

**THE CITY COUNCIL  
GRAND FORKS, NORTH DAKOTA  
15, 1996**

**PROCEEDINGS OF  
OF THE CITY OF  
Monday, April**

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, April 15, 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, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; absent: Council Member Carpenter - 1.

**FLOOD UPDATE**

Ken Vein, city engineer and director of public works, gave a brief update on the flood situation: that river gauge presently at 41.0 feet, forecast for the river has been revised to 44.0 to 44.5 ft., with crest expected late this week or early next week. He stated they have started placing clay on Belmont Road at 15th Avenue South and Belmont Road will be raised to 46.0 ft. He reported that sandbag operations going very smoothly at Public Works Facility, will be preparing approx. 75,000 sandbags on pallets and have semi's for transporting to various locations; that EOC is at 24-hour day operation and engineering will also be staffing 24-hour day and assisting where need be. He stated that sluice gates, flap gates and pumps in place and are monitoring.

**MAYOR'S ANNOUNCEMENT**

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.

**APPROVE MINUTES MARCH 18, APRIL 1 AND 9, 1996**

Typewritten copies of the minutes of the adjourned meeting of the city council held on March 18, 1996, the regular meeting held on April 1, and the special meeting of the council held on April 9, 1996, were presented and read. It was moved by Council Member Hoepfner and seconded by Council Member Hagness that these minutes be approved as read. Carried 13 votes affirmative.

**ADOPT ORDINANCE NO. 3575, ANNEXING ALL OF  
BIRKHOLZ'S 5TH ADDITION AND UNPLATTED PARTS**

An ordinance entitled "An ordinance to 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-1/4 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 had been introduced and passed on first reading on March 18, 1996, and upon which public hearing had been continued until this evening, was presented and read for consideration on second reading and final passage.

The city auditor exhibited affidavit of publication of notice to the public that the petition for annexation had been filed with the city council and had been published as required.

Upon call for the question of adoption of this ordinance and upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

APPROVE FINAL PLAT; AND ADOPT ORDINANCE NO. 3576,  
TO AMEND THE STREET AND HIGHWAY PLAN TO INCLUDE  
THE PUBLIC R/W SHOWN AS DEDICATED ON THE PLAT OF  
BIRKHOLZ'S 5TH ADDITION  
14420  
April 15, 1996

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 had been introduced and passed on its first reading on March 18, 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 the request from Dan Mikkelson on behalf of Francis Mikkelson for final 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 final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Street and Highway Plan.

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

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

ADOPT ORDINANCE NO. 3577, AMENDING ZONING  
MAP 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

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 and second reading of the ordinance had been continued until this evening, was presented and read for consideration on second reading.

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 the 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 include within the Columbia Park PUD, Concept Development Plan, Amendment No. 8, Lot 14, Block A, Columbia Park 15th Addition to the

14421

April 15,

1996

city of Grand Forks, ND (located in the northwest corner of South 34th Street and 30th Avenue South), 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 Sande that this recommendation be and is hereby approved. Carried 13 votes affirmative.

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, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

APPROVE FINAL PLAT; AND ADOPT ORDINANCE NO.  
3578, AMENDING STREET AND HIGHWAY PLAN TO  
INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON PLAT  
OF MAIER'S THIRD ADDITION

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 and second reading of the ordinance had been continued until this evening, was presented and read for consideration on second reading and final passage.

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 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 final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Street and Highway Plan.

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

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, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

ADOPT ORDINANCE NO. 3579, ADOPTING BY  
REFERENCE THE UNIFORM FIRE CODE (UFC), 1994  
EDITION, AND AMENDMENTS THERETO

An ordinance entitled "An ordinance amending and re-enacting Section 12-0201 of the Grand Forks City Code relating to the adoption by reference of the Uniform Fire Code (UFC), 1994 Edition, providing for the issuance of permits and collections of fees therefor, providing penalties for a violation thereof and repealing the section heretofore effective", which had been introduced and passed on its first reading on April 1, 1996, was presented and read for consideration on seconded reading and final passage.

14422

April 15, 1996

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, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

ADOPT ORDINANCE NO. 3580, RELATING TO  
GARBAGE COLLECTION AND DUMPING FEES

An ordinance entitled "An ordinance amending Sections 13-0408 and 13-0502 of the Grand Forks City Code relating to garbage collection and dumping fees", which had been introduced and passed on its first reading on April 1, 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, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

DETERMINE INSUFFICIENCY OF PROTEST ON  
PAVING DISTRICT NO. 532, PROJECT NO. 4286

The city auditor reported that the period for filing protests on the resolution of necessity for Paving District No. 532, Project No. 4286, paving of 24th Avenue South from South 34th Street to South 38th Street, had expired on April 12, 1996, and that he had received written protest from the owners of Lot 8, Block 3, Birkholz's 4th Addition.

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

Council Member Beyer introduced the following resolution as to protests which was presented and read: Document No. 7010 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Geller that we do hereby find and determine an insufficiency of protest against Paving District No. 532, Project No. 4286, and further that the resolution be and is hereby adopted. Carried 13 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF  
TOTAL COST AND AWARD CONTRACT, PAVING  
PROJECT NO. 4286, DISTRICT NO. 532

The city auditor presented and read tabulation of bids which had been received and opened on April 8, 1996 for Paving Project No. 4286, District No. 532, paving of 24th Avenue South from South 34th Street to South 38th Street, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$249,129.50: Document No. 7011 - Bid Tabulation.

The city engineer's estimate of total cost for Paving Project No. 4286, District No. 532, in the amount of \$317,000, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of project construction bids for Project No. 4286, District No. 532, paving 24th Avenue South, 3400-3800 blocks, and recommended that we accept the low bid of Valley Contracting Company in the amount of \$149,129.50.

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

14423

1996

April 15,

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7012 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this resolution awarding the contract for Paving Project No. 4286, District No. 532, to Valley Contracting Company be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

It was moved by Council Member Beach and seconded by Council Member Hoepfner that the consent agenda items be referred to committee as noted for consideration. Carried 13 votes affirmative.

Finance Committee:

- 1) request for tax increment financing by EAPC
- 2) request by Central Business District for transfer of funds to purchase properties at Division and South 4th Street.
- 3) matter of driving review board and City's vehicle policy.
- 4) matter of worker's compensation refund check.

Public Safety Committee:

- 1) matter of driving review board and City's vehicle policy.
- 2) matter of change orders for Central Fire Station Dormitory Project 4474.

Public Service Committee:

- 1) matter of driving review board and City's vehicle policy.

Planning and Zoning Commission:

- 1) matter of plat, zoning and creating of urban renewal plan for DeMers English Coulee Center II by EAPC.

REPORTS OF OFFICERS

The city auditor's statement of changes in cash balances as of March 31, 1996, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Glassheim that this report be and is hereby received and filed. Carried 13 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 had held a public hearing in City Hall on Thursday, March 28, 1996, that notice had been published as required and that the following appeals were heard: 1) Robert and Danelle Caulfield, 1497 South 35th Street, request for variance to the side yard setback requirements to erect a new dwelling, which was approved allowing a side yard setback of 7 ft. and a total combined side yard setback of 18 ft.; 2) Valdak Corporation (Valley Dairy Car Wash), 324 North Washington Street, request for variance to the front yard, second front yard, and corner setback requirements to erect a cashier booth, which was approved allowing the second front yard setback to be zero feet; 3) Sharon Lutheran Church, 1720 South 20th Street, request for variance to the impervious surface area requirements to erect an addition to the building and parking, which was approved allowing impervious surface area to be 15% of the lot area; and 4) Lloyd and Shirley Welsh, 1710 North 7th Street, request for variance to the parking and buffer yard requirements to erect a 6-plex apartment building, which was approved allowing parking in the front yard without setback or buffer yard in that area.

14424

April 15, 1996

It was moved by Council Member Hanson and seconded by Council Member Sande that this report be and is hereby received and filed. Carried 13 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 96-06, dated April 15, 1996, and totaling \$545,867.64, 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 Klave 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, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the bills ordered paid.

RECEIVE AND FILE REQUEST FOR SALES TAX  
RELIEF FOR LUMBER YARDS

Committee No. 1, Finance, reported having considered the matter of sales tax relief for lumber yards (request withdrawn), and recommended to receive and file.

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

APPROVE GRANT APPLICATION BY GRAND FORKS  
HISTORIC PRESERVATION COMMISSION FOR 1996

Committee No. 1, Finance, reported having considered the matter of grant application by Grand Forks Historic Preservation Commission for 1996, and recommended to approve and to authorize proper City officials to sign the grant application.

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

REFER MATTER OF POLICY RE. DRAW-DOWN OF SICK  
LEAVE/WORKER'S COMPENSATION BACK TO COMMITTEE

Committee No. 1, Finance, reported having considered the matter of policy on draw-down of sick leave after worker's compensation, and recommended to approve the new policy as presented: 1) that from the date and time of the injury the employee must use either sick, vacation or compensatory time for the hours lost, this will have a cap of 3 weeks or 120 hours); 2) if and when the employee participates in a return to duty position, the employee will ear 100% of their pay and not be required to use sick, vacation or compensatory time; and 3) if the employee's claim is approved, 2/3rds of the used time will be credited back to the employee's leave bank.

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

Council Members Babinchak and Geller asked that this matter be sent back to committee; and the matter was so referred.

APPROVE EXTENSION OF LEASE WITH STATE HIGHWAY  
PATROL FOR RENTAL OF SPACE AT POLICE BUILDING

14425

April 15,

1996

Committee No. 1, Finance, reported having considered the matter of extension of lease with State Highway Patrol, and recommended to authorize the proper City officials to enter into the lease extension with the North Dakota Highway Patrol.

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

APPROVE APPLICATIONS FOR 3-YEAR REMODELING  
EXEMPTIONS

Committee No. 1, Finance, reported having considered the applications for 3-year remodeling exemption: a) First National Bank, 12 North 4th Street; b) Scott J. Imberi, 412 South 5th Street; c) Monte L. Phillips, 820 North 25th Street (May 1993); d) Monte L. Phillips, 820 North 25th Street (June 1995); and e) Thomas Hagness, 1423 11th Avenue South, and recommended to approve the applications.

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

Council Member Hagness asked to be excused from voting on this matter; it was moved by Council Members Babinchak and Klave to excuse Council Member Hagness from voting on this issue. Carried 12 votes affirmative.

Upon call for the question, and upon voice vote, the motion carried 12 votes affirmative; Council Member Hagness abstaining.

BUDGET AMENDMENT

A request to amend the budget for Development & Resources in the amount of \$2,880.00 to use cash carryover for 1996 expenses was presented to the council. It was moved by Council Member McCabe and seconded by Council Member Babinchak that this amendment be and is hereby approved. Carried 13 votes affirmative.

INTRODUCE ORDINANCE AMENDING EFFECTIVE DATE  
OF APPOINTMENT OF PRESIDENT/VICE PRESIDENT OF  
COUNCIL AND STANDING COMMITTEES

Committee No. 1, Finance, reported having considered the matter of amending Section 2-0201 of the City Code relating to effective date of



standing committee appointments, and recommended to introduce ordinance for first reading amending the City Code to change the appointment date from May 1 to August 1.

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

Council Member Hanson introduced an ordinance entitled "An ordinance amending Grand Forks City Code Sections 2-0103 relating to president and vice president of council and Section 2-0201 relating to standing committees", which was presented, read and passed on its first reading.

AUTHORIZE ENTERING INTO JOINT POWERS AGREEMENT  
WITH PARK DISTRICT, AND ALLOCATE FUNDING FOR  
ACQUISITION AND INSTALLATION OF BLEACHERS, ETC.  
FOR KRAFT FIELD  
14426  
April 15, 1996

Committee No. 1, Finance, reported having considered the matter of funding for professional baseball (Grand Forks Varmints), and recommended that the City enter into a joint powers agreement with the Park District, and allocate up to \$65,000 from the Loan and Stabilization Fund for the acquisition and installation of bleachers and for the rental of portable restroom facilities, concession stands and related facilities.

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

Council Member Geller asked to be excused from voting on this matter because of a conflict of interest. It was moved by Council Members Babinchak and Hanson that Council Member Geller be excused from voting on this matter. 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, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 12; voting "nay": none; and Council Member Geller abstaining.

APPROVE APPLICATION FOR RENEWAL OF BEER  
LICENSE FOR GRAND FORKS FAIR & EXHIBITION  
ASSOCIATION

Committee No. 2, Public Safety, reported having considered the application by Grand Forks Fair & Exhibition Assn. for renewal of beer license, and recommended to approve the application and grant renewal of the license contingent upon approval by the police, fire and health departments.

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

ADOPT RESOLUTION RECOGNIZING AMERICAN  
ASSOCIATION OF AIRPORT EXECUTIVES/UND AS  
PUBLIC-SPIRITED ORGANIZATION ELIGIBLE TO

CONDUCT GAMING, AND APPROVE PERMIT

Committee No. 2, Public Safety, reported having considered the application for gaming permit by American Association of Airport Executives/UND for raffle on June 6, 1996, and recommended to adopt a resolution recognizing this group as a public-spirited organization eligible to conduct gaming, and to approve the application and grant the permit.

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

Council Member Johnson introduced the following resolution which was presented and read: Document No. 7013 - Resolution.

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

RECEIVE AND FILE REQUEST FOR PAYMENT OF  
OVERTIME TO SERVE ON TASK FORCE FOR  
IMPLEMENTATION OF POLICE CONSULTANT'S STUDY

Committee No. 2, Public Safety, reported having considered the matter of payment of overtime for police officers serving on task force for implementation of police consultant's study, and recommended to receive and file.

14427

April 15,

1996

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

ACCEPT BIDS FOR MOSQUITO CONTROL PROGRAM

Committee No. 2, Public Safety, reported having considered the matter of bids for chemicals for mosquito control program, and recommended to accept the 1996 bid prices for chemicals for mosquito control from Cornbelt Chemical Company.

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

Committee No. 2, Public Safety, reported having considered the matter of bids for equipment for mosquito control program, and recommended to authorize health department staff to continue negotiations with Rydell Chevrolet to lease vehicles for this program at price within 10% of last year's prices and to enter into lease agreement for the 4-month period.

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

#### APPROVE BUDGET AMENDMENT

A request to amend budget for Communicable Disease in the amount of \$3,465.00 to reflect additional funds received from United Hospital Auxiliary for Immunization Coalition materials, and a request to amend the budget for Communicable Disease in the amount of \$4,847 to transfer funds from 1995 Cash Carryover, were presented and read. It was moved by Council Member Johnson and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 13 votes affirmative.

#### APPROVE VARIANCE TO NOISE ORDINANCE

Committee No. 2, Public Safety, reported having considered the request from Walshstock '96 Committee for variance to the noise ordinance for an event scheduled for April 20, 1996, on UND Campus, and recommended to grant extension of noise ordinance to 12:00 midnight.

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

#### APPROVE EASEMENTS

Committee No. 3, Public Service, reported having considered the matter of sanitary sewer and temporary construction easements for Project No. 4337 located in 3300 block of 11th Avenue South, for and in consideration of the sum of \$1.00, Grand Forks Park District, grantor, and recommended that we accept the easements and authorize proper City officials to sign said easements.

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

14428

April 15, 1996

Committee No. 3, Public Service, reported having considered the matter of watermain easement for Project No. 4417, located at South 34th Street from 11th Avenue South to Baron Blvd., for and in consideration of the sum of \$1.00, Grand Forks Park District, grantor, and recommended that we accept the easement and authorize proper City officials to sign said easement.

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

#### AUTHORIZE FUNDING FOR METHANE MONITORING PROGRAM AT LANDFILL

Committee No. 3, Public Service, reported having considered the matter of methane monitoring program at landfill, and recommended to approve a maximum of \$10,000 for the program.

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 Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE CHANGE ORDER FOR PROJECT NO. 3945,  
HIGHWAY 2 BEAUTIFICATION

Committee No. 3, Public Service, reported having considered the matter of change order for Project No. 3945, Highway 2 Beautification, to provide signing at the entrance to Swangler's and Weekley's salvage yards, and recommended to approve the change order in the amount of \$2,156.92.

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 Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE AMENDMENT NO. 1 TO ENGINEERING  
SERVICES AGREEMENT, PROJECT NO. 4371,  
WASTEWATER TREATMENT STUDY

Committee No. 3, Public Service, reported having considered the matter of Amendment No. 1 to engineering services agreement, Project No. 4371, Wastewater Treatment Study, by KBM, Inc., and recommended to approve the amendment to the agreement in an amount not to exceed \$8,960.50.

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 Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

AUTHORIZE ENTERING INTO AGREEMENT FOR  
ENGINEERING SERVICES FOR WASTEWATER PROJECT  
NO. 4439

Committee No. 3, Public Service, reported having considered the matter of engineering services agreement for Wastewater Project No. 4439, new or revised lift station, and recommended to approve the agreement with Webster, Foster & Weston in an amount not to exceed \$19,434.00 for the study and report phase of the project.

14429

1996

April 15,

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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

AUTHORIZE CITY'S PARTICIPATION IN UND CAMPUS  
STORM WATER STUDY

Committee No. 3, Public Service, reported having considered the matter of East Campus Storm Water Study, and funding, and recommended to approve participation in the study and funding for the project in the amount of \$10,000, with funds from cash carryover in the stormwater fund, and approve transfer of the funds.

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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE AMENDMENT NO. 3 TO ENGINEERING SERVICES  
AGREEMENT FOR PROJECT NO. 3941, SOUTH END  
DRAINAGE FACILITY

Committee No. 3, Public Service, reported having considered the matter of Amendment No. 3 to engineering services agreement for south end drainage facility, Project No. 3941, and recommended to approve the amendment to the engineering services agreement with CPS, Ltd. in an amount not to exceed \$127,396.00.

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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE FINAL NDDOT CHANGE ORDER, PROJECT  
NO. 4126, 32ND AVENUE SOUTH

Committee No. 3, Public Service, reported having considered the matter of final NDDOT Change Order No. 13, Project No. 4126, 32nd Avenue South, and recommended to approve the change order as follows: \$150.83 increase and \$434.35 deduct, for a net deduct of \$283.52.

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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

RECEIVE TABULATION OF BIDS, ESTIMATE OF  
TOTAL COST AND AWARD CONTRACT, WATERMAIN

PROJECT NO. 4417, DISTRICT NO. 245

The city auditor presented and read tabulation of bids which had been received and opened on April 8, 1996 for Watermain Project No. 4417, District No. 245, watermain on South 34th Street from 11th Avenue South to Baron Blvd., indicating that Soberaski, Inc. was low bidder based upon their bid in the amount of \$62,075.50: Document No. 7014 - Bid Tabulation.

14430  
April 15, 1996

The city engineer's estimate of total cost for Watermain Project No. 4417, District No. 245, in the amount of \$79,000, was presented and read.

Committee No. 3, Public Service, reported having considered the project construction bids for Project No. 4417, District No. 245, watermain on South 34th Street, and recommended that we accept the low bid of Soberaski, Inc. in the amount of \$62,075.50.

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

Council Member Klave introduced the following resolution which was presented and read: Document No. 7015 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hamerlik that this resolution awarding the contract for Watermain Project No. 4417, District No. 245, to Soberaski, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
PAVING PROJECT NO. 4475, DISTRICT NO. 540

Committee No. 3, Public Service, reported having considered the matter of creating assessment district for Project No. 4475, Paving District No. 540, paving on 30th Avenue South from South 34th Street to South 38th Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and further 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 13 votes affirmative.

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 7016 - 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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, PAVING DISTRICT  
NO. 540, PROJECT NO. 4475

The city auditor presented and read the engineer's report on Paving District No. 540, Project No. 4475: Document No. 7017 - Report.

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

ADOPT RESOLUTION OF NECESSITY, PAVING  
DISTRICT NO. 540, PROJECT NO. 4475

14431

April 15,

1996

Council Member Klave introduced the following resolution of necessity, which was presented and read: Document No. 7018 - 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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
PAVING PROJECT NO. 4483, DISTRICT NO. 541

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4483, Paving District No. 541, paving in Mighty Acres, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and further 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 13 votes affirmative.

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 7019 - 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 Beach, McCabe, Hoepner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller,

Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, PAVING DISTRICT  
NO. 541, PROJECT NO. 4483

The city auditor presented and read the engineer's report on Paving District No. 541, Project No. 4483: Document No. 7020 - Report.

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

ADOPT RESOLUTION OF NECESSITY, PAVING  
DISTRICT NO. 541, PROJECT NO. 4483

Council Member Klave introduced the following resolution of necessity, which was presented and read: Document No. 7021 - 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 Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

RECEIVE AND FILE REQUEST FOR FENCE AT  
509 SOUTH 3RD STREET  
14432  
April 15, 1996

Committee No. 4, Urban Development, reported having considered the request for fence from John Buegel, 509 South 3rd Street, and recommended to receive and file.

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

AUTHORIZE OFFERING PROPERTY AT 317 MINNESOTA  
AVENUE FOR SALE AND/OR DEMOLITION

Committee No. 4, Urban Development, reported having considered the matter of demolition of house at 317 Minnesota Avenue, and recommended to relocate tenant through housing assistance program, put property up for bid, and if receive acceptable bid, sell the house, or if not, to demolish the building.

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

APPROVE ALLOCATION OF FUNDS FOR STOREFRONT  
PROJECTS

Committee No. 4, Urban Development, reported having considered the matter of storefront applications, and recommended approval of the allocation of



funds as follows: 1) 424 DeMers Avenue, Unique Impressions, \$2,000; 2) 211 South 4th Street, American Building, \$-0-; 3) 231 South 3rd Street, Windmill Building, \$2,500; 4) 415 DeMers Avenue, Empire Theatre, 20,000; 5) 419 DeMers Avenue, Empire Theatre, \$5,000; 6) 124 North 3rd Street, GF Mercantile Building, \$7,000; 7) 114 North 3rd Street, Dacotah Arms, \$5,000; 8) 137 South 3rd Street, Steen Building, \$-0-; 9) 311 Kittson Avenue, Hoffman Building, application withdrawn; 10) 311 Kittson Avenue, Hoffman Building, application withdrawn; and 11) 18 North 4th Street, Creative Camera, \$3,500; for a total of \$45,000.

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

SUSPEND AGENDA AND CONSIDER MATTER OF  
SELECTING NAME FOR EVENTS CENTER

It was moved by Council Member Hagness and seconded by Council Member Beach that we suspend the order of the agenda and consider agenda item relating to the naming of the events center. Carried 13 votes affirmative.

SELECT "THE AURORA" AS NAME OF EVENTS CENTER

The Events Center Core Committee reported having considered the matter of the name of the events center, and recommended to the city council that the name be "The Aurora".

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

Council Member Babinchak stated her opposition to the name "The Aurora" based on public input, which was about 80-90% against.

Winnifred Danks, 2505 13th Avenue South, appeared and opposed the name,

14433

April 15,

1996

stating that no one can relate to the proposed name and about 95% of people she talked to are against it.

Gene Schneeweis stated that he has talked to lot of individuals who are against the name, need something that's going to represent the citizens of Grand Forks.

Council Member Glassheim also stated his opposition to the proposed name.

Scott McLain, 3460 24th Avenue South, stated "what's in a name?", events center going to cost just as much; and that he is in favor of The Aurora, and hopes they agree on a name.

Cyd Maattala, 3004 South 11th Street, stated he is a new resident of the

city, plans to make this his permanent home, and wanted to speak to the issue, gives perspective of an outsider moving into the area, and has been 25-year student of the architectural history of the midwest, specifically exotic architect built for visionary and economic purposes, that trend is to avoid corporate events centers; that trend is for regional centers in order to succeed. He stated that the city plays secondary role, is almost invisible in support of these big centers but is memory that will outlive the location, the object of the event, the object of the destination that will market the center. He stated that the marketing committee was right on track with the name, may be highest and best name to come out of any work they do now or later; and that the Aurora is a well chosen name.

Ben Hart, director of Convention & Visitors Bureau, and chairman of the marketing committee, stated that he feels that The Aurora is best name for the events center.

Bob Gustafson, 2960 Columbine Court, stated that from personal point of view is in favor of the name The Aurora, and encouraged support of the name.

After further discussion, Council Member Geller called for the question, carried 13 votes affirmative.

Upon roll call vote on the motion the following voted "aye": Council Members Sande, Klave, Beyer, Geller, Johnson, Hagness, Beach, McCabe, Hamerlik, Hanson - 10; voting "nay": Council Members Babinchak, Hoepfner, Glassheim - 3. Mayor Polovitz declared the motion carried.

5-MINUTE RECESS

Mayor Polovitz called a five-minute recess at approx. 8:45 p.m. The meeting reconvened at 8:50 p.m. with all members present.

APPROVE COLUMBIA PARK PUD, AMENDMENT NO.  
8, DETAILED DEVELOPMENT PLAN, MULTI-FAMILY,  
LOTS 13 AND 14, BLOCK A, COLUMBIA PARK 15TH  
ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Mike Juhl 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 final 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 13 votes

14434

April 15, 1996

affirmative.

INTRODUCE ORDINANCE TO ANNEX ALL OF MAIER'S

THIRD ADDITION TO THE CITY OF GRAND FORKS

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 approval to annex to the city of Grand Forks, ND all of Maier's Third Addition to the city of Grand Forks, ND (located between 12th Avenue South and 15th Avenue South and between South 48th Street and South 52nd Street, and recommended approval of the ordinance to annex, to introduce the ordinance 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. Carried 13 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, all of Maier's Third Addition, Grand Forks, North Dakota", which was presented, read and passed on its first reading.

APPROVE INDUSTRIAL 2ND PUD, DETAILED  
DEVELOPMENT PLAN, LIGHT AIRCRAFT ASSEMBLY/  
MANUFACTURING, LOT 3, BLOCK 1, MAIER'S THIRD  
ADDITION

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 preliminary and final approval (fast track) of Industrial 2nd PUD (Planned Unit Development), Detailed Development Plan, Light Aircraft Assembly/ Manufacturing, Lot 3, Block 1, Maier's Third Addition to the city of Grand Forks, ND (located west of South 48th Street between 12th and 15th Avenues South), and recommended final 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 13 votes affirmative.

APPROVE BIRKHOLZ'S PUD, DETAILED DEVELOPMENT  
PLAN, TOWNHOUSE, ALL 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 final 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 final 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 13 votes affirmative.

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

The Planning and Zoning Commission reported having considered the matter of

14435

April 15,

1996

the request from Community Development for final 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 final 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 13 votes affirmative.

APPROVE PRELIMINARY AND FINAL PLATS OF  
REPLAT OF LOTS 8 AND 9, BLOCK E, WESTWARD  
ACRES SUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from Pribula Engineering on behalf of Andrew E and Michael D. Swanson for preliminary and final approval (fast track) of a Replat of Lots 8 and 9, Block E, Westward Acres Subdivision to the city of Grand Forks, North Dakota (located in the northeast corner of South Columbia Road and 9th Avenue South), and recommended final 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 13 votes affirmative.

APPROVE PRELIMINARY AND FINAL PLATS OF REPLAT  
OF LOT 3, BLOCK 1, LARRY'S RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Steven and Deborah Flatten for preliminary and final approval (fast track) of a Replat of Lot 3, Block 1, Larry's Resubdivision to the city of Grand Forks, North Dakota (located in the southeast corner of 2nd Avenue North and North 10th Street), and recommended final 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 13 votes affirmative.

INTRODUCE ORDINANCE TO ANNEX A PORTION OF  
PERKINS THIRD ADDITION AND AN UNPLATTED PORTION  
OF THE NE QUARTER OF SECTION 20, T151N, R50W OF  
THE 5TH PRINCIPAL MERIDIAN

The Planning and Zoning Commission reported having considered the matter of the request by John Moosbrugger on behalf of the Perkins Land Company for approval to annex to the city of Grand Forks, North Dakota a portion of Perkins Third Addition and an unplatted portion of the Northeast

Quarter of Section 20, T151N, R50W of the 5th Principal Meridian, and recommended approval of the ordinance to annex, to introduce the ordinance 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. Carried 13 votes affirmative.

Council Member Hagness introduced an ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, a portion of Perkins Third Addition to the city of Grand Forks, North Dakota, and an unplatted portion of 14436  
April 15, 1996

the Northeast Quarter of Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND ZONING MAP  
TO INCLUDE WITHIN DANKS' PUD, CONCEPT  
DEVELOPMENT PLAN, ALL OF THE EAST HALF OF  
EAST HALF OF SECTION 7, T151N, R50W OF THE  
5TH PRINCIPAL MERIDIAN

The Planning and Zoning Commission reported having considered the matter of the request from Jerry Pribula on behalf of Keith Danks, etal, for preliminary approval of an ordinance to amend the zoning map to exclude from the A-1 (Limited Development) District and to include within Danks' PUD (Planned Unit Development), Concept Development Plan, all of the East Half of the East Half of Section 7, Township 151 North, Range 50 West of the 5th Principal Meridian (located between DeMers Avenue and 17th Avenue South and between South 42nd Street and Interstate 29), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for May 6, 1996.

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

Council Member Hagness introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-1 (Limited Development) District and to include within Danks' PUD (Planned Unit Development), Concept Development Plan, all of the East Half of the East Half of Section 7, Township 151 North, Range 50 West of the 5th Principal Meridian, Grand Forks, North Dakota", which was presented, read and passed on its first reading.

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

The Planning and Zoning Commission reported having considered the matter of request from Jerry Pribula on behalf of Keith Danks and Jeff Hussey for preliminary approval of the plat of Danks' Second Resubdivision,

being a part of the East Half of the East Half of Section 7, Township 151 North, Range 50 West of the 5th Principal Meridian and all of Eastburn Subdivision, Grand Forks, North Dakota (located between DeMers Avenue and 17th Avenue South and between South 42nd Street and Interstate 29), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Plan and to set the date of the public hearing for May 6, 1996.

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

Council Member Hagness 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 Danks' Second Resubdivision to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

14437

April 15,

1996

INTRODUCE ORDINANCE TO AMEND ZONING  
MAP TO INCLUDE WITHIN PERKINS THIRD PUD,  
CONCEPT DEVELOPMENT PLAN, ALL THAT PORTION  
OF THE NE QUARTER OF SECTION 20, T151N, R50W  
OF THE 5TH P.M., LESS ALL OF PERKINS 1ST  
ADDITION AND UNRECORDED PERKINS SECOND ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from John Moosbrugger on behalf of Perkins Land Company for preliminary approval of an ordinance to amend the Zoning Map to exclude from a portion of Perkins 2nd PUD (Planned Unit Development) Concept Development Plan and from the A-1 (Limited Development) District and to include within Perkins Third PUD (Planned Unit Development), Concept Development Plan, all that portion of the Northeast Quarter of Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian, less all of Perkins 1st Addition and unrecorded Perkins Second Addition (located between approximately 35th Avenue South and 40th Avenue South and between South Columbia Road and South 34th Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for May 6, 1996.

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

Council Member Hagness introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from a portion of Perkins 2nd PUD (Planned Unit Development), Concept Development Plan and from the A-1 (Limited Development) District and to include within Perkins Third PUD (Planned Unit Development) Concept Development Plan, all that portion of the Northeast Quarter of

Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian, Grand Forks, North Dakota less all of Perkins 1st Addition and unrecorded Perkins Second Addition", which was presented, read and passed on its first reading.

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

The Planning and Zoning Commission reported having considered the matter of the request from John Moosbrugger on behalf of Perkins Land Company for preliminary approval of the plat of Perkins Third Addition to the city of Grand Forks, ND, being a portion of the Northeast Quarter of Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian (located generally between South Columbia Road and South 31st Street and on each side of 36th Avenue 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 Plan 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. Carried 13 votes affirmative.

Council Member Hagness 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 Perkins Third Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

14438  
April 15, 1996

GRANT PRELIMINARY APPROVAL TO PERKINS THIRD PUD, DETAILED DEVELOPMENT PLAN, MULTI-FAMILY, ALL OF BLOCK 3, PERKINS THIRD ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Dan Stauss of Hampton Corporation on behalf of Perkins Land Company for preliminary approval of Perkins Third PUD (Planned Unit Development), Detailed Development Plan, Multi-Family, all of Block 3, Perkins Third Addition to the city of Grand Forks, ND (located southeast of the intersection of South 31st Street and 36th 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 13 votes affirmative.

APPROVE 1996 FEDERAL TRANSIT ADMINISTRATION GRANT AWARD

The Bus Committee reported having considered the matter of approval of 1996 Federal Transit Administration grant award, and recommended approval

of Project ND-90-X038 in the amount of \$491,484, and authorization of all proper officials to sign documents.

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

APPROVE AGREEMENT TO TRANSFER EAST GRAND  
FORKS FTA CAPITAL FUNDS FOR FY 1997

The Bus Committee reported having considered the matter of approval of agreement to transfer East Grand Forks FTA capital funds to Grand Forks for FY 1997, and recommended approval of agreement between Grand Forks and East Grand Forks to transfer East Grand Forks FTA capital funds to Grand Forks for FY 1997, subject to approval by city attorney.

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

COUNCIL MEMBER GELLER EXCUSED

RECEIVE AND FILE MATTER OF PART-TIME  
RE-EMPLOYMENT OF RETIREES

The Pension/Insurance Committee reported having considered the matter of part-time re-employment of retirees, and recommended that the matter be received and filed.

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

REPORT FROM EVENTS CENTER COMMITTEE

Council Member Beach reported that since the last council meeting committee

14439

1996

April 15,

has met three times and has dealt with matter of contracts, that the committee on the 42nd Street Study Committee met at Century School last week, and that the Core Committee will continue to meet every Wednesday.

COUNCIL MEMBER GELLER REPORTED BACK

APPROVE CONTRACT FOR ARCHITECTURAL  
SERVICES FOR EVENTS CENTER

The Events Center Core Committee reported having considered the matter of the contract for architectural services for the events center, and recommended that the City approve the contract with Johnson Laffen



Melland, Architects, Ltd. and Schoen Associates, Inc. for 6.25% of the actual construction costs for basis services and 1.75% of construction costs for extra services and approved reimbursable expenses, and authorize the appropriate City officials to sign, pending the city attorney's approval.

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

Mayor Polovitz suggested that inasmuch as the council has not had opportunity to review figures and discuss, a special meeting of the council could be held later this week.

Ken Vein, director of public works/city engineer, reported that a lot of time had been spent by staff in negotiations, reviewed figures for the various services, and stated in order to keep project on time-frame, staff feels numbers appropriate, negotiated \$1 Million off original proposals. He stated that part of the process involved is putting together the entire scope of the project, including cost estimates, time tables and the CM (construction manager) is hired specifically to do that, they have had meetings to look at all the different pieces to define what the final cost is and what we can build and have to scale building accordingly. He stated they need to have contracts approved to continue with process of determining exactly what we can build and the dollar amount, that there are a lot of additional costs involved besides normal construction costs. He stated that contracts based on percentage of construction, if building costs less than projected cost, percentage remains same but cost would go down.

Mr. Swanson reported that he has only reviewed preliminary drafts of contracts for these professionals, some of the areas where he is quite certain there will be further discussion includes not only basis contract language, but areas of insurance, indemnification, reimbursable expenses, issues of arbitration, and attempts to limit damages and form of the contract. He stated his office will review further drafts as they are received from the various professionals. Mr. Vein reported they have received final drafts on two of the contracts today.

After further discussion and upon call for the question the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

APPROVE CONTRACT FOR ENGINEERING SERVICES  
FOR THE EVENTS CENTER

The Events Center Core Committee reported having considered the matter of the contract for engineering services for the events center, and recommended that the City approve the hourly rate contract with CPS, Ltd. not to exceed a maximum of \$134,099, and authorize the appropriate City officials to sign, pending the approval of the city attorney.

14440

April 15, 1996

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 Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

APPROVE CONTRACT FOR CONSTRUCTION MANAGEMENT  
SERVICES FOR THE EVENTS CENTER

The Events Center Core Committee reported having considered the matter of the contract for construction management services for the events center, and recommended that the City approve the contract with M. A. Mortenson Company with a fixed fee of \$1,121,109, estimated personnel costs of \$1,790,889, and estimated reimbursable expenses of \$355,621, and authorize the appropriate City officials to sign, pending the approval of the city attorney.

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 Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

DECLARE MATTER OF RENAMING SOUTH 42ND  
STREET CONTROVERSIAL

Council Member Hagness reported that at the May 1 meeting of the Planning and Zoning Commission they will consider a replat of area which includes South 42nd Street and need to rename that street on the replat, and moved that South 42nd Street from DeMers Avenue to South 38th Street be named Aurora Boulevard. The motion was seconded by Council Member McCabe.

Council Member Hamerlik suggested including all of 42nd Street.

Council Member Beach moved an amendment to the motion to go from South 38th Street to the northernmost part of 42nd Street within the city limits; seconded by Council Member McCabe.

Council Member Glassheim stated that this matter should go through regular process, and that the matter is controversial. There was no further discussion.

DIRECT CIVIL SERVICE COMMISSION TO START  
PROCESS TO ESTABLISH PROMOTIONAL REGISTERS  
FOR SERGEANT, LIEUTENANT AND CAPTAIN POSITIONS  
IN POLICE DEPARTMENT

Council Member Sande reported that several weeks ago the council voted to hold the promotional process for police department and the Implementation Committee would like to ask the council to direct Civil Service to re-start the pro-motion process, and moved that the council direct the Civil Service Commission to re-start promotional process to establish a register for sergeant, lieutenant and captain positions. The motion was seconded by Council Member Hoepfner. Carried 12 votes affirmative; Council Member Babinchak voted no.

EXTEND DECLARATION OF EMERGENCY AND

NATURAL DISASTER TO MAY 6, 1996

Mr. Swanson reported that on April 11 the mayor issued a declaration of emergency and natural disaster, that under the provisions of the City Code the  
14441

1996

April 15,

mayor has ability to do that for a period of seven days, and declaration will expire on April 18, and given the projected crest of the Red River of the North, that declaration should be extended for some period of time, 7 to 10 days. He advised that with this declaration the City is able to move forward and acquire supplies, materials and contractors without bidding; there are other provisions within the Code that can be utilized to fight the natural disaster, but if not extended by the council the declaration will expire on the 18th; the declaration can be extended multiple times.

It was moved by Council Member Hanson and seconded by Council Member McCabe to extend the declaration of emergency and natural disaster to May 6, 1996. Carried 13 votes affirmative.

ADOPT RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO AGREEMENT WITH CORPS OF ENGINEERS  
AS TO MEANS OF SUPPLEMENTING LOCAL FLOOD  
EMERGENCY PREPARATION, FLOOD FIGHTING AND  
RESCUE OPERATIONS

The city auditor presented a resolution authorizing the mayor to enter into an agreement with the Corps of Engineers requesting the Corps of Engineers to furnish assistance in flood emergency preparation and in flood fighting and rescue operations.

Council Member Sande introduced the resolution which was presented and read: Document No. 7022 - Resolution.

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

ADJOURN

It was moved by Council Member Hoepfner and seconded by Council Member Beyer that we do now adjourn. Carried 13 votes affirmative.

Respectfully submitted,

John M. Schmisek  
City Auditor

Approved:

Michael Polovitz, Mayor

