renovation of the Grand Forks Mercantile Exchange building (Pink Hanger building) located at 124 North 3rd Street (intersection of North 3rd Street and 2nd Avenue North) by Baltic, LLP; and further that no protests or grievances had been filed with his office.

President Hagness 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 Sande and seconded by Council Member Hoepner to approve the amendment to the urban renewal plan and refer to the finance committee for consideration of tax increment financing.

Council Member Carpenter asked for input from council members prior to the finance committee meeting as to whether financing of small issues was something they wanted to do, pooling of several issues, finance through city tax dollars rather than bonding. He noted that it was recommendation of staff to raise limit of TIF and not do small issues because of cost and frequency of going to market.

The city auditor called to the attention of the council a communication from Lonnie J. Laffen, JLM Architects, Ltd. re Grand Forks Mercantile Exchange TIF which had been distributed to all council members for their review.

After further discussion and upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Hoepner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the motion carried.

HOLD PUBLIC HEARING ON TRANSIT OPERATING  
AND CAPITAL ASSISTANCE UNDER URBAN MASS  
TRANSPORTATION ACT, 1996 PROGRAM OF PROJECTS  
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The city auditor reported that the required legal notice had been published calling for a public hearing to consider transit operating and capital assistance under urban Mass Transportation Act, 1996 Program of Projects, and further that no protests, grievances or comments had been filed with his office.

President Hagness 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 Sande to approve for submission the FY 1996 grant application to the Federal Transit Administration and authorize proper City officials to execute the documents. Carried 8 votes affirmative.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

It was moved by Council Member Hoepner and seconded by Council Member Carpenter that the consent agenda items be referred to committee as noted for consideration. Carried 8 votes affirmative.

Finance Committee:

- 1) matter of adoption of ordinance implementing events center sales tax.
- 2) matter of fixed asset capitalization policy.

REPORTS OF OFFICERS

The city auditor's statement of changes in cash balances as of December 31, 1995, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Beyer that this report be and is hereby received and filed. Carried 8 votes affirmative.

The city auditor's report on investment activity as of December 31, 1995, was presented and read. It was moved by Council Member Beach and seconded by Council Member Babinchak that this report be and is hereby received and filed. Carried 8 votes affirmative.

#### APPROVE BILLS

Vendor Payment Listing No. 95-24, dated January 16, 1996 and totaling \$1,165,229.39, 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 Hoepfner and seconded by Council Member Beyer 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, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the motion carried and the bills ordered paid.

#### APPROVE TRANSFER OF FUNDS TO PARKING AUTHORITY

Committee No. 1, Finance, reported having considered the matter of transfer of \$25,000 to the Parking Authority for purchase of land known as McPherson lot, and recommended to approve the transfer of \$25,000.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the motion carried.

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#### REFER MATTER OF APPRAISER III POSITIONS BACK TO COMMITTEE

Committee No. 1, Finance, reported having considered the matter of allocation of appraisers' positions, and recommended to receive and file.

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

Council Members Carpenter and Babinchak asked that this matter be referred back to committee for further consideration.

#### DESIGNATE DEPOSITORIES OF PUBLIC FUNDS

Committee No. 1, Finance, reported having considered the matter of designating depositories of public funds, and recommended to approve and designate the following institutions as depositories of City funds: Norwest Bank of North Dakota, N.A., First Bank Grand Forks, First National Bank North Dakota, and Community National Bank of Grand Forks.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE PLEDGED SECURITIES

Committee No. 1, Finance, reported having considered with the city auditor the requirements of the North Dakota Century Code, as amended, which requires that pledges made by designated depositories of the public funds be approved in January of each even-numbered year and semi-annually, and found that the First National Bank of Grand Forks has \$2,070,000 deposited with the Federal Reserve Bank of Minneapolis, and \$5,069,527.63 with the Norwest Bank of Minneapolis, that a detailed listing is available in the city auditor's office, that all have been pledged as securities for public funds of the City of Grand Forks, that receipts from the Federal Reserve Bank and other financial institutions accepting custody of the bonds are on file in the auditor's office, and recommended that these pledged securities be and are hereby re-approved as required.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 8 votes affirmative.

AUTHORIZE PURCHASE OF DELINQUENT TAX LOT  
FROM THE COUNTY

Committee No. 1, Finance, reported having considered the matter of delinquent County lots (Lot B, Block 3, Walchester Addition (located at 15th Avenue South and Chestnut Street), and recommended that we authorize the city auditor to purchase the delinquent tax lot from the County for the sum of \$20.00.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the motion carried.

AUTHORIZE EMPLOYEE ON WORKERS' COMP. LEAVE  
TO DRAW DOWN SICK LEAVE

Committee No. 1, Finance, reported having considered the matter of request by 14324  
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employee (Stewart Broderson) on Workers' Comp. to draw down sick leave, and recommended that we allow Stewart Broderson to draw down his sick leave and finance committee will review the policy.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 8 votes affirmative.

AUTHORIZE CHANGE IN PARKING RESTRICTIONS  
ON NORTH 3RD STREET AND 1ST AVENUE NORTH  
AROUND DACOTAH BUILDING

Committee No. 2, Public Safety, reported having considered the request to change parking restrictions on North 3rd Street and 1st Avenue North around Dacotah Building, 100-106 North 3rd Street, and recommended approval of the request to post one-hour parking around Dacotah Building on North 3rd Street, and approval of extending 10-minute parking zone to sidewalk ramp/crosswalk in northeast quadrant along 1st Avenue North.

It was moved by Council Sande and seconded by Council Member Hoepfner that this recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE APPLICATION FOR CLASS 3 (ON/OFF SALE  
BEER AND WINE) LICENSE AT FRENCH CONNECTION, 420  
DEMERS AVENUE

Committee No. 2, Public Safety, reported having considered the application for Class 3, On and/or Off Sale Beer and Wine, license at 420 DeMers Avenue by Edward J. Meyer, Jr./Jane G. Meyer dba French Connection, and recommended to approve the application, subject to approval and final inspection of the police, fire, health and inspection departments.

It was moved by Council Member Sande and seconded by Council Member Hoepfner that this recommendation be and is hereby approved. Carried 8 votes affirmative.

INTRODUCE ORDINANCE RELATING TO PENALTY  
FOR OPERATING UNREGISTERED SNOWMOBILE

Committee No. 2, Public Safety, reported having considered the matter of snowmobiles in city off marked trails (in area of Belmont Patio Homes on 47th Avenue South and in area of Olson Drive), and recommended to institute a fine for operating an unregistered snowmobile, and to introduce ordinance for first reading.

It was moved by Council Member Sande and seconded by Council Member Hoepfner that this recommendation be and is hereby approved. Carried 8 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance amending Sections 8-1203 and 8-1503 of the Grand Forks City Code relating to snowmobiles", which was presented, read and passed on its first reading.

RECEIVE AND FILE MATTER OF FILLING CAPTAIN  
POSITION IN POLICE DEPARTMENT

Committee No. 2, Public Safety, reported having considered the matter of filling captain position in police department (vacancy created through retirement), and recommended to receive and file.

It was moved by Council Member Sande and seconded by Council Member Hoepfner

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that this recommendation be and is hereby approved. Carried 8 votes affirmative.

RECEIVE AND FILE MATTER OF FUTURE OF CAR  
POUND

Committee No. 2, Public Safety, reported having considered the matter of future of car pound, and recommended to receive and file.

It was moved by Council Member Sande and seconded by Council Member Hoepfner that this recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE SELECTION OF ARCHITECT FOR MASONRY  
RESTORATION AT WATER PLANT, PROJECT 4335

Committee No. 3, Public Service, reported having considered the matter of selection of architect for masonry restoration at water plant, Project No. 4335, and recommended that the project be awarded to Kent Anderson/Architect, P.C.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE CALCULATIONS OF TAPPING FEES, VARIOUS  
PROJECTS

Committee No. 3, Public Service, reported having considered the matter of certification of tapping fees, and recommended to approve calculations of the tapping fees for the following projects: Watermain Project No. 3807, District No. 217; Watermain project No. 3926, District No. 223; Paving Project No. 4073, District No. 516; Sewer Project No. 4074, District No. 345; Watermain Project No. 4075, District No. 226; Paving Project No. 4147, District No. 526.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE CHANGE ORDERS FOR RICHARD'S WEST  
YOUTH CENTER PROJECT

Committee No. 4, Urban Development, reported having considered the matter of Richard's West youth center project change orders: a) change order to the general contract in the amount of \$700.00 for additional rebar in the floor, Anderson Construction, contractor; b) change order to the plumbing contract in the amount of \$410.00 for extended sewer and water lines, floor drain, and rough-ins for drinking fountains, wash sink and janitor sink, Alden Braseth, contractor; c) change order for electrical contract in the amount of \$1,684.03 for additional lighting and to furnish and install bathroom venting, William Sullivan, contractor; and d) change order to exterior finish on building from brick veneer to wood siding, \$100.00; and recommended approval of the change orders.

It was moved by Council Member Beach and seconded by Council Member Sande that this recommendation be and is hereby approved. Upon roll call the following

voted "aye": Council Members Beach, Hoepfner, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hagness - 8; voting "nay": none. President Hagness declared the motion carried.

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APPROVE PETITION TO VACATE PORTION OF UTILITY AND ACCESS EASEMENTS IN LOT 2, BLOCK 1, GOLDEN VALLEY 1ST ADDITION, AND PORTION OF ACCESS CONTROL LINE ALONG 30TH AVENUE SOUTH IN LOT 2, BLOCK 1, GOLDEN VALLEY SECOND ADDITION (BEING REPLATTED), AND SET PUBLIC HEARING

The Planning and Zoning Commission reported having considered the matter of the request from George Berg on behalf of Nodak Electric Co. for approval to vacate all of a 30-foot wide E/W utility and access easement and all of a 10-foot wide N/S utility easement except that portion lying within the southerly 10 feet of which is also a portion of a 10-foot wide E/W utility easement, all lying within Lot 2, Block 1, Golden Valley 1st Addition to the city of Grand Forks, ND, and also to include the vacation of two 24-foot wide segments of an E/W access control line lying on and along the south line of 30th Avenue South (formerly Ishim Drive) and more specifically described as lying within the westerly 24 feet of the easterly 637 feet respectively of Lot 2, Block 1, Golden Valley Second Addition, being replatted as Lot 1, Block 1, Nodak Resubdivision to the city of Grand Forks, ND, and recommended approval of a resolution to vacate and to set the date of the public hearing for February 20, 1996.

It was moved by Council Member Beyer and seconded by Council Member Carpenter that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, and that a notice of public hearing be published as required. Carried 8 votes affirmative.

ACCEPT PETITION TO VACATE PORTION OF PLAT OF SHADYRIDGE ESTATES FIRST ADDITION, AND SET PUBLIC HEARING

The Planning and Zoning Commission reported having considered the matter of the petition from Lavonne Adams for approval to vacate a portion of the plat of Shadyridge Estates First Addition, Grand Forks County, ND, more specifically described as all of Lot 1, Block 1, Shadyridge Estates First Addition, Grand Forks County, ND, excluding any portion of Shadyridge Court adjacent thereto, and recommended approval of a resolution to vacate and to set the date of the public hearing for February 20, 1996.

It was moved by Council Member Beyer and seconded by Council Member Carpenter that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, and that a notice of public hearing be published as required. Carried 8 votes affirmative.

ACCEPT PETITION TO VACATE PORTION OF EASEMENT IN LOTS 3 AND 4, BLOCK 1, SHADYRIDGE ESTATES FIRST ADDITION, AND SET PUBLIC HEARING

The Planning and Zoning Commission reported having considered the matter of petition from Lavonne Adams for approval to vacate a 30-foot wide access and utility easement located 15 feet on each side of the lot line common to Lots 3 and 4, Block 1, Shadyridge Estates First Addition, Grand Forks County, ND (located between Shadyridge Court and the Red River of the North), and recommended approval of a resolution to vacate and to set the date of the public hearing for February 20, 1996, and further that a condition of the resolution is that the owner provide the City an easement for the same type usage on an adjacent lot.

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

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that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, and that a notice of public hearing be published as required. Carried 8 votes affirmative.

GRANT PRELIMINARY APPROVAL TO GOLDEN VALLEY PUD, DETAILED DEVELOPMENT PLAN, NODAK ELECTRIC, LOT 1, BLOCK 1, NODAK RE-SUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from Johnson, Laffen and Meland, Architects, on behalf of Nodak Electric Cooperative for preliminary approval of Golden Valley PUD (Planned Unit Development), Detailed Development Plan, Nodak Electric, Lot 1, Block 1, Nodak Resubdivision to the city of Grand Forks, ND (Located on the south side of 30th Avenue South between South 38th and South 42nd Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Beyer and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE PRELIMINARY PLAT OF SHADYRIDGE ESTATES FOURTH RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Lavonne Adams for preliminary approval of the plat of Shadyridge Estates Fourth Resubdivision, Grand Forks, North Dakota, being a replat of a portion of Shadyridge Estates First Addition and including a portion of Government Lot 3, Section 26, T151N, R50W, Grand Forks County, ND (located north of Shadyridge Court and east of the Adams farmstead), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

It was moved by Council Member Beyer and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 8 votes affirmative.

INTRODUCE ORDINANCE TO AMEND ZONING MAP

TO INCLUDE WITHIN BIRKHOLZ' PUD, CONCEPT  
DEVELOPMENT PLAN, BIRKHOLZ' 5TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Dan Mikkelson on behalf of Francis D. Mikkelson for preliminary approval of an ordinance to amend the Zoning Map to exclude from the A-1 (Limited Development) District and to include within the Birkholz' PUD (Planned Unit Development) District, Concept Development Plan, Birkholz' 5th Addition (located between South 38th and 42nd Streets and between 24th and 28th Avenues South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for February 20, 1996.

It was moved by Council Member Beyer and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 8 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-1 (Limited Development) District and to include within the 14328  
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Birkholz' PUD (Planned Unit Development), Concept Development Plan, Birkholz' 5th Addition, Grand Forks, North Dakota", which was presented, read and passed on its first reading.

APPROVE PRELIMINARY PLAT, INTRODUCE ORDINANCE  
TO AMEND STREET AND HIGHWAY PLAN TO INCLUDE  
PUBLIC R/W SHOWN AS DEDICATED ON THE PLAT OF  
SENSKE'S THIRD RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd on behalf of ND Mustard and Spice and Jim Senske for preliminary approval of the plat of Senske's Third Resubdivision to the city of Grand Forks, ND (located between North 42nd Street and I-29 and between the Burlington Northern Railroad [formerly Northern Pacific Railroad] and 24th Avenue North), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Plan and to set the date of the public hearing for February 20, 1996.

It was moved by Council Member Beyer and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 8 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of Senske's Third Resubdivision to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND ZONING MAP TO  
INCLUDE WITHIN CENTENNIAL ESTATES PUD, CONCEPT  
DEVELOPMENT PLAN ALL OF SUN LAND WEST SECOND  
RESUBDIVISION, INCLUDING VACATED STREETS

The Planning and Zoning Commission reported having considered the matter of the request from Dan Schmaltz on behalf of Sun Land West, L.L.C. for preliminary approval of an ordinance to amend the Zoning Map to exclude from Sun Land West PUD (Planned Unit Development), Concept Development Plan and to include within Centennial Estates PUD (Planned Unit Development) Concept Development Plan, all of Sun Land West First Resubdivision and all of Sun Land West Second Resubdivision to the city of Grand Forks, North Dakota, including vacated streets therein (located between 6th Avenue and 10th Avenue North and between North 51st and North 55th Streets), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Zoning Map and to set the date of the public hearing for February 20, 1996.

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

Robert Bushfield, city planner, stated that this property is bounded on the south by 6th Avenue North, on the east by North 51st Street, on the west by North 55th Street, and on the north by 10th Avenue North; that this property zoned about year ago into a PUD for affordable housing; however, the developer has had a change of mind and instead of affordable housing area Mr. Schmaltz

has requested that council consider allowing him to put in a 219-unit mobile home park. He stated that the area would be developed in phases, and that the existing house that was built (off 7th Avenue North) will be used as a management office and the storm shelter that is required would be located just northwest of that house, and the park would be located just east of the storm shelter. Mr. Bushfield stated that one of the things that the Planning

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Commission requested is that the boundary for this PUD be expanded to 6th Avenue North so that a strip of R-2 uses would be included. He stated that Mr. Schmaltz will complete 7th Avenue North to its intersection with North 55th Street. He did state that University Heights Mobile Home Park is located in this area, as well as Gateway Terrace Mobile Home Park which is just to the east of North 51st Street. He noted that the last phase of Gateway Terrace Mobile Home Park will be completed this summer, which will require putting in North 51st Street; and Planning Commission has asked Mr. Schmaltz as one of the technical conditions to submit a petition for the paving of North 51st Street so that street can be completed from Gateway Drive to University Avenue and Mr. Schmaltz has agreed to do that. He also stated that all mobile home parks are required by Code to have buffer yards and pointed out location of the buffer yards on the plat.

Dan Schmaltz, rep. Sun Land West, which is owned by some common ownership interests with owners of property on 42nd Street where the new events center is going to be located, and where the original Centennial Estates was approved. He stated they made an agreement with the various ownership groups pending approval by the voters of the events center that they would relocate Centennial Estates to the Sun Land West Subdivision, with one of the reasons being the common ownership that already existed; that they took concept approved for 42nd Street to Sun Land West utilizing resources already spent on design and installed infrastructure; and had signed a three-way agreement

with the City to complete 7th Avenue to N. 55th Street, and plan to continue that street; and that 7th Avenue will not look like a mobile home park or manufactured housing park, but look like a regular city street, and will have much tougher covenants and restrictions than are required by R-5; that this subdivision already approved for manufactured housing, and this is not a substantial change in what was originally allowed. He noted that covenants for lots on 7th Avenue will require a 20x20' garage, with siding and roof to match the main structure, with dirt landscaping up to the side where the house will start and will exceed landscaping required by Code. He reported that phase 2, 3 and 4 are not firm but waiting to see what response will be to concept planned for 7th Avenue; that on 6th Avenue North they are still evaluating building twin-homes and/or manufactured housing with lot included (55 ft. lots).

Several property owners in the audience addressed council protesting the change in the zoning to allow another mobile home park in the area.

Heather and Brian Steffl, 565 North 51st Street; Doug Reiersen, 533 N. 51st Street; and Paul Anderson, 501 North 51st Street expressed concern with placing another mobile home park in their neighborhood, impact proposed project would have on their property, excessive traffic and safety concerns, noise, buffer zones, cost for paving of 6th Avenue North which is primarily used for mobile home court traffic, etc. and also concern what developer's plans are as they do not give firm commitment.

Mel Carsen, city assessor, stated they do not assess houses in neighborhood near mobile home park any differently than other houses; might be slight difference when there is a tight market.

After further discussion it was noted that this is only preliminary approval, and the suggestion was made that Mr. Schmaltz meet with those property owners prior to the Planning Commission meeting of February 7; and also that a zoning change requires a favorable vote of 3/4th of the council.

Upon call for the question and upon voice vote, the motion carried 8 votes affirmative.

Council Member Babinchak introduced an ordinance entitled "An ordinance to 14330  
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amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the Sun Land West PUD (Planned Unit Development), Concept Development Plan and to include within Centennial Estates PUD (Planned Unit Development) Concept Development Plan, all of Sun Land West First Resubdivision and all of Sun Land West Second Resubdivision, Grand Forks, North Dakota", which was presented, read and passed on its first reading.

ACCEPT PETITION FOR VACATION OF ALL OF 7TH  
AVENUE NORTH AND ALL OF SUN LAND WEST AVENUE  
AS PLATTED WITHIN SUN LAND WEST FIRST RESUB-  
DIVISION AND SUN LAND WEST SECOND RESUBDIVISION,  
AND SET PUBLIC HEARING

The Planning and Zoning Commission reported having considered the matter of the petition from Dan Schmaltz on behalf of Sun Land West L.L.C. for approval to vacate all of 7th Avenue North and all of Sun Land West Avenue as platted

within Sun Land West First Resubdivision and Sun Land West Second Resub-  
division to the city of Grand Forks, North Dakota (located between 6th Avenue  
and 10th Avenue North and between North 51st and North 55th Streets), and  
recommended approval of a resolution to vacate and to set the date of the  
public hearing for February 20, 1996.

It was moved by Council Member Beyer and seconded by Council Member Carpenter  
that this recommendation be and is hereby approved, that the petition filed  
is in proper form and contains the requisite signatures, that it be filed  
with the city auditor, and that a notice of public hearing be published as  
required. Carried 8 votes affirmative.

GRANT PRELIMINARY APPROVAL OF CENTENNIAL  
ESTATES PUD, DETAILED DEVELOPMENT PLAN,  
MOBILE HOME RESIDENCE, PARTS OF BLOCKS 1  
AND 2, SUN LAND WEST FIRST RESUBDIVISION,  
INCLUDING VACATED STREET AND PARTS OF BLOCKS  
1 AND 2, SUN LAND WEST SECOND RESUBDIVISION,  
INCLUDING VACATED STREET

The Planning and Zoning Commission reported having considered the matter of  
request from Dan Schmaltz on behalf of Sun Land West L.L.C. for preliminary  
approval of Centennial Estates PUD (Planned Unit Development), Detailed  
Development Plan, Mobile Home Residence, all of Lots 14 through 27, Block 1  
and Lots 1 through 13, Block 2, Sun Land West First Resubdivision to the city  
of Grand Forks, North Dakota, including all of vacated 7th Avenue North  
adjacent thereto and all of Lots 1 through 19, Block 1 and Lots 1 through 11,  
Block 2, Sun Land West Second Resubdivision to the city of Grand Forks, North  
Dakota, including all of vacated 7th Avenue North and Sun Land West Avenue  
adjacent thereto (located between 6th Avenue and 10th Avenue North and  
between North 51st and North 55th Street), and recommended preliminary  
approval subject to special conditions shown on or attached to the review  
copy.

It was moved by Council Member Beyer and seconded by Council Member Carpenter  
that this recommendation be and is hereby approved. Carried 8 votes  
affirmative.

APPROVE PRELIMINARY PLAT OF REPLAT OF LOT  
24, BLOCK 3, BLAIR-SATROM-BAUKOL ADDITION

The Planning and Zoning Commission reported having considered the matter of  
the request from Alan B. Warcup on behalf of Sally Ann Knutson and Carol M.  
Fox for preliminary approval of a Replat of Lot 24, Block 3, Blair-Satrom-  
Baukol Addition to the city of Grand Forks, North Dakota (located at 2249 and  
2251 Springbrook Court, Grand Forks, ND), and recommended preliminary  
approval  
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subject to special conditions shown on or attached to the review copy.

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

COUNCIL MEMBER BEACH EXCUSED

It was moved by Council Member Sande and seconded by Council Member Beyer to amend motion to include in the technical change the requirement for the fire wall to the roof. Carried 7 votes affirmative.

Upon call for the question on the motion, as amended, and upon voice vote, the motion carried 7 votes affirmative.

APPROVE FY 1996 JOINT PARATRANSIT PLAN  
UPDATE FOR GRAND FORKS AND EAST GRAND FORKS

The Bus Committee reported having considered the matter of the FY 1996 Joint Paratransit Plan Update for the Cities of Grand Forks and East Grand Forks, and recommended approval of FY 1996 Joint Paratransit Plan Update for the Cities of Grand Forks and East Grand Forks.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 7 votes affirmative.

REPORT FROM EVENTS CENTER COMMITTEE

Council Member Carpenter reported the committee is in the process of receiving requests for qualifications for architect, and had presentation last week from a construction management firm re. concepts and that will be discussed at their next meeting which is scheduled for Wednesday, January 24.

APPROVE APPOINTMENT TO EMERGENCY MANAGEMENT  
BOARD

President Hagness announced the mayor's appointments to the Emergency Management Board as follows: Council Member Hoepfner for a one-year term expiring December 31, 1996 and Joe Simon for a two-year term expiring December 31, 1997, and asked for concurrence in these appointments. It was moved by Council Member Hoepfner and seconded by Council Member Hamerlik that these appointments be and are hereby approved. Carried 7 votes affirmative.

APPROVE APPOINTMENTS TO MECHANICAL BOARD

President Hagness announced the mayor's appointments to the Mechanical Board as follows: W. F. Hastings, Jr. for term ending December 31, 1998; Terrence Grundysen and Gregg Ehreth for terms ending December 31, 1997; Steven Kroke and Clarence Nikle (alternate) for terms expiring December 31, 1996, and asked for concurrence in these appointments. It was moved by Council Member Hoepfner and seconded by Council Member Hamerlik that these appointments be and are hereby approved. Carried 7 votes affirmative.

APPROVE APPOINTMENTS TO PUBLIC TECHNOLOGY  
COMMITTEE

President Hagness announced the mayor's appointments to the Public Technology Committee as follows: Council Members Sande (chair) and Glassheim, Pat Downes, Corey Stephens, Dave Haney, Ben Hart, Darren King and Elwyn Krogh, and asked for the council's concurrence in these appointments. It was moved by Council Member Hoepfner and seconded by Council Member Hamerlik that these appointments be and are hereby approved. Carried 7 votes affirmative.

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

President Hagness announced the mayor's appointments to the Mayor's Committee on Employment of People w/Disabilities as follows: Charles Bremseth, Dennis West, Sally Page, David Perry, Mary Thompson, Bobby Vogel, Wanda Weber, Jan Wood, John Tsoumpas, Nancy Rentfrow, Faye Gibbens, Karen Keller, Jeanne Rodacker, Carla Tice, Larry Kennedy, Jeri Hietala, Kevin Bye, Shari Nesdahl, Judy Sannes, Donna Stumphf, Candy Pierson-Charlton, Darrel Farland, Darla Krom, Council Member Sande, Mayor Polovitz, Bruce Melin and John Thompson, and asked for concurrence in these appointments. It was moved by Council Member Hoepfner and seconded by Council Member Hamerlik that these appointments be and are hereby approved. Carried 7 votes affirmative.

APPROVE CERTIFICATE OF COMPLETION

A communication was presented and read from the city engineer certifying that the contractor had successfully completed the construction of the following project in a satisfactory manner, and recommended acceptance by the council: Project No. 4109, bridge replacement at South 42nd Street and 17th Avenue South (Federal Aid Project BRU-6-986(033)036).

It was moved by Council Member Beyer and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 7 votes affirmative.

COUNCIL MEMBER BEACH REPORTED BACK

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Member Beyer presented the matter of the City's street cleaning policy; President Hagness referred this matter to the public service committee for further consideration.
- 2) Council Member Beyer presented the matter of notification to council of the mayor's appointments to various committees and boards prior to their appointment without placing on consent agenda, and the matter was referred to the auditor's office.
- 3) the matter of city use tax (for June election) was presented to the council, and President Hagness referred this matter to the finance committee.

ADJOURN

It was moved by Council Member Sande and seconded by Council Member Babinchak that we do now adjourn. Carried 8 votes affirmative.

Respectfully submitted,

John M. Schmisek  
City Auditor

Approved:

Thomas M. Hagness, President of Council