

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
5, 1996**

**PROCEEDINGS OF
OF THE CITY OF
Monday, February**

The city council of the city of Grand Forks, North Dakota met in its regular session in the council chambers in City Hall on Monday, February 5, 1996 at the hour of 7:30 o'clock p.m. with Mayor Polovitz presiding. Present at roll call were Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; absent: Council Member Geller - 1.

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

**PRESENTATION BY REPRESENTATIVES OF WORKERS
COMPENSATION BUREAU**

Dan Gordon, Human Resources Department, reported on City's progress in regard to safety and health; that approx. four years ago the City had approx. 4,000 lost days due to work related injuries; that through efforts and cooperation of many people in the creation of a city safety manual, establishing safety committees, extensive safety training in all departments, job shadowing and aggressive return to work policy, direct communication with employee's physicians, through accident investigations, and other programs implemented in the past several years, there has been a reduction in lost days from 4,000 to 300 at the end of 1994, 200 at the end of 1995 and have a goal of below 100 days due to work-related injuries at the end of 1996. He stated that this has reduced our premium from \$550,000 to \$350,000, and qualified us to receive Workers' Compensation 5% discount.

Mr. Gordon introduced Patrick Traynor, executive director of Workers' Compensation; Wally Kalmbach, director of loss prevention, and Davis Hoverson, area rep. Mr. Traynor addressed council, stating that he would like to recognize people who make program worthwhile; that the City pays approx. \$430,000 for Workers Compensation coverage for employees, that 5% of that is approx. \$20,000, which will mean a substantial savings to the City. He also recognized Davis Hoverson, Bureau rep., who has worked with the City since 1990 in trying to develop safety programs, etc. He issued challenge to the City to surpass the City of Fargo (Fargo presently ahead of Grand Forks in one area and behind in another). Mr. Traynor presented certificate to Mr. Gordon. Mayor Polovitz stated that the City will continue to work with the Bureau.

**ADOPT ORDINANCE NO. 3562, RELATING TO
SNOWMOBILES**

An ordinance entitled "An ordinance amending Sections 8-1203 and 8-1503 of the Grand Forks City Code relating to snowmobiles", relating to the operation of unregistered snowmobiles and penalty for same, which had been introduced and passed on its first reading on January 16, 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, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

APPROVE APPLICATION FOR PERMIT TO MOVE
BUILDING TO 1509 1ST AVENUE NORTH FOLLOWING
PUBLIC HEARING

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The city auditor reported that the notice of public hearing on the application by Robert Wedin to move building from 2309 2nd Avenue North to 1509 1st Avenue North to be used as a dwelling, had been published and posted as required.

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

Committee No. 3, Public Service, reported having considered the application for moving permit by Robert Wedin to move building from 2309 2nd Avenue North to 1509 1st Avenue North to be used as a dwelling, and recommended approval of the application subject to the public hearing.

It was moved by Council Member Beyer and seconded by Council Member Hagness that this recommendation be and is hereby approved, and that Mr. Wedin be authorized to move the building. Carried 13 votes affirmative.

COUNCIL MEMBER McCABE EXCUSED

REFER CONSENT AGENDA ITEMS TO COMMITTEE

Council Member Hoepfner asked that item 4-3, matter of central fire station dormitory remodeling (with power to act) be moved to items under New Business on the council agenda, and the item was so moved.

It was moved by Council Member Carpenter and Beyer to that the consent agenda items be referred to committee as noted for consideration. Carried 12 votes affirmative.

Public Safety Committee:

1) request to purchase equipment for new fire truck.

REPORTS OF OFFICERS

The city auditor's report re. City's investments 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 12 votes affirmative.

REPORT OF BOARD OF ZONING ADJUSTMENTS

A communication from Bev Collings, secretary, Board of Zoning Adjustments, was presented and read stating that the Board of Zoning Adjustments had

held a public hearing in City Hall on Thursday, January 25, 1996, that notice had been published as required and that the following appeals were heard: 1) ND School for the Blind, 500 Stanford Road, request for a variance to the land- scaping requirements for parking lots, which was approved allowing the parking lot to be constructed without a curb and gutter; 2) Charles and Sharon Vanyo, 2703 Cherry Street, request for variance to the side yard setback requirements to erect an addition to the garage, however, a unanimous affirmative vote was not obtained and no action taken on the matter.

It was moved by Council Member Hoepfner and seconded by Council Member Hanson that this report be and is hereby received and filed. Carried 12 votes affirmative.

COUNCIL MEMBER McCABE REPORTED BACK

APPROVE BILLS

Vendor Payment Listing No. 96-01, dated February 5, 1996 and totaling \$1,060,209.59, all having been audited by the city auditor for payment in

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accordance with Regulation No. 2, was presented and read.

It was moved by Council Member Hanson and seconded by Council Member Sande that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Car- penter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the bills ordered paid.

AUTHORIZE PLACING OF QUESTION RE. CITY
USE TAX ON JUNE ELECTION BALLOT

Committee No. 1, Finance, reported having considered the matter of city use tax (for June election), and recommended that the June election contain a pro- vision concerning an amendment to the Home Rule Charter to include a use tax.

It was moved by Council Member McCabe and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE TAX INCREMENT FINANCING FOR GRAND
FORKS MERCANTILE EXCHANGE (BAL TIC, LLP)

Committee No. 1, Finance, reported having considered the matter of tax increment financing for Grand Forks Mercantile Exchange (Baltic, LLP), and recommended that we adopt a resolution declaring the City's intent to sell \$110,000 of TIF (tax increment financing) Bonds to reimburse the project costs of the Grand Forks Mercantile Exchange project.

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

Carpenter that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member McCabe introduced the following resolution, which was presented, read and passed: Document No. 6652 - Resolution.

It was moved by Council Member McCabe and seconded by Council Member Carpenter that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

APPROVE FIRST SUPPLEMENTAL BOND INDENTURE
AND ADOPT RESOLUTION AUTHORIZING EXECUTION AND
DELIVERY OF SAME (UNITED HOSPITAL BOND ISSUE)

Committee No. 1, Finance, reported having considered the matter of First Supplemental Bond Indenture, and resolution authorizing the execution and delivery of the supplemental bond indenture (United Hospital bond issue), and recommended that we approve the First Supplemental Bond Indenture and approve the resolution authorizing the execution and delivery of the supplemental bond indenture.

It was moved by Council Member McCabe and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member McCabe introduced the following resolution, which was presented and read: Document No. 6653 - Resolution.

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It was moved by Council Member McCabe and seconded by Council Member Carpenter that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

AMEND FIXED ASSET CAPITALIZATION POLICY

Committee No. 1, Finance, reported having considered the matter of fixed asset capitalization policy, and recommended to amend the policy to raise capitalization level from \$100.00 to \$500.00.

It was moved by Council Member McCabe and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE BUDGET AMENDMENT

A request to amend the budget for the Mayor's Office in the amount of \$12,812, to transfer funds from cash carryover for 20/20 program, was presented and read. It was moved by Council Member McCabe and seconded by Council Member Carpenter that this budget amendment be and is hereby

approved. Carried 13 votes affirmative.

RECEIVE AND FILE MATTER OF MAYOR'S

SALARY

Committee No. 1, Finance, reported having considered the matter of mayor's salary, and recommended to receive and file.

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

Council Member Hagness stated that because of type of job, have a full-time mayor with a part-time salary, that full-time administrator didn't work in the past and won't in the future.

Council Member Glassheim stated that the council has refused to make decision about salary, and should set salary prior to election of a new mayor.

Council Member Carpenter stated that there has been no consensus as to form of government, whether city manager, city administrator or full-time mayor, and without consensus, not appropriate to make that decision; that once make decision as to form of government, then make decision. He suggested that they should form committee to study and if change recommended, to have on the November ballot.

Council Member Beach stated that they had committee to study this matter in 1993/94, re. down-sizing of council and present form of the mayor's office, and only suggestion was to leave as is but to increase compensation and that last year the council provided for increase in the budget for mayor's office.

After some discussion it was moved by Council Members Beach and Glassheim that the mayor's salary be established at a level of not to exceed \$36,000 annually, as soon as can be implemented.

There was further discussion with comments by Doug Christensen, and Bob Gustafson, representing the Chamber of Commerce, who stated that this was not the time to set a salary when it has not been determined whether mayor's position will be part-time or full-time, or whether there will be a change in the city's form of government; and should be discussed in open forum. They

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encouraged council to support the finance committee's recommendation.

Council Member Hagness asked to be excused from voting on this question. It was moved by Council Member Hoepfner and seconded by Council Member Beach to allow Council Member Hagness to abstain from voting on this matter. Carried 12 votes affirmative.

Tim Sprague questioned whether there was conflict of interest to council members in the question before the council.

After further discussion and upon roll call vote, the following voted "aye": Council Members Hanson, Glassheim - 2; voting "nay": Council Members Beach, McCabe, Hoepfner, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson - 10; Council Member Hagness abstaining. Mayor Polovitz declared the amendment defeated.

Upon call for the question on the original motion, and upon voice vote, the motion carried 11 votes affirmative; with Council Member Glassheim and Hanson voting against the motion.

ESTABLISH COMMITTEE TO STUDY FORM OF CITY
GOVERNMENT, WITH REPORT BACK NO LATER THAN
AUGUST 15

Committee No. 1, Finance, reported having considered the matter of form of city government, and recommended that we establish a committee to study the issue of form of government in the city of Grand Forks, with the committee to be appointed by the mayor, to consist of no more than fifteen members and to represent city council, general public, University of North Dakota, the business community, city employees and others as appropriate.

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

After some discussion it was moved by Council Member Glassheim and seconded by Council Member Hanson that the motion be amended, that the committee consist of five (5) council members to be appointed by the mayor. Upon call for the question on the amendment and upon voice vote, the motion was defeated.

It was then moved by Council Member Glassheim and seconded by Council Member Beach to amend the motion to direct that the committee report back within six (6) weeks. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Hagness - 7; voting "nay": Council Members Carpenter, Sande, Klave, Beyer, Babinchak, Johnson - 6. Mayor Polovitz declared the motion carried.

Doug Christensen and Bob Gustafson spoke against the 6-week time frame, that this isn't enough time to get the job done, need to take necessary time to examine issue and come back with recommendation for evaluation and to analyze for long-term needs of the citizens; and urged reconsideration.

Suzanne Fry, 3705 Elmwood, representing League of Women Voters, stated she wasn't concerned about the 6-weeks length of time but that the process be examined in open forum and also comments about government from candidates.

Henry Valder, 23 North 3rd Street, stated that citizens of Grand Forks need to have say in the matter.

After further discussion it was moved by Council Member Carpenter and seconded by Council Member Beyer to amend the motion that the committee report back no later than August 15 and at six-week intervals. Upon roll call the following

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voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Carpenter, Sande,

Klave, Beyer, Babinchak, Johnson, Hagness - 10; voting "nay": Council Members Hanson, Glassheim, Beach - 3. Mayor Polovitz declared the motion carried.

Upon call for the question on the motion as amended, and upon voice vote, the motion carried 12 votes affirmative; Council Member Hanson voting against the motion. Mayor Polovitz declared the motion carried.

INTRODUCE ORDINANCE RELATING TO MUNICIPAL SALES TAX

Committee No. 1, Finance, reported having considered the matter of an ordinance implementing the events center sales tax, and recommended to introduce the ordinance for first reading.

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

City Attorney Howard Swanson reported that the ordinance was in final form, and had been reviewed by the state tax commissioner's office. He did state that the definition of prepared food is a broad definition and it applies to frozen sandwiches, frozen pizzas that are prepared on location and may have application to such facilities including grocery store deli's, convenience stores, bakeries, fast food restaurants, formal restaurants, etc., otherwise the balance of the ordinance is fairly straightforward.

Upon call for the question and upon voice vote, the motion carried 13 votes affirmative.

Council Member Sande introduced an ordinance entitled "An ordinance amending Article 1 of Chapter XXII of the Grand Forks City Code relating to the municipal sales tax", which was presented, read and passed on its first reading.

RECEIVE AND FILE MATTER OF ALLOCATION OF APPRAISERS POSITIONS

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 McCabe and seconded by Council Member Carpenter that this recommendation be and is hereby approved.

Council Member Carpenter stated that it was the recommendation of the committee to receive and file this matter until the wage study is completed; that there is one position at a III level in the 1996 budget, and the de- partment is requesting all three positions at that level.

Mel Carsen, city assessor, presented request for allocation of all three appraiser positions to a category III level, which carries higher level of experience and expertise, which is very important; that request has been before civil service for several years, and not sure they need to wait for study.

Mr. Swanson noted that the request is not for grading of the position, but to allocate additional grade III appraisers, ranking of that position

already established, but if asking for reclassification has to go to Civil Service Commission, and only decision for council is how many positions authorized. He stated that the department is asking for 3 positions as III level, budget allows for 1 position.

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Mayor Polovitz spoke in favor of the request to allocate additional positions, that it is a matter of equity.

Upon call for the question and upon voice vote, the motion carried 13 votes affirmative.

INTRODUCE ORDINANCE TO INCREASE TAXI RATE
SCHEDULE

Committee No. 2, Public Safety, reported having considered the request for change in tax rate schedule, and recommended to approve increase in rates as follows: a) the meter rate for each trip will be increased from \$1.25 to \$1.75 for the first one-eighth of a mile; b) an increase from \$0.20 to \$0.30 for each additional one-eighth of a mile; c) an increase from \$0.20 to \$0.30 for each minute of waiting time; and d) an increase from \$0.50 to \$1.00 for each additional passenger; and to introduce the ordinance for first reading.

It was moved by Council Member Sande and seconded by Council Member Johnson that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance amending Section 21-0311 of the Grand Forks City Code relating to taxicab fares", which was presented, read and passed on its first reading.

ADOPT RESOLUTION RECOGNIZING MORTAR BOARD
(NATIONAL COLLEGIATE HONOR SOCIETY) AS PUBLIC-
SPIRITED ORGANIZATION, AND APPROVE PERMIT

Committee No. 2, Public Safety, reported having considered the application for gaming permit for Mortar Board (National Collegiate Honor Society) for raffle on April 24, 1996, and recommended that we adopt a resolution recognizing the Mortar Board (UND) as a public-spirited organization eligible to conduct games of chance, and to approve the permit.

It was moved by Council Member Sande and seconded by Council Member Johnson that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Sande introduced the following resolution, which was presented and read: Document No. 6654 - Resolution.

It was moved by Council Member Sande and seconded by Council Member Johnson that this resolution be and is hereby adopted. Carried 13 votes affirmative.

APPROVE PROPOSAL TO FUND PROJECT WITH UND
MICROBIOLOGY AND IMMUNOLOGY TO CONDUCT STUDY

Committee No. 3, Public Service, reported having considered proposal with UND Department of Microbiology and Immunology to study epidemiology and occurrence of cryptosporidium in city's water supply, and recommended that we approve the proposal, with \$12,500 funding from the water treatment plant budget.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE ENGINEERING AGREEMENT FOR PROJECT
NO. 4377, WATER RECLAMATION FACILITY EVALUATION
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Committee No. 3, Public Service, reported having considered the matter of engineering agreement for water reclamation facility evaluation, Project No. 4377, and recommended approval of the agreement and to authorize proper City officials to sign the agreement.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE CHANGE ORDERS FOR PROJECT NOS. 4045
AND 4202, WATER TREATMENT PLANT MODIFICATIONS

Committee No. 3, Public Service, reported having considered the matter of change orders for Project Nos. 4045 and 4202, water treatment plant modifications:

a) Project No. 4045, Innes Construction, contractor, zero dollars, for change in the construction details, partitions in clearwell, etc. and recommended that the change order be approved.

b) Project No. 4202, standby generator, Innes Construction, contractor, \$4,912.00, for change in generator access doors to allow additional room for generator installation and removal and to increase sound dampening, including provision and installation of rebar and grout masonry cores in walls, and recommended approval of the change order.

c) Project No. 4202, Hanson Electric, contractor, for a \$10,000 deduct for rearrangement and changes in the electrical transformers, relocation of metering cabinet, simplifying the distribution system, and recommended approval of the change order.

d) Project No. 4045, Hanson Electric, contractor, for a \$9,553.00 increase for upgrading of six filter control panels, and recommended approval of the change order.

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

that these recommendations be and are hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE CERTIFICATE OF SUBSTANTIAL COMPLETION,
PROJECT NO. 4181, 1994 FORCEMAIN VALVE
REPLACEMENT

Committee No. 3, Public Service, reported having considered the matter of certificate of substantial completion for Project No. 4181, 1994 forcemain valve replacement, and recommended to approve the certificate of substantial completion.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE PRELIMINARY DESIGN REPORT FOR PROJECT
NO. 4333, 1995/96 FORCEMAIN VALVE REPLACEMENT

Committee No. 3, Public Service, reported having considered the matter of preliminary design report, Project No. 4333, 1995/96 forcemain valve replacement, and recommended to approve preliminary design using the "tee" valving layout with an on-surface bypass riser.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

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APPROVE FINAL PROJECT CONCEPT REPORT, PROJECT
NO. 4260, MILL ROAD BRIDGE REPLACEMENT

Committee No. 3, Public Service, reported having considered the matter of final project concept report for Project No. 4260, Mill Road Bridge Replacement, and recommended to approve the final concept report.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE PRELIMINARY ENGINEERING SERVICES
AGREEMENT FOR PROJECT NO. 4225.2, SOUTH
WASHINGTON STREET RECONSTRUCTION, STATE
PROJECT NO. SU-6-986(042)045, SUBJECT TO
CONCURRENCE BY THE STATE

Committee No. 3, Public Service, reported having considered the preliminary engineering services agreement for Project SU-6-986(042)045, South Washington Street from 34th to 40th Avenues South, City Project No. 4225.2, and recommended approval pending concurrence by the State Department of Transportation; and further that future agreements be sent

to the city attorney re. inclusion of provision re. escalation of wages.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE SELECTION OF CONSULTANT(S) FOR
1996 PROJECTS

Committee No. 3, Public Service, reported having considered the matter of 1996 consultant selections, and recommended approval of the selection of Webster, Foster & Weston for 1996 Forcemain Rehab.; Update Pump Station #17; and Sanitary Lift Station #38, and to proceed with negotiation of contracts; and to accept the request for qualifications from those consultants responding to the RFQ for use in future projects in which a consultant will be used.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE TAPPING FEE CALCULATIONS FOR PROJECT
NO. 3585, SANITARY SEWER

Committee No. 3, Public Service, reported having considered the matter of tapping fee area for Project No. 3585, sanitary sewer along 47th Avenue South, and recommended to approve calculations for tapping fees for this project.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT
FOR PROJECT NO. 4242, DIST. 355.1 (1994 FUTURE
ASSESSMENT DISTRICT), AND APPROVE ENGINEER'S
REPORT

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4242, District No. 355.1, sanitary sewer along North 51st Street (from future assessment district created in 1994), and which project was completed in January 3, 1995, and
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recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, and an assessment district map.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 6655 - 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, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

The city auditor presented and read the engineer's report for Sewer District No. 355.1, Project No. 4242: Document No. 6656 - Report.

It was moved by Council Member Beyer and seconded by Council Member Klave that this report be and is hereby approved. Carried 13 votes affirmative.

APPROVE AGREEMENT WITH BURLINGTON NORTHERN
RAILROAD FOR PROJECT NO. 4379, IMPROVEMENTS
RR CROSSING AT 5TH AND KITTSON

Committee No. 3, Public Service, reported having considered the matter of agreement with Burlington Northern Railroad for improving RR crossing at South 5th Street and Kittson Avenue, Project No. 4379, and recommended to approve the agreement and authorize proper City officials to execute same.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE PLANS AND SPECIFICATIONS, AND AUTHORIZE
CALL FOR BIDS, PROJECT NO. 4379

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4379, railroad crossing at South 5th Street and Kittson Avenue, and recommended to approve plans and specifications and to authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS, AND AUTHORIZE
CALL FOR BIDS, 1996 SIDEWALK PROJECT NO. 4426

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4426, 1996 sidewalk replacement, and recommended to approve plans and specifications and to authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

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APPROVE PLANS AND SPECIFICATIONS, AND AUTHORIZE
CALL FOR BIDS, PROJECT NO. 4427, 1996 CONCRETE
STREET REPAIR

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4427, 1996 concrete street repair, and recommended to approve plans and specifications and to authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS, AND AUTHORIZE
CALL FOR BIDS, PROJECT NO. 4428, 1996 ASPHALT
STREET REPAIR

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4428, 1996 asphalt street repair, and recommended to approve plans and specifications, and authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS, PROJECT NO.
4401, ELECTRICAL ASSISTANCE FOR 1996/97

Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4401, electrical assistance for 1996/97, and recommended to authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

INTRODUCE ORDINANCE RELATING TO WASTEWATER
DISPOSAL

Committee No. 3, Public Service, reported having considered the matter of ordinance relating to wastewater disposal (definitions), and recommended to approve the proposed ordinance and to introduce for first reading.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance amending Article II of Chapter XV of the Grand Forks City Code relating to wastewater disposal", which was presented, read and passed on its first reading.

AUTHORIZE EMERGENCY FUNDS FOR PURCHASE OF
ADDITIONAL SALT AND SAND FOR ICE CONTROL

Committee No. 3, Public Service, reported having considered the matter of emergency funds for salt and sand for ice control, and recommended that we authorize the expenditure of up to \$16,000 from the Emergency Fund for additional salt and sand for ice control.

It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

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DELEGATE AUTHORITY TO AUTHORIZE CALL FOR
BIDS ON PROJECTS TO PUBLIC SERVICE COMMITTEE

Committee No. 3, Public Service, reported having considered the matter of change in special assessment policy, and recommended that the council delegate to the public service committee the authority to approve requests for bids on all projects.

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

Howard Swanson, city attorney, reviewed change in State law which would now require publication with at least 21 days notice prior to bid opening and also publication in a trade journal which would extend timelines for construction projects. He stated he will be requesting an attorney general's opinion on a number of issues.

Council Member Beach asked that staff keep council members aware of projects in their areas. Mr. Vein stated that proposed projects will be included on committee as well as council agendas which are forwarded to council members in advance of any action being taken.

Upon call for the question and upon voice vote, the motion carried 13 votes affirmative.

APPROVE ASSIGNMENT OF SENGEWALD, USA LEASE
IN INDUSTRIAL PARK TO SOUTHERN BAG

Committee No. 4, Urban Development, reported having considered the matter of reassignment of the Sengewald, USA lease in the Industrial Park, and recommended to approve the assignment of the lease from Sengewald, USA to Southern Bag.

It was moved by Council Member Glassheim and seconded by Council Member Beach that this recommendation be and is hereby approved. Carried 13 votes affirmative.

INTRODUCE ORDINANCE TO WAIVE PUBLIC BID

REQUIREMENTS FOR REAL ESTATE DESIGNATED FOR
AFFORDABLE HOUSING

Committee No. 4, Urban Development, reported having considered the matter of transfer of lots in Burdick's Addition to Habitat for Humanity, and recommended to introduce an amendment to the City Code waiving public bid requirements for real estate designated by the city council for affordable housing.

It was moved by Council Member Glassheim and seconded by Council Member Beach that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance amending Grand Forks City Code Section 2-0402(4) and adopting Section 2-0402(5) relating to sale of City property", which was presented, read and passed on its first reading.

APPROVE BEAUTIFICATION PROJECTS BUDGET

Committee No. 4, Urban Development, reported having considered the matter of beautification projects budget, and recommended allocation of funding as follows:

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- 1) Grand Forks Park District, Adopt-An-Area Program, \$4,000;
- 2) Grand Forks Park District, Gateway Drive west tree planting, \$5,350;
- 3) Grand Forks Park District, 32nd Ave.S. west tree planting, zero dollars;
- 4) Grand Forks Park District, Columbia/DeMers Overpass enhancement, \$2,000;
- 5) GF Central Business Dist. Assn., railroad footbridge lighting, \$3,500;
- 6) GF Central Business Dist. Assn., Celebrate the Season, \$3,000;
- 7) GF Central Business Dist. Assn., CBD banners, \$3,000;
- 8) GF Central Business Dist. Assn., DeMers Overpass "original marketplace" green space, \$12,000;
- 9) UND Plant Services, University Avenue median bricking and planters, \$5,000;
- 10) City Planning Office, Highway 2 mural project, \$5,000;
- 11) City Planning Office, box elder tree removal, \$2,000;
- 12) Winter Garden Assoc., decorative lighting and landscaping of Warehouse Apts., \$3,000;
- 13) GF Economic Development Foundation, Industrial Park sign, \$7,500;
- 14) Office of Urban Development, Royce LaGrave Park landscaping, \$4,000;
- 15) GF Substance Abuse & Traffic Safety Council, First Night Greater Grand Forks ice sculptures, \$4,000, contingent upon no private advertising/promotional signs being displayed at site of sculptures; for a total of \$64,350.00.

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

Council Member Beyer, chairman of the Beautification Committee, expressed some concern re. amount of funding for GF Substance Abuse & Traffic Safety

Council, that this group receives other city funds, and possibly discontinuing funding for sculptures next year as they last for such a short time.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

AUTHORIZE FUNDING FOR DEMOLITION OF HOUSE
AT 512 NORTH 5TH STREET

Committee No. 4, Urban Development, reported having considered the matter of demolition of house at 512 North 5th Street, and recommended that we appropriate \$4,000 from the Acquisition & Demolition Fund to assist St. Michael's Church in demolishing the house at 512 North 5th street, contingent upon, following demolition, providing a playground accessible to all neighborhood children.

It was moved by Council Member Glassheim and seconded by Council Member Beach that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

AUTHORIZE PERMANENT PART-TIME EMPLOYEES TO
PARTICIPATE IN DEFERRED COMP. PLAN

The Pension and Insurance Committee reported having considered the matter of permanent part-time employees contributing to deferred comp. plan, and recommended that permanent part-time employees be allowed to contribute to the deferred comp. plan.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 13
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votes affirmative.

INTRODUCE ORDINANCE TO INCLUDE HUMAN RESOURCES
DIRECTOR AS EX-OFFICIO MEMBER OF THE PENSION/
INSURANCE COMMITTEE

The Pension and Insurance Committee reported having considered the matter of Human Resources director as ex officio member of Pension and Insurance Committee, and recommended introduction and first reading of an ordinance to include Human Resources director as ex officio non-voting member of the Pension and Insurance Committee.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 13
votes affirmative.

Council Member Klave introduced an ordinance entitled "An ordinance amending Section 7-0214 of the Grand Forks City Code relating to pension

committee members", which was presented, read and passed on its first reading.

PRESENTATION OF AWARD TO CITY AUDITOR

Mayor Polovitz announced that a Certificate of Achievement for Excellence in Financial Reporting had been presented to the City of Grand Forks by the Government Finance Officers Association of the United States and Canada, for the City's comprehensive annual financial report for the year ended December 31, 1994, and presented the award to the city auditor and department of administrative services.

REPORT FROM EVENTS CENTER COMMITTEE

Council Member Carpenter reported that the committee will begin its interviewing of architectural and engineering firms on Wednesday, that they hope to make recommendations to council for their consideration at the February 20 council meeting.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 280, dated January 31, 1996, and totaling \$357,713.48, was presented and read.

It was moved by Council Member Hoepfner and seconded by Council Member Beyer 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, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE CERTIFICATES OF COMPLETION, VARIOUS PROJECTS

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Project No. 4324, Watermain District No. 237; and Project No. 4342, Sewer District No. 359.

It was moved by Council Member Hanson and seconded by Council Member Klave that these recommendations be and are hereby approved. Carried 13 votes affirmative.

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AUTHORIZE CALL FOR BIDS FOR REMODELING OF
CENTRAL FIRE STATION DORMITORY, WITH MONIES
FROM LOAN AND STABILIZATION FUND

Council Member Hoepfner moved that we allow up to \$25,000 from the Loan and Stabilization Fund for the project to remodel Central Fire Station dormitory, and that the fire department be allowed to call for bids. The

motion was seconded by Council Member Hanson.

Chief Aulich stated they are looking to do this project at the central fire station this year, will be looking for monies to do northside station in 1997, and that they are looking at new southside station.

Council Member Klave asked to be excused from voting on this matter. It was moved by Council Member Beyer and seconded by Council Member Babinchak that Council Member Klave be excused from voting. Carried 12 votes affirmative.

Upon call for the question and upon roll call vote the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none; Council Member Klave excused from voting.

PRESENTATION OF CITY GOVERNMENT BUSINESS AND INDUSTRY ASSISTANCE DIRECTORY

John O'Leary presented to the city council the inaugural copy of the City Government Business and Industry Assistance Directory in behalf of the Grand Forks City Department Head Association, and reported that they will be updating the directory on an annual basis. He also stated they have considered putting the directory on the Net.

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Member Hanson presented the matter of condition of city streets; Mayor Polovitz referred the matter to the public service committee.
- 2) Council Member Johnson presented the matter of the change in the name of the Grand Forks Mark Andrews International Airport (removal of the name Mark Andrews), and suggested sending communication to the Airport Authority stating City's disappointment in this. After further discussion the matter was referred to the Urban Development Committee, with representative of Airport Authority to be at meeting.
- 3) the matter of a proposal by Henry Valder for establishment of a committee to review grant applications prior to funding was presented to the council. Mayor Polovitz referred this matter to urban development committee for consideration.

ADOPT RESOLUTION RECOMMENDING ANDREW L. FREEMAN TO THE NORTH DAKOTA ROUGHRIDERS HALL OF FAME

Committee No. 1, Finance, reported having considered the matter of recommending Andrew Freeman to the North Dakota Roughriders Hall of Fame, and recommended that the resolution be approved.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Carpenter introduced the following resolution urging Governor

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Ed Schaefer to give consideration to the naming of Andrew L. Freeman to the North Dakota Roughriders Hall of Fame, which was presented and read: Document No. 6657 - Resolution.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Carried 13 votes affirmative.

ADJOURN

It was moved by Council Member Hanson and seconded by Council Member Hoepfner that we do now adjourn until Tuesday, February 20, 1996 at 7:30 o'clock p.m. Carried 13 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Michael Polovitz, Mayor