

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
18, 1996**

**PROCEEDINGS OF
OF THE CITY OF
Monday, March**

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Monday, March 18, 1996 at the hour of 7:30 o'clock p.m. with Mayor Polovitz presiding. Present at roll call were Council Members McCabe, Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hagness - 10; absent: Council Members Beach, Geller - 2.

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 matter.

COUNCIL MEMBER HANSON REPORTED PRESENT

REPORTS OF OFFICERS - OFFICE OF URBAN
DEVELOPMENT

John O'Leary, executive director, Office of Urban Development, presented annual report on the Community Development and Housing Authority programs and projects for 1995, and briefly reviewed various programs administered through the office of urban development: Housing Authority capital rehab projects; summer youth employment, family self-sufficiency; youth center programs; affordable housing; flood relief program; Richard's West flood mitigation; Growth Fund; and 1996 programs: continuation of affordable housing and youth center programs, self-sufficiency program, relocation of office of urban development, administration of additional housing certificates and vouchers, expansion of first time homeowners program, and expansion of Industrial Park, etc.

APPROVE MINUTES FEBRUARY 20 AND MARCH 5,
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Typewritten copies of the minutes of the adjourned meeting of the city council held on February 20 and of the regular meeting held on March 5, 1996, were presented and read. It was moved by Council Member Hagness and seconded by Council Member Sande that these minutes be approved as read. Carried 11 votes affirmative.

POSTPONE INDEFINITELY PUBLIC HEARING AND
SECOND READING OF ORDINANCE TO AMEND ZONING
MAP TO INCLUDE WITHIN CENTENNIAL ESTATES PUD
ALL OF SUN LAND WEST FIRST RESUBDIVISION AND
ALL OF SUN LAND WEST SECOND RESUBDIVISION

An ordinance entitled "An ordinance to 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 had been introduced and passed on its first reading on January 16, 1996, and upon which public hearing had been continued until this evening, was presented

and read for consideration on second reading.

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 final 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,
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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 indefinite postponement.

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

SUSPEND RULES AND CONSIDER AGENDA ITEMS
OUT OF ORDER

Council Member McCabe moved to suspend rules and to consider items 4-1 and 7-27 on the agenda out of order (both items relate to the proposed Centennial Estates PUD for Sun Land West First Resubdivision and Sun Land West Second Resubdivision); the motion was seconded by Council Member Beyer. Carried 11 votes affirmative.

POSTPONE INDEFINITELY PUBLIC HEARING ON
PETITION TO VACATE 7TH AVENUE NORTH AND SUN
LAND WEST AVENUE AS PLATTED WITHIN SUN LAND
WEST FIRST AND SECOND RESUBDIVISIONS, AND REQUEST
FOR FINAL APPROVAL OF CENTENNIAL ESTATES PUD,
DETAILED DEVELOPMENT PLAN, MOBILE HOME RESIDENCE

It was moved by Council Member McCabe and seconded by Council Member Hagness to table the items on the agenda relating to proposed Centennial Estates PUD; Item 4-1 public hearing on the petition to vacate 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 2nd Resubdivision; and Item 7-27 request for final approval of Centennial Estates PUD, Detailed Development Plan, Mobile Home Residence, Lots 14-27, Block 1 and Lots 1-13, Block 2, Sun Land West First Resubdivision, including vacated 7th Avenue North and Lots 1-19, Block 1 and Lots 1-11, Block 2, Sun Land West Second Resubdivision.

Paul Anderson, 501 North 51st Street, asked for clarification on tabling of the items. Mr. Swanson stated that all they are tabling is the item before them (second reading of ordinance, public hearing on vacation, etc.); and that the developer has requested this be tabled and that is within his prerogative, and this body wouldn't have opportunity to act on the substantive request. Mr. Bushfield, city planner, reported that he had talked with the developer, Mr. Danks, today and they intend to pull their request in its entirety and they will start over again.

COUNCIL MEMBER JOHNSON REPORTED PRESENT

Upon call for the question and upon voice vote, the motion carried 12 votes affirmative.

A petition from property owners asking the city council to maintain the current zoning as established July 1995 for the Sunland West/Centennial Estates Subdivision, and opposing any plan to rezone this area to an R-5 (mobile home park) designation, was presented to the council. It was moved by Council Member Hagness and seconded by Council Member Beyer to accept the petition. Carried 12 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE TO AMEND ZONING MAP TO INCLUDE
LOT 14, BLOCK A, COLUMBIA PARK 15TH ADDITION
WITHIN COLUMBIA PARK PUD, CONCEPT DEVELOPMENT
PLAN, AMENDMENT NO. 8, TO APRIL 15

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An ordinance entitled "An ordinance to amend the Zoning Map of the city of grand Forks, North Dakota to rezone and exclude from Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 7, and to include within Columbia Park PUD, Concept Development Plan, Amendment No. 8, with all substantive changes lying within Lot 14, Block A, Columbia Park 15th Addition, Grand Forks, North Dakota", which had been introduced and passed on its first reading on February 20, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

Mayor Polovitz 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 request from Steven L. Adams on behalf of Arthur Greenberg, Jr. for final approval of an ordinance to amend the Zoning Map to exclude from Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 7, and to include within the Columbia Park PUD, Concept Development Plan, Amendment No. 8, Lot 14, Block A, Columbia Park 15th Addition to the city of Grand Forks, ND (located in the northwest corner of South 34th Street and 30th Avenue South), and recommended tabling the request and extending the date of the public hearing to April 15, 1996.

It was moved by Council Member Hagness and seconded by Council Member Glassheim that this recommendation be and is hereby approved, and that the public hearing and second reading of the ordinance be postponed to April 15.

Carried 12 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING
OF THE ORDINANCE TO AMEND THE STREET AND

HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN AS
DEDICATED ON THE PLAT OF MAIER'S THIRD ADDN.

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 Maier's Third Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on February 20, 1996, and upon which public hearing had been scheduled for this evening, was presented and read.

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

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

The Planning and Zoning Commission reported having considered the matter of the request from Dick Olson on behalf of the Grand Forks Growth Fund for final approval of the plat of Maier's Third Addition to the city of Grand Forks, ND, lying in the Southwest Quarter of Section 7, T151N, R50W, 5th Principal Meridian (located between 12th Avenue South and 15th Avenue South and between South 48th Street and South 52nd Street), and recommended tabling the request and extending the date of the public hearing to April 15, 1996.

It was moved by Council Member Glassheim and seconded by Council Member Hagness that this recommendation be and is hereby approved, and that the
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public hearing and second reading of the ordinance be postponed to April 15. Carried 12 votes affirmative.

ADOPT ORDINANCE NO. 3571, AMENDING

ZONING MAP

TO INCLUDE WITHIN INDUSTRIAL 2ND PUD, CONCEPT
DEVELOPMENT PLAN, ALL OF SW QUARTER OF SECTION
7, T151N, R50W OF 5TH P.M.

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from Industrial PUD (Planned Unit Development), Concept Development Plan, from I-2 (Heavy Industrial) District and from A-1 (Limited Development) District, and to include within Industrial 2nd PUD (Planned Unit Development), Concept Development Plan, all of the Southwest Quarter of Section 7, Township 151 North, Range 50 West of the 5th Principal Meridian, Grand Forks, North Dakota (includes Maier's 1st and 2nd Additions, proposed Maier's 3rd Addition and Northern States Power Substation Tract)", which had been introduced and passed on its first reading on February 20, 1996 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

with his office.

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

The City Planning and Zoning Commission reported having considered the matter of the request from Dick Olson on behalf of the Grand Forks Growth Fund for final approval of an ordinance to amend the Zoning Map to exclude from Industrial PUD (Planned Unit Development) District, from I-2 (Heavy Industrial) District and from A-1 (Limited Development) District and to include within Industrial 2nd PUD (Planned Unit Development) District, Concept Development Plan, all of the Southwest Quarter of Section 7, Township 151 North, Range 50 West of the 5th Principal Meridian which included Maier's 1st Addition, Maier's 2nd Addition, proposed Maier's 3rd Addition and the Northern States Power Substation Tract (located between 11th Avenue South and 17th Avenue South and between South 48th Street and 55th Street extended (Burlington Northern Railroad Right of Way); and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Zoning Map.

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

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

APPROVE FINAL PLAT; ADOPT ORDINANCE NO. 3572
AMENDING THE STREET AND HIGHWAY PLAN TO INCLUDE
PUBLIC R/W DEDICATED ON THE PLAT OF N.S.P. AND
PILLSBURY INDUSTRIAL PARK 2ND RESUBDIVISION

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 N.S.P. and Pillsbury Industrial Park 2nd Resubdivision, being a Replat of Lot 1, Block 1, N.S.P. and Pillsbury

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Industrial Park Resubdivision and including an unplatted tract of land lying in the Southwest Quarter of Section 28, Township 151 North, Range 50 West of the 5th Principal Meridian, Grand Forks County, North Dakota", which had been introduced and passed on its first reading March 4, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

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

The City Planning and Zoning Commission reported having considered the request from the Grand Forks City Engineering Department on behalf of Gibbs Investments and Northern States Power Company (known as N.S.P.), a corporation of the State of Minnesota, for preliminary approval (fast track) and final approval of the plat of N.S.P. and Pillsbury Industrial Park 2nd Resubdivision, Grand Forks, North Dakota, being a Replat of Lot 1, Block 1, N.S.P. and Pillsbury Industrial Park Resubdivision and including an unplatted tract of land lying in the Southwest Quarter of Section 28, Township 152 North, Range 50 West of the 5th Principal Meridian, Grand Forks County, North Dakota (located at the crossing of Mill Road and the English Coulee) and including a variance to the subdivision regulations relating to the definition of a minor subdivision being one having no dedication of public roadway; and recommended final approval subject to special conditions shown on or attached to the review copy; passage of the ordinance amending the Street and Highway Map and approval to variance to the subdivision regulations as requested.

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

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

REFER CONSENT AGENDA ITEMS TO COMMITTEE

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

Public Safety Committee:

- 1) matter of adoption of 1994 Uniform Fire Code and supplement.
- 2) matter of gang suppression unit funding.
- 3) matter of implementation of Ralph Andersen police department study and funding.

COUNCIL MEMBER McCABE EXCUSED

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, February 29, 1996, that the notice had been published as required and that the following appeals were heard: 1)

Lloyd and Shirley Welsh, 1710 North 7th Street, request for variance to the front yard, rear yard and side yard setback requirements, parking require-

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ments, and buffer yard requirements to erect an apartment building, which request was denied; 2) Daniel Romuld, 627 4th Avenue South, request for variance to convert a single-family home to a duplex in an R-4 Zone on a non-conforming lot of record and for a variance to the side yard setback requirements to erect parking spaces, which request was granted, allowing a duplex on a lot of record of 3500 sq.ft. in an R-4 zoning district and allowing for a three ft., six inch side yard setback to construct off street parking; and 3) Richard Nelson, 1242 South 9th Street, request for variance to the second front yard setback and the residential accessory buildings requirements to erect a garage, which request was approved to allow a second front yard setback of three feet to construct a detached garage.

It was moved by Council Member Hoepfner and seconded by Council Member Beyer that this report be and is hereby received and filed. Carried 11 votes affirmative.

APPROVE BILL LISTING

Vendor Payment Listing No. 96-04, dated March 18, 1996, and totaling \$827,434.44, 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 Babinchak that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried and the bills ordered paid.

COUNCIL MEMBER McCABE REPORTED BACK

ACCEPT OFFERS TO PURCHASE CITY LOTS

Committee No. 1, Finance, reported having considered the matter of sale of city lot, and recommended that we accept the offer of Tracy Doe (Gentry Corporation) in the amount of \$22,000.00 for Lots 1, 2 and 3, Block 1, Medvue Estates 6th Resubdivision with the following conditions: property to be conveyed by special warranty deed, City to special assess all costs associated with water and sewer projects, closing date to be June 1, 1996, and all taxes and special assessments to be pro-rated to date of closing.

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 McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

Committee No. 1, Finance, reported having considered the offer from Gordon Holtan to purchase Lots 1 and 2, Block 1, Auditor's Subdivision No. 27, and recommended that we accept the bid of thirty cents (\$0.30) per sq. ft.

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 McCabe, Hoepfner,

Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE APPLICATION FOR ABATEMENT OF TAXES
ON PROPERTY AT 812 SOUTH 10TH STREET

Committee No. 1, Finance, reported having considered the application for abatement of taxes by Carter Passa, 812 South 10th Street, and recommended to

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approve the application and to reduce the valuation of the property from \$28,900 to \$18,000.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved, and further that the findings, conclusion and recommendations as prepared by the city attorney be adopted. Carried 12 votes affirmative.

APPROVE APPLICATIONS FOR EXEMPTION OF
IMPROVEMENTS TO COMMERCIAL PROPERTY

Committee No. 1, Finance, reported having considered the applications for exemption of improvements to commercial property: a) Residual Materials, Inc., 222 Red Dot Place, and b) Popplers Music Store, 123 DeMers Avenue; and recommended to approve the applications as presented.

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

MOVE TO RETAIL CURRENT LIMITS OF LIABILITY
INSURANCE COVERAGE

Committee No. 1, Finance, reported having considered the matter of proposal to increase liability insurance coverage from \$1 million to \$2 million, and recommended to retain current limits of coverage.

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

ADOPT RESOLUTION AMENDING HOME RULE
CHARTER RELATIVE TO IMPOSING A USE TAX

Committee No. 1, Finance, reported having reviewed documents relative to amendment to Home Rule Charter re. use tax, and recommended to adopt the resolution (amending Home Rule Charter to impose a use tax) and approving Home Rule Charter amendment ballot.

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

Council Member Babinchak introduced the following resolution which was presented and read: Document No. 6678 - Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the resolution adopted.

APPROVE 1995 GRANT APPLICATION FROM NORTH
DAKOTA STATE HISTORICAL SOCIETY

Committee No. 1, Finance, reported having considered the matter of 1995 grant from the North Dakota State Historical Society, and recommended to approve grant application and to authorize proper City officials to sign said application.

It was moved by Council Member Babinchak and seconded by Council Member 14386
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Carpenter that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE PLEDGE POOL AGREEMENT WITH FIRST
NATIONAL BANK GRAND FORKS

Committee No. 1, Finance, reported having considered the matter of pledge pool agreement with First National Bank Grand Forks, and recommended to authorize proper City officials to enter into the pool pledge agreement, subject to review and approval of the agreement by the city attorney.

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

APPROVE REQUEST BY MARCH OF DIMES TO HOLD
WALKAMERICA ON APRIL 27

Committee No. 2, Public Safety, reported having considered the request by March of Dimes to hold WalkAmerica on April 27, 1996, and recommended to grant the request subject to coordinating the walk with the police department.

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

APPROVE REQUEST BY PRAISE GOD PARADE
PLANNING COMMISSION TO HOLD PARADE JUNE 2

Committee No. 2, Public Safety, reported having considered the request from Praise God Parade Planning Committee to hold parade on June 2, 1996, and recommended to grant the request for June 2, with alternate date of June 9.

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

AUTHORIZE 15-MINUTE PARKING ON SOUTH SIDE
OF BRUCE AVENUE FROM SOUTH 4TH STREET EAST
TO THE ALLEYWAY

Committee No. 2, Public Safety, reported having considered the request by Grand Forks County for 15-minute parking on the south side of Bruce Avenue (300 block) from South 4th Street east to the alleyway, and recommended to approve the request for 15-minute parking in front of County Office building.

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

ACCEPT BID FOR POLICE VEHICLE

Committee No. 2, Public Safety, reported having considered the bids for pickup truck for police department, and recommended to accept the low bid of Rydell Chevrolet in the amount of \$11,391.00.

It was moved by Council Member Johnson and seconded by Council Member Hoepfner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

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APPROVE VARIOUS HEALTH DEPARTMENT AGREEMENTS

Committee No. 2, Public Safety, reported having considered the agreement with the North Dakota State Department of Health, Tuberculosis Control Activities Grant Amendment, and recommended to approve and authorize proper City officials to sign said agreement.

it was moved by Council Member Johnson and seconded by Council Member Hoepfner that this recommendation be and is hereby approved. Carried 12 votes affirmative.

Committee No. 2, Public Safety, reported having considered the agreement with the University of North Dakota, 1996 UND Dietetics Affiliation agreement, and recommended to authorize the proper City officials to enter into the agreement subject to final approval by the city attorney.

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

Committee No. 2, Public Safety, reported having considered the agreement

with Bemidji State University, Nursing Student Agreement, and recommended to authorize the proper City officials to enter into the agreement, subject to final approval by the city attorney.

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

ADOPT RESOLUTION RECOGNIZING PROFESSIONAL
NURSE COMMITTEE/UNITED HOSPITAL AS PUBLIC-
SPIRITED ORGANIZATION, AND APPROVE APPLICATION
FOR PERMIT

Committee No. 2, Public Safety, reported having considered the application for gaming permit by Professional Nurse Committee/United Hospital for raffle on May 9, 1996, and recommended that we adopt a resolution recognizing the Professional Nurse Committee/United Hospital as a public-spirited organization eligible to conduct games of chance, and to approve the application for permit.

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

Council Member Johnson introduced the following resolution, which was presented and read: Document No. 6679 - Resolution.

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

INTRODUCE ORDINANCE TO CREATE CLASS 8.1
KRAFT FIELD BEER LICENSE, AND ESTABLISH
REGULATIONS

Committee No. 2, Public Safety, reported having considered the request by Grand Forks Professional Baseball, Inc. for license for beer and wine sales at the Grand Forks Varmints games from May 16, 1996 through September 7, 1996, and recommended to introduce for first reading an ordinance to allow a seasonal license for the sale of beer and wine at baseball games at Kraft Field for period April 1 through October 31, with a license fee of \$550.00.

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

There was some discussion re. time for cut-off of sales (after completion of event) and it was noted that major leagues cut off after seventh inning, etc. Ken Leip, owner of the Grand Forks Varmints, stated he had no problem with a seventh inning cut-off point. The term of the license was changed from end of September to October 31, with no other substantive changes to the proposed ordinance.

Upon call for the question and upon voice vote, the motion carried 12 votes affirmative.

Council Member Hanson introduced an ordinance entitled "An ordinance amending Section 21-0205 by adopting Class 8.1 Kraft Field Beer", which was presented, read and passed on its first reading.

APPROVE REQUEST TO ERECT GATED-FENCE ACROSS
ALLEY ALONG WEST LINE OF VACATED SOUTH 22ND
STREET

Committee No. 3, Public Service, reported having considered the matter of request by Oscar W. Sorenson, Finest Auto Trim, Inc., to erect a gated-fence across alley along the west line of vacated South 22nd Street.

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

APPROVE ENGINEERING SERVICES AGREEMENT
FOR PROJECT NO. 4333, BACON ROAD FORCEMAIN
VALVE REPLACEMENT

Committee No. 3, Public Service, reported having considered the matter of engineering services contract for Project No. 4333, Bacon Road forcemain valve replacement, and recommended to approve the agreement with Webster, Foster & Weston in an amount not to exceed \$11,765.00; and that the limitation of liability clause is under further negotiation.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE ENGINEERING SERVICES AGREEMENT FOR
PROJECT NO. 4338, UPGRADE LIFT STATION 17

Committee No. 3, Public Service, reported having considered the matter of engineering services agreement for Wastewater Project No. 4438, Upgrade Lift Station #17, and recommended to approve the engineering agreement through design and bidding phase in an amount not to exceed \$29,603.00 and that the limitation of liability clause is under further negotiation.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE CHANGE ORDER TO PROJECT NO. 4199

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Committee No. 3, Public Service, reported having considered the matter of

Change Order No. 2, Project No. 4199, 1994 lift station upgrading, Rick Electric, contractor, and recommended that the change order in the amount of \$2,572.50 be approved as presented.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE AMENDMENT NO. 3 TO ENGINEERING
SERVICES AGREEMENT FOR PROJECT 4254, WATER
SUPPLY STUDY

Committee No. 3, Public Service, reported having considered the matter of Amendment No. 3 to engineering services agreement, Project No. 4254, Water Supply Study, and recommended to approve the amendment in an amount to exceed \$10,000.00.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

ACCEPT BIDS FOR 1996 VEHICLES FOR VARIOUS
DEPARTMENTS

Committee No. 3, Public Service, reported having considered the bids received for 1996 vehicles for various departments, and recommended to accept the low bids as follows: Rydell Chevrolet: 1 one-ton truck in the amount of \$19,485 less trade for net cost of \$15,985.00, 1 mid-size auto in the amount of \$14,573, less trade for a net cost of \$11,673.00; 1 mid-size auto in the amount of \$14,573 less trade for a net cost of \$10,873; Hansen Ford: 1 heavy-duty half ton pickup in the amount of \$13,604.42 less trade for a net cost of \$11,604.42; and 1 heavy-duty half ton pickup in the amount of \$13,604.42 less \$500.00 either taken on trade-in or purchase by Urban Development for a net cost of \$13,104.42.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE PURCHASE OF PROPERTY FOR FUTURE
WATER PLANT EXPANSION

Committee No. 3, Public Service, reported having considered the appraisal report by Appraisals & Real Estate Research for property acquisition for possible future water plant expansion, Project No. 4408, at 618 South 3rd Street for and in consideration of \$30,000 (1995 City Assessing Department value, \$28,000), Duane and Teresa LeTexier, grantor, and recommended to approve purchase of the property in the amount of \$30,000.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

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Committee No. 3, Public Service, reported having considered the appraisal report by Appraisals & Real Estate Research for property acquisition for possible future water plant expansion, Project No. 4408, at 610 South 3rd Street for and in consideration of \$39,000 (1995 City Assessing Department value of \$32,400), Cora P. Jorde, grantor, and recommended to approve purchase of the property in the amount of \$39,000.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

Committee No. 3, Public Service, reported having considered the appraisal report by Appraisals & Real Estate Research for property acquisition for possible future water plant expansion, Project No. 4408, at 617 South 4th Street for and in consideration of \$39,000 (1995 City Assessing Department value of \$45,000), Virginia Johnson (daughter and heir to the Ray Brekke Estate), grantor, and recommended to approve purchase of the property in the amount of \$45,000.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE PLANS AND SPECIFICATIONS, AND AUTHORIZE
CALL FOR BIDS, PROJECT NO. 4349, BIKEPATH

Committee No. 3, Public Service, reported having considered the matter of plans and specifications, Project No. 4349, bikepath along Red River, and recommended to approve plans and specifications, and to authorize call for bids.

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

AUTHORIZE PROCEEDING WITH FLOOD STUDY,
PROJECT NO. 3987

Committee No. 3, Public Service, reported having considered the matter of completion of Corps of Engineers flood study for the city of Grand Forks, and recommended to authorize proceeding with Phases 3, 4 and 5, with City

share estimated to be \$600,000.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE REVISED ENGINEER'S REPORT, PAVING
PROJECT NO. 4286, DISTRICT NO. 532

Committee No. 3, Public Service, reported having considered the matter of revised engineer's report for Project No. 4286, District No. 532, paving 24th Avenue South from South 34th Street to South 38th Street, and recommended approval of the revised engineer's report: Document No. 6680 - Report.

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

APPROVE REVISED ENGINEER'S REPORT, WATERMAIN
PROJECT NO. 4417, DISTRICT NO. 245

Committee No. 3, Public Service, reported having considered the matter of revised engineer's report for Project No. 4417, District No. 245, watermain on South 34th Street from 11th Avenue South to Baron Boulevard, and recommended approval of the revised engineer's report: Document No. 6681 - Report.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4386, DISTRICT NO. 366

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4386, District No. 366, outfall to river from Rolling Hills and Sloping Hills, and recommended to adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Klave introduced the following resolution creating the

assessment district, which was presented and read: Document No. 6682 - Resolution.

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

ACCEPT ENGINEER'S REPORT, SEWER DISTRICT
NO. 366, PROJECT NO. 4386

The city auditor presented and read the engineer's report on Sewer District No. 366, Project No. 4386: Document No. 6683 - Report.

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

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, SEWER DISTRICT NO. 366,
PROJECT NO. 4386

Council Member Klave introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 6684 - Resolution.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
PAVING DISTRICT NO. 539, PROJECT NO. 4410
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Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4410, District No. 539, paving South 34th Street and 24th Avenue South, and recommended to adopt resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 6685 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik,

Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, PAVING DISTRICT
NO. 539, PROJECT NO. 4410

The city auditor presented and read the engineer's report on Paving District No. 539, Project No. 4410: Document No. 6686 - Report.

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

ADOPT RESOLUTION OF NECESSITY, PAVING
DISTRICT NO. 539, PROJECT NO. 4410

Council Member Klave introduced the following resolution of necessity, which was presented and read: Document No. 6687 - Resolution.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
WATERMAIN PROJECT NO. 4448, DISTRICT NO. 246

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4448, District No. 246, watermain on North 43rd Street from 24th Avenue North to 26th Avenue North, and recommended to adopt resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

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Council Member Klave introduced the following resolution creating the assess- ment district, which was presented and read: Document No. 6688 - Resolution.

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

carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, WATERMAIN DISTRICT
NO. 246, PROJECT NO. 4448

The city auditor presented and read the engineer's report on Watermain District No. 246, Project No. 4448: Document No. 6689 - Report.

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

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, WATERMAIN DISTRICT NO. 246,
PROJECT NO. 4448

Council Member Klave introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 6690 - Resolution.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
PAVING PROJECT NO. 4312, DISTRICT NO. 533

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4312, District No. 533, paving 30th Avenue South from South 38th Street west, and recommended to adopt resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Byron Amundson, Amundson's Funeral Home, asked for clarification on the project description, and Mr. Vein stated project would extend to the north side of Mr. Amundson's property.

Upon call for the question, and upon voice vote, the motion carried 12 votes affirmative.

Council Member Klave introduced the following resolution creating the assess- ment district, which was presented and read: Document No. 6691 - Resolution.

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

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ACCEPT ENGINEER'S REPORT, PAVING DISTRICT
NO. 533, PROJECT NO. 4312

The city auditor presented and read the engineer's report on Paving District No. 533, Project No. 4312: Document No. 6692 - Report.

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

ADOPT RESOLUTION OF NECESSITY, PAVING DISTRICT
NO. 533, PROJECT NO. 4312

Council Member Klave introduced the following resolution of necessity, Paving District No. 533, Project No. 4312: Document No. 6693 - Resolution.

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

AWARD CONTRACT, SIDEWALK PROJECT NO. 4426

The city auditor reported that bids had been received for Sidewalk Project No. 4426, construction and/or replacement of concrete sidewalks and approaches, etc. for 1996, and presented the city engineer's tabulation of bids, indicating that Rogers Construction was the low bidder based on estimated quantities per unit price.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4426, 1996 sidewalk replacement and/or construction, and recommended that we accept the low bid of Wes Rogers Construction in the amount of \$138,745 on a unit price basis.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

AWARD CONTRACT FOR PROJECT NO. 4427, 1996
CONCRETE STREET REPAIR

Committee No. 3, Public Service, reported having considered the bids for Project No. 4427, 1996 concrete street repair, and recommended that we accept the low bid of Opp Construction in the amount of \$181,775.00.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak,

Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

AWARD CONTRACT FOR PROJECT NO. 4428, 1996
ASPHALT STREET REPAIR

Committee No. 3, Public Service, reported having considered the bids for Project No. 4428, 1996 asphalt street repair, and recommended that we accept

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the low bid of Valley Contracting Company in the amount of \$21,997.50.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

AWARD CONTRACT FOR PROJECTS NOS. 4434 AND
4436, 1996 WATERMAIN REPLACEMENT

Committee No. 3, Public Service, reported having considered the bids for Projects Nos. 4434 and 4436, 1996 watermain replacement, and recommended that we accept the flow bid of Soberaski, Inc. in the amount of \$492,425.75.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

AWARD CONTRACT FOR PROJECT NO. 4442, 1996
ADA CURB RAMPS

Committee No. 3, Public Service, reported having considered the bids for Project No. 4442, 1996 ADA curb ramps, and recommended that we accept the low bid of S. M. Kalenze Construction in the amount of \$48,800.00.

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

There was some discussion re. ADA requirements, and Mr. Swanson advised that there have been no changes adopted in the rules.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

APPROVE CLOSING OF VARIOUS PROJECTS AND
TRANSFER OF FUND BALANCES

Committee No. 4, Urban Development, reported having considered the matter of closing out individual CDBG project balances to unobligated funds, and recommended that the following remaining balances be transferred to unprogrammed funds: GFCSS Family Connections, \$295.98; Abuse and Rape Crisis, \$06.23; Centre, Inc., \$5.67; Senior Citizens Center, \$3,393.13; Berg Building, \$9.50, Adult Abuse Building, \$66.72; Adult Abuse Building, \$20.00; and 1985 unexpended administrative funds, \$77,000.77.

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

AUTHORIZE PROPER CITY OFFICIALS TO SIGN
PETITION ON BEHALF OF CITY FOR VACATION OF
EASEMENTS IN BURDICK'S RESUBDIVISION, AND
REFER TO PLANNING AND ZONING COMMISSION

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Committee No. 4, Urban Development, reported having considered the matter of the vacation of utility easement in Burdick's Resubdivision, and recommended to approve petition for vacation of the Erly. 4.7 ft. of the 20 ft. north/south sidewalk and utility easement in Lots 17 and 18, Block 2, Burdick's Resubdivision and authorize proper City officials to sign said petition on behalf of the City of Grand Forks, and to refer the petition to the Planning and Zoning Commission.

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

TABLE REQUEST FOR FINAL APPROVAL OF COLUMBIA
PARK PUD, AMENDMENT NO. 8, DETAILED DEVELOPMENT
PLAN, MULTI-FAMILY, LOTS 13 AND 14, BLOCK A,
COLUMBIA PARK 15TH ADDITION UNTIL APRIL 15

The Planning and Zoning Commission reported having considered the matter of the request from Mike Johl on behalf of Prairie Design Studio for final approval of Columbia Park PUD (Planned Unit Development) Amendment No. 8, Detailed Development Plan, Multi-Family (201 units), Lots 13 and 14, Block A, Columbia Park 15th Addition (located north of 30th Avenue South between South 34th Street and South 38th Street), and recommended tabling the request until April 15, 1996.

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

GRANT FINAL APPROVAL TO BFM PUD, DETAILED
DEVELOPMENT PLAN, FIRST STATE BANK, LOT H,
BLOCK 1, BFM 4TH RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter

of request from Gary W. Johnson of Johnson, Laffen and Meland, Architects, on behalf of the First State Bank, Buxton, ND for final approval of BFM PUD (Planned Unit Development), Detailed Development Plan, First State Bank, Lot H, Block 1, BFM 4th Resubdivision to the city of Grand Forks, ND (located in the northwest corner of 32nd Avenue South and South 25th Street), and recommended approval subject to any further special conditions that the Planning and Zoning staff may impose after further plan review.

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

INTRODUCE ORDINANCE TO ANNEX BIRKHOLZ'S
5TH ADDITION

The Planning and Zoning Commission reported having considered the matter of request from Francis Mikkelson for approval to annex to the city of Grand Forks, ND all of Birkholz's 5th Addition (located in the southwest corner of the intersection of 24th Avenue South and South 38th Street), and recommended approval of the proposed ordinance to annex, to introduce the ordinance and to set the date of the public hearing for April 1, 1996.

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

Council Member Hoepfner introduced an ordinance entitled "An ordinance to
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annex to the city of Grand Forks, North Dakota, all of Birkholz's 5th Addition and unplatted parts of the SW 1/4 NW 1/4 and the NW 1/4 SW 2/4 of Section 17 and the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 of Section 18, Township 151 North, Range 50 West of the 5th Principal Meridian", which was presented, read and passed on its first reading.

ACCEPT PETITION TO VACATE PORTION OF SIDEWALK
AND UTILITY EASEMENT IN BLOCK 2, BURDICK'S
RESUBDIVISION, AND SET DATE FOR PUBLIC HEARING

The City Planning and Zoning Commission reported having considered the matter of the petition from Community Development for approval to vacate the easterly 4.7 feet of a 10-foot wide north/south sidewalk and utility easement lying easterly of and adjoining the west line of Lot 17, Block 2, Burdick's Resubdivision, Grand Forks, North Dakota, and recommended approval of the vacation and to set the date of the public hearing for May 6, 1996.

It was moved by Council Member Glassheim and seconded by Council Member Hagness 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 12 votes affirmative.

INTRODUCE ORDINANCE TO AMEND STREET AND
HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN
AS DEDICATED ON THE PLAT OF BIRKHOLZ'S
5TH ADDITION

The City Planning and Zoning Commission reported having considered the matter of the request from Dan Mikkelson on behalf of Francis Mikkelson for preliminary approval of the plat of Birkholz's 5th Addition to the city of Grand Forks, ND, being a part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 151 North, Range 50 West of the 5th Principal Meridian (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 Street and Highway Map and to set the date of the public hearing for April 15, 1996.

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

Council Member Hoepfner 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 Birkholz's 5th Addition, being a part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 151 North, Range 50 West of the 5th Principal Meridian, Grand Forks County, North Dakota", which was presented, read and passed on its first reading.

GRANT PRELIMINARY APPROVAL OF BIRKHOLZ'S
PUD, DETAILED DEVELOPMENT PLAN, TOWNHOUSE,
AL OF BLOCK 1, BIRKHOLZ'S 5TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Dan Mikkelson on behalf of Francis Mikkelson for preliminary approval of Birkholz's PUD (Planned Unit Development), Detailed Development Plan, Townhouse, all of Block 1, Birkholz's 5th Addition (located in the southwest corner of the intersection of 24th Avenue South and South 38th Street), and recommended preliminary approval subject to special conditions

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shown on or attached to the review copy.

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

APPROVE PRELIMINARY PLAT OF REPLAT OF
BLOCK 1 AND LOTS 14 THROUGH 23, BLOCK 2,
BURDICK'S RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from Community Development for preliminary approval of a Replat of all of Block 1 and Lots 14 through 23, Block 2, Burdick's Resubdivision, Grand Forks, North Dakota (located east of North 48th Street on Burdick Court), and recommended preliminary approval subject to

special conditions shown on or attached to the review copy.

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

APPROVE PRELIMINARY PLAT OF REPLAT OF LOT
12, BLOCK 12, VALLEY PARK 2ND ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Sidney B. Bina for preliminary approval of the Replat of Lot 12, Block 12, Valley Park 2nd Addition to the city of Grand Forks, North Dakota (located east of South 20th Street on 23rd Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

ACCEPT BID FOR 3 TRANSIT COACHES

The Bus Committee reported having considered the matter of approval of bid for purchase of three (3) new low-floor transit coaches, and recommended that the bid be awarded to New Flyer Industries, Ltd. in the amount of \$694,143 (\$231,381 per coach); with award contingent upon complete "Buy America" assessment and approval of FY 1996 FTA grant.

It was moved by Council Member Hanson and seconded by Council Member Hagness that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE CHANGE IN INVESTMENT POLICY FOR
PENSION FUND ASSETS

The Pension and Insurance Committee reported having considered the matter of pension fund asset allocations, and recommended to change the investment policy for pension fund assets to allow for investment in equity of 60-90%, with an allocation of large cap 60-80%, small cap of 10-20%, international 10-20%, fixed income of 10-30% and cash of 0-30%.

It was moved by Council Member Babinchak and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson,

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Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

RECEIVE AND FILE REQUEST TO ALLOW EARLY

RETIREEES TO CONTINUE TO PURCHASE HEALTH
INSURANCE THROUGH CITY'S PLAN UNTIL
ELIGIBLE FOR MEDICARE AT AGE 65

The Pension and Insurance Committee reported having considered the matter of early retirees continuing to purchase health insurance through the City until they are covered by Medicare, and recommended to receive and file.

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

APPROVE REQUEST FOR MPO EMPLOYEES TO ENTER
CITY'S DEFINED CONTRIBUTION PENSION PLAN

The Pension and Insurance Committee reported having considered the matter of three Metropolitan Planning Organization (MPO) employees' request to join the City defined benefit pension plan, and recommended to allow the three MPO employees to enter the City's defined contribution pension plan.

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

AUTHORIZE ELIMINATING 10% CUSHION IN PENSION
FUND AND ALLOW FUND MANAGERS TO DRAW FUNDS
TO MEET NEEDS

The Pension and Insurance Committee reported having considered the matter of eliminating the 10% cushion in the pension fund accounts, and recommended to eliminate the 10% cushion and allow the fund managers to draw funds as necessary to meet needs.

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

Council Member Carpenter explained that the City has a fixed account with AETna which is there for retired employees and have in the past maintained a cushion within that account to take any fluctuations of amounts, that in the committee's determinations that cushion was costing money because earning a lower return plus they weren't going into that cushion so the opinion was that they should eliminate that cushion, vest that with our other money managers and earn a higher return, and that this shouldn't adversely affect it. He stated that if they should need additional funds, will go to our other managers and ask for that; that we are maintaining cash in too many places.

Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

EVENTS CENTER CORE COMMITTEE REPORT

Council Member Carpenter reported that the committee has elected to negotiate with Mortenson & Company to be hired as construction manager, that when the contract is negotiated that will be brought back to the

council, as well as the contract for the architects/engineers, possibly at the April 1 meeting.

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John Eickhof and Kurt Eickhof, rep. Construction Engineers and Gilbane Building Company, which is a joint venture put together for the construction management team for the events center project; appeared and protested the recommendation of the committee to award contract for construction management to an out of city/state company. John Eickhof stated that they are amazed that the City of Grand Forks is considering sending millions of dollars out of this city, as well as jobs, when the local expertise has been demonstrated to be available within the city. He stated that economic development aspect is important to the city of Grand Forks, and that has been at the forefront of the development of the proposals for the events center; and they have demonstrated a lot of initiative and foresight in the development of the project, providing information on a timely basis, etc. He stated there is no question about their qualifications and the team brought into Grand Forks to be able to do this job, reiterated the impact this would have on city of Grand Forks and that by giving to local company would enhance economic development of Grand Forks. Mr. Eickhof stated that they wanted council to know how they felt.

Council Member Carpenter reviewed the process the committee went through for selection of a construction manager and committee determined that it was in the best interest of the city of Grand Forks to hire M. A. Mortenson & Company, and are in the process of negotiating a contract with them. He stated that local contractors will be involved in the events center process; that not all the work can be done by local contractors, that entire region will participate. He stated that the committee felt that Mortenson brought best experience to the project and personnel involved brought good direct experience in similar type projects. He also stated they had some concern on the CEL/Gilbane proposal on some of the expertise. He stated that they do have a budget for this project and want to get the most facility for the budget they have, and think that Mortenson will give the City that, and still allow for local participation of contractors.

It was moved by Council Member Carpenter and seconded by Council Member Beyer for adoption of a resolution to authorize the events center core committee to have same authority as other standing committees, giving them the ability to authorize expenditures up to \$10,000 for time-saving purposes.

Council Member Carpenter reported that all voting members of the committee are council members and the mayor.

Upon roll call the following voted "aye": Council Members McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE APPOINTMENTS TO CONVENTION & VISITORS'
BUREAU

Mayor Polovitz announced the appointment of the following individuals to

the Convention & Visitors' Bureau: Bob Owens and John Marchell for terms expiring January 1, 1999; and Council Member Hanson, ex-officio member; and asked for concurrence in these appointments. It was moved by Council Member Babinchak and seconded by Council Member Beyer that these appointments be and are hereby approved. Carried 12 votes affirmative.

APPROVE APPOINTMENT OF COMMITTEE TO OVERSEE
IMPLEMENTATION OF POLICE STUDY

Mayor Polovitz announced the appointment of the following individuals to the committee to oversee implementation of police study: Council Member Sande, chairman, Council Member Glassheim, vice chair, Council Member Hagness, Chief

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Paschke, Chief Aulich and Dan Gordon, human resources director, and asked for concurrence in these appointments.

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

Council Member Babinchak reported that the Civil Service Commission would like to see representation from their Commission on this committee.

Council Member Hagness reported that Commission Member Marhula had some information that he wanted to present to the committee. Council Member Sande reported that this committee met this morning and this was discussed and that considering the number of items related to the civil service commission, it was not appropriate for the Civil Service Commission to have representation on this committee; however, the committee is planning to meet with the Commission.

Upon call for the question and upon voice vote, the motion carried 12 votes affirmative.

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented and/or referred to committee:

- 1) Council Member Carpenter presented the matter of sales tax relief for lumber yards; Mayor Polovitz referred this matter to the finance committee for consideration.
- 2) Mr. Swanson, city attorney, presented the matter of amending Section 2-0201 of the City Code relating to effective date of standing committee appointments.

INTRODUCE ORDINANCE RELATING TO THE SALE OF
CITY PROPERTY

Council Member Carpenter moved to introduce an ordinance for first reading to waive public bidding requirements for trading of real property. The motion was seconded by Council Member Beyer. Carried 12 votes affirmative.

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

ADJOURN

It was moved by Council Member Beyer and seconded by Council Member Sande that we do now adjourn. Carried 12 votes affirmative.

Respectfully submitted,

Saroj Jerath
Deputy City Auditor

Approved:

Michael Polovitz, Mayor