

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

**PROCEEDINGS OF  
OF THE CITY OF  
Monday, May 6,**

The city council of the city of Grand Forks, North Dakota met in its regular session in the council chambers in City Hall on Monday, May 6, 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; absent: Council Member Glassheim - 1.

**PRESENT OUTSTANDING SERVICE AWARD FOR 1996  
TO CITY OF GRAND FORKS**

Council Member McCabe reported that he had attended and represented the City of Grand Forks at the North Dakota 1996 Tobacco-Free Awards Ceremony and News Conference in Bismarck on May 2 and that Governor Schafer had awarded the outstanding service award for 1996 to the City of Grand Forks for its efforts in protecting youth health by passing a local tobacco retailer licensing ordinance which promotes compliance with the law prohibiting tobacco sales to minors. He presented the award to Mayor Polovitz on behalf of the Governor of North Dakota. Mayor Polovitz accepted the award in behalf of the City of Grand Forks and in turn presented the award to the City Health Department. Don Shields accepted the award in behalf of the Health Department.

**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 APRIL 15, 1996**

Typewritten copies of the minutes of the adjourned meeting of the city council held on April 15, 1996, were presented and read. It was moved by Council Member Hanson and seconded by Council Member Hoepfner that these minutes be approved as read. Carried 13 votes affirmative.

**ADOPT ORDINANCE NO. 3581, TO ANNEX ALL  
OF MAIERS THIRD ADDITION TO THE CITY**

An ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, all of Maiers Third Addition, Grand Forks, North Dakota", which had been introduced and passed on its first reading on April 15, 1996, 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 this petition for annexation had been filed with the city council and had been published as required.

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

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

ADOPT ORDINANCE NO. 3582, TO ANNEX A PORTION OF PERKINS THIRD ADDITION AND AN UNPLATTED PORTION OF THE NORTHEAST QUARTER OF SECTION 20, T151N, R50 W OF THE 5TH PM TO THE CITY

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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 the Northeast Quarter of Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian", which had been introduced and passed on its first reading on April 15, 1996, 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 this petition for annexation had been filed with the city council and had been published as required.

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

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

ADOPT ORDINANCE NO. 3583, TO AMEND ZONING MAP TO REZONE AND INCLUDE WITHIN DANKS' PUD (PLANNED UNIT DEVELOPMENT), CONCEPT DEVELOPMENT PLAN, ALL OF EAST HALF EAST HALF OF SECTION 7, T151N, R50W OF THE 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 the A-1 (Limited Development) District and from B-3 (General Business) 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 had been introduced and passed on its first reading on April 15, 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 Jerry Pribula on behalf of Keith Danks, etal, for final approval of an ordinance to amend the Zoning Map to exclude from the A-1 (Limited Development) District and from the B-3 (General Business) 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 final approval subject to special conditions shown on, or attached to the review copy and final passage of the ordinance amending the zoning map.

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

Council Member Carpenter moved to delete special condition No. 5, which relates to negotiations with the property owners, and which would allow the entire plat to be approved, and to amend the ordinance to show the exclusion

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of the property from both the A-1 (Limited Development) District and from the B-3 (General Business) District rather than only the A-1 District. Council Member Beach seconded the motion.

Keith Danks, Jr. stated concern re. access to some of the lots and had some questions on the cul-de-sacs. Robert Bushfield, city planner, stated that Item No. 9 on the replat which is to provide the cross-over access agreements for Lots 3, 4, 5, 6, 7, with Lot 12, and this will be accomplished by the City providing a separate document for roadway and for an easement to those adjacent properties, and have latitude to work with that; however, if he is talking about access onto South 42nd Street from those lots that front on 42nd Street onto a minor arterial, then have some problems. Mr. Danks stated he was not; and Mr. Bushfield stated they would have latitude to work with Mr. Swanson and get agreement worked out.

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

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

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

APPROVE FINAL PLAT; AND ADOPT ORDINANCE  
NO. 3584, AMENDING STREET AND HIGHWAY PLAN  
TO INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON

THE PLAT OF DANKS' SECOND 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 Danks' Second Resubdivision to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on April 15, 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 Jerry Pribula on behalf of Keith Danks and Jeff Hussey for final 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 final approval subject to the special conditions shown on or attached to the review copy and final passage of the ordinance amending the Street and Highway Plan.

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

Council Member Carpenter moved to delete special condition No. 16, which

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states that if negotiations for Lot 11 fail, that Lots 6, 7, 9, 10 and 11 will be removed from the plat of Danks' Second Resubdivision. The motion was seconded by Council Member Beach. Carried 13 votes affirmative.

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

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

ADOPT ORDINANCE NO. 3585, TO AMEND ZONING  
MAP TO INCLUDE WITHIN PERKINS' THIRD PUD,  
CONCEPT DEVELOPMENT PLAN, ALL THAT PORTION  
OF NE QUARTER, SECTION 20, T151N, R50W OF  
5TH PM, LESS ALL OF PERKINS 1ST ADDITION  
AND UNRECORDED PERKINS SECOND ADDITION

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 had been introduced and passed on its first reading on April 15, 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 John Moosbrugger on behalf of Perkins Land Company for final 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 final approval subject to special conditions shown on or attached to the review copy and final passage of the ordinance amending the zoning map.

It was moved by Council Member Hagness and seconded by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

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APPROVE FINAL PLAT; AND ADOPT ORDINANCE NO. 3586, TO AMEND STREET AND HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON THE PLAT OF PERKINS 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 Perkins Third Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on

its first reading 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 John Moosbrugger on behalf of Perkins Land Company for final 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 final approval subject to special conditions shown on or attached to the review copy and final passage of the ordinance amending the Street and Highway Plan.

It was moved by Council Member Hagness and seconded by Council Member Hanson 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

ADOPT ORDINANCE NO. 3587, RELATING TO PRESIDENT  
AND VICE PRESIDENT OF COUNCIL AND RELATING TO  
STANDING COMMITTEES

An ordinance entitled "An ordinance amending Grand Forks City Code Section 2-0103 relating to president and vice president of council and Section 2-0201 relating to standing committees", which had been introduced and passed on its first reading on April 15, 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

ADOPT ORDINANCE NO. 3588, RELATING TO ISSUANCE  
OF REVENUE BONDS FOR CITY'S ECONOMIC DEVELOPMENT  
PROGRAM

An ordinance entitled "An ordinance relating to the issuance of revenue bonds to finance acquisition, construction and renovation of buildings to be owned

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by the City in furtherance of the City's economic development program; providing for the appropriation of sales tax revenues to secure the bonds; providing a reserve therefor; and providing for a levy to restore deficiencies in said reserve", which had been introduced and passed on its first reading on April 29, 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the ordinance adopted.

ADOPT RESOLUTION VACATING PORTION OF N/S  
SIDEWALK AND UTILITY EASEMENT IN BLOCK 2,  
BURDICK'S RESUBDIVISION

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate the easterly 4.7 feet of the 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, the required legal notice had been published calling for a public hearing to be held this evening and further that 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.

It was moved by Council Member Hanson and seconded by Council Member Beyer that we do hereby find and determine an insufficiency of protest on the petition for vacation. Carried 13 votes affirmative.

Council Member Hagness introduced the following resolution which was presented and read: Document No. 7025 - Resolution.

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

DETERMINE SUFFICIENCY OF PROTEST ON PAVING  
DISTRICT NO. 533, PROJECT NO. 4312, AND  
CANCEL PROJECT

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 533, Project No. 4312, paving on 30th Avenue South from South 38th Street to South 42nd Street, had expired on May 3, 1996 and that he had received written protests totaling 61.68% of the assessment district.

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

Paul Eggebraaten, Bemidji, MN, stated that his protest was not to kill

the project but to protest the boundaries of the district, project cost should be spread to a larger area.

Duane Hafner, 3002 Royal Drive, representing Nodak Electric, stated they want the project built but are concerned about the amount of property being assessed for this project.

The city auditor stated that neither of these gentlemen are protesting the  
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project, but the district which was set prior to this by the council and only includes the five properties, therefore, in order to respread assessments to a larger area, the project would have to be protested out and the project started over because would have to reestablish the district.

Howard Swanson, city attorney, stated that the only matter before the council is protesting of the actual project, and it is his recommendation that they treat the protest by Mr. Eggebraaten and the protest from Nodak as a protest against the project even though they have indicated they do not wish to protest the project, that they are seeking to protest the formulation of the district. He stated that the district was formed some time ago, that period has long passed, so they have two options: they can protest the project this evening, which will stop the project, or they can protest the manner in which the assessments are calculated next fall; they do not have the opportunity at this time or in the fall to protest the number of lots or area included within the district.

Mr. Hafner stated they do not wish to formally protest the project, and withdrew the protest on behalf of Nodak Rural Electric. Mr. Schmisek stated for clarification that his office had not received a written protest from Nodak within the protest period and their protest was not included within the 61.68% protest received.

Mr. Swanson advised that the protests came from Mr. Eggebraaten (Lot 1, Block 1, Amundson's Second Resubdivision) and from Mr. Haugen (Lot 2, Block 1, Amundson's Second Resubdivision) and they comprise more than 50% of the project, they have indicated orally and in writing that they do not wish to cancel the project but wish to protest the assessment; however, the only issue for protest this evening is the project.

Mr. Eggebraaten questioned if the street were reclassified whether there would be any state or federal funds available for the project. Mr. Vein, city engineer, stated that this street would be eligible under the Urban Road Section through the state, but there are no funds available, those funds have been allocated for the next six years.

Mr. Eggebraaten stated that rather than kill the project, he would withdraw his protest. Mr. Schmisek stated that the protest would then total 21.96% of the project area.

It was moved by Council Member Hagness and seconded by Council Member Geller that we do hereby find and determine an insufficiency of protest against Paving District No. 533, Project No. 4312.



After further discussion Mr. Eggebraaten stated he did not wish to withdraw his protest, and Council Members Hagness and Geller withdrew their motion.

It was then moved by Council Member Geller and seconded by Council Member Babinchak that we do hereby find and determine a sufficiency of protest against Paving District No. 533, Project No. 4312. Carried 13 votes affirmative.

Jim Lynch, rep. Rydell Chevrolet, stated they have some interest in the property being discussed, and it was their position that this is going to be a main arena for traffic and circulation around the city; that they believe the assessments that will be entailed in this property development encompasses a much wider range of use than this particular district, and if the district cannot be expanded, encouraged Mr. Eggebraaten to support his original position.

REJECT BIDS FOR PAVING PROJECT NO. 4312

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The city auditor reported that there was a recommendation from Committee No. 3, Public Service, to award the bids for Project No. 4312, District No. 533, paving 30th Avenue south from South 38th Street to South 42nd Street, to Opp Construction in the amount of \$232,187.00. The recommendation was moved by Council Members Beyer and Klave.

It was then moved by Council Members Beyer and Klave to amend their original motion to reject all the bids received. Carried 13 votes affirmative.

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

DETERMINE INSUFFICIENCY OF PROTEST ON  
PAVING DISTRICT NO. 539, PROJECT NO. 4410

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 539, Project No. 4410, construction of pavement on South 34th Street from 24th Avenue South to 30th Avenue South, and on 24th Avenue South from South 30th Street to South 34th Street, had expired on May 3, 1996, and that he had received no written protests.

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 Geller introduced the following resolution as to protests which was presented and read: Document No. 7026 - Resolution.

It was moved by Council Member Geller and seconded by Council Member Hoepfner that we do hereby find and determine an insufficiency of protest against Paving District No. 539, Project No. 4410, as no protests were filed, 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.  
4410, DISTRICT NO. 539

The city auditor presented and read tabulation of bids which had been received and opened on Monday, April 22, 1996 for Paving Project No. 4410, District No. 539, paving on South 34th Street from 24th Avenue South to 30th Avenue South, and on 24th Avenue South from South 30th Street to South 34th Street, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$559,491.22: Document No. 7027 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4410, District No. 539, in the amount of \$711,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of bids for Project No. 4410, District No. 539, paving South 34th Street and 24th Avenue South, and recommended that we accept the bid of Valley Contracting Company in the amount of \$559,491.22, and further that sidewalks included in the project will be assessed over the entire district with the exception of those properties where sidewalks installed at front of the property.

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

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7028 - Resolution.

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It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Paving Project No. 4410, District No. 539, to Valley Contracting Company be and is hereby adopted. Upon roll call the following voted "aye" Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

ESTABLISH POLLING HOURS FOR JUNE 11 ELECTION

It was moved by Council Member Hoepfner and seconded by Council Member Hamerlik to establish polling hours for the city of Grand Forks for the joint biennial city/primary election to be held on June 11, 1996 as 7:00 a.m. to 8:00 p.m. Carried 13 votes affirmative.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

It was moved by Council Member Beyer 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) matter of mayor's salary.

2) matter of surplus property.

#### REPORTS OF OFFICERS

The city auditor's statement of investment activity for period ending April 30, 1996, was presented and read. It was moved by Council Member Sande and seconded by Council Member Klave 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 April 25, 1996, that notice had been published as required and that the following appeals were heard:

1) Raymond Steffen, 1903 Willow Drive, request for variance to the side yard setback requirements for an accessory building to erect an addition to the dwelling, with variance granted allowing a side yard setback of two feet six inches on the existing detached garage in order to construct an addition to the house;

2) Gaines Baukol, 1850 Riverside Drive, request for variance to the side yard requirements to erect an attached garage, with variance granted allowing the total side yard requirements to be eight feet to construct an attached garage;

3) SA Architects on behalf of Duane Hovet, 406 Level Plains Court, request for variance to the rear yard setback requirements to erect an addition to the dwelling, with variance granted allowing the rear yard setback to be fifteen feet, to construct an addition to the house;

4) Allan Burger on behalf of General Tobacco and Candy Company, 101 North 8th Street, request for variance to the side yard setback requirements to erect an addition to the warehouse, with variance granted allowing a side yard setback of four feet to construct an addition, with the stipulation that any fire protection ratings required by the Uniform Building Code be met;

5) Charles Klinkhammer on behalf of Midwest Motels, LLC, 401 Gateway Drive, request for variance to front yard setback requirements to erect an addition to the motel, appeal was held;

6) Brian Parr, 1321 South Washington Street, request for variance to side yard setback requirements to erect an addition to the building, with variance

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granted to allow a side yard set back of five feet;

7) Dennis Coulter, 2003 Gateway Drive, request for variance to the side yard requirements to erect an addition to the building, with variance granted to allow a side yard setback of ten feet.

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

#### APPROVE BILLS

Vendor Payment Listing No. 96-07, dated May 6, 1996, and totaling

\$633,920.05, 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 Babinchak and seconded by Council Member Hanson 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the bills ordered paid.

REFER REQUEST FOR TAX INCENTIVE BY LUCO  
PROPERTIES, 1710 NORTH WASHINGTON STREET,  
TO PLANNING AND ZONING COMMISSION AND  
CALL FOR PUBLIC HEARING ON TAX EXEMPTION

Committee No. 1, Finance, reported having considered the request for tax incentive by LUCO Properties, 1710 North Washington Street, and recommended to refer to Planning and Zoning for determination of slum and blight and amendment of the urban renewal district, and calling for a public hearing on the consideration of tax exemption for LUCO Properties.

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

REFER REQUEST FOR TAX INCREMENT FINANCING  
BY EAPC TO PLANNING AND ZONING COMMISSION  
AND CALL FOR PUBLIC HEARING ON TAX EXEMPTION  
FOR PROJECT

Committee No. 1, Finance, reported having considered the matter of request for tax increment financing by EAPC for commercial/office park project (DeMers English Coulee Center II), and recommended to refer to Planning and Zoning for determination of slum or blight in addition to the plan and call for public hearing on a tax exemption for EAPC for commercial/office park project.

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 Carpenter voted against the recommendation.

AUTHORIZE TRANSFER OF FUNDS TO CENTRAL  
BUSINESS DISTRICT AUTHORITY

Committee No. 1, Finance, reported having considered the request by Central Business District Authority for transfer of funds to purchase properties at Division and South 4th Street, and recommended to authorize transfer of \$200,000 to the Central Business District Authority.

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

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

REJECT OFFER FOR PURCHASE OF LOTS IN  
AUDITOR'S SUBDIVISION NO. 27

Committee No. 1, Finance, reported having considered the offer to purchase City-owned lots in Auditor's Subdivision No. 27 by Community Contractors, Craig Tweten, and recommended to reject the bids for purchase of Lots 5 and 6.

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

ADOPT POLICY ON DRAW-DOWN OF SICK LEAVE  
AFTER WORKER'S COMPENSATION; AND INTRODUCE  
ORDINANCE AMENDING SICK LEAVE PAYBACK TO  
EMPLOYEES TERMINATED AS RESULT OF ON-THE-JOB  
INJURY

Committee No. 1, Finance, reported having considered the matter of policy on draw-down of sick leave after worker's compensation, and recommended to adopt the policy as presented: Document No. 7029 - Policy.

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

Committee No. 1, Finance, reported having considered the matter of sick leave payback to employees who terminate employment as result of on the job injury, and recommended to amend the Civil Service Code to allow employees who resign due to an inability to perform the essential functions of their position because of an on-the-job injury to receive 100% payback of their accrued sick leave, and to introduce the ordinance for first reading.

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

Council Member Hanson introduced an ordinance entitled "An ordinance amending Section 6-0410 of the Grand Forks City Code relating to pay upon termination of employment", which was presented, read and passed on its first reading.

ADOPT DRIVING REVIEW BOARD POLICY

Committee No. 1, Finance, reported having considered the matter of driving review board, and recommended to adopt the driving review board policy with revision that the local representative of the North Dakota Insurance Reserve Fund be a non-voting member of the board; and

Committee No. 3, Public Service, reported having considered the matter of driving review board, and recommended to approve the driving review board policy with changes as follows: no less than 5 days notice to the

employee of the hearing, and that any board member of employee of the board member's department whose actions are being considered will not be eligible to participate in the decisions pertaining to his/her case.

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

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Carpenter that these recommendations be and are hereby approved, and the policy approved as presented: Document No. 7030 - Policy. Carried 13 votes affirmative.

#### ADOPT CITY'S VEHICLE POLICY

Committee No. 1, Finance, and Committee No. 3, Public Service, reported having considered the matter of City's vehicle policy, and recommended to adopt the policy as presented: Document No. 7031 - Policy.

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

#### APPROVE BUDGET AMENDMENTS

A request for amendment of the Emergency Management budget in the amount of \$5,000, for remote weather stations, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this request be and is hereby approved. Carried 13 votes affirmative.

A request for amendment to the Human Resources budget in the amount of \$4,500 for office equipment, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this request be and is hereby approved. Carried 13 votes affirmative.

#### APPROVE REQUEST TO BLOCK STREETS FOR CITY MISSION FESTIVAL ON AUGUST 25

Committee No. 2, Public Safety, reported having considered the request from Grand Forks Mission to block Belmont Road from South 5th Street to 3rd Avenue South for City Mission Festival on Sunday, August 25, and recommended to approve the request as presented.

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 REQUEST FROM SERTOMA CLUB TO PLACE TEMPORARY FLAGPOLE ON RIVERBANK FOR JULY 4 CELEBRATION

Committee No. 2, Public Safety, reported having considered the request from Sertoma Club to place temporary flagpole on riverbank south of RR bridge for July 4 celebration, and recommended to approve the request.

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.

AUTHORIZE HANDICAPPED PARKING SPACE AT 630  
NORTH 7TH STREET

Committee No. 2, Public Safety, reported having considered the request for handicapped parking space at 630 North 7th Street, and recommended to grant the handicapped parking space as requested.

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.

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AUTHORIZE HEALTH DEPARTMENT TO NEGOTIATE  
CONTRACT FOR MOWING WEEDS/LONG GRASS WITH  
PRIVATE VENDORS

Committee No. 2, Public Safety, reported having considered the matter of bid received for mowing weeds/long grass on private property by Health Department, and recommended to reject the bid received as it did not meet specifications, and authorize health department to negotiate contract with private vendors.

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 CHANGE ORDER FOR CENTRAL FIRE  
STATION DORMITORY REMODELING PROJECT

Committee No. 2, Public Safety, reported having considered the matter of change order for Central Fire Station Dormitory Project No. 4474, and recommended to approve change order in the amount of \$2,400.00.

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

AUTHORIZE PURCHASE OF EQUIPMENT FOR NEW  
FIRE TRUCK

Committee No. 2, Public Safety, reported having considered the matter of request to purchase equipment for new fire truck with balance of budgeted money, and recommended to approve the request to expend balance of funds which total \$20,4043.00 for specialized fire equipment for the new fire truck.

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

ADOPT RESOLUTION RECOGNIZING REHAB. HOSPITAL,  
THERAPEUTIC RIDING PROGRAM, AS PUBLIC-SPIRITED  
ORGANIZATION ELIGIBLE TO CONDUCT GAMING, AND TO  
APPROVE APPLICATION

Committee No. 2, Public Safety, reported having considered the application for gaming permit by The Rehab Hospital/Therapeutic Riding Program for raffle on May 31, 1996, and recommended that we adopt a resolution recognizing this group as a public-spirited organization eligible to conduct games of chance, and to approve 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. 7032 - Resolution.

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.

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INTRODUCE TECHNICAL CORRECTIONS ORDINANCE  
AMENDING CHAPTER IX AND RE-CRIMINALIZING  
CERTAIN OFFENSES

Committee No. 2, Public Safety, reported having considered the matter of a technical corrections ordinance for Chapter IX of the City Code, relative to request by police department to re-criminalize certain offenses, and to introduce for first reading a technical corrections ordinance amending Chapter IX and to re-criminalize noisy parties and indecent exposure, with the ordinance to have an effective date of June 1, 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.

Council Member Hoepfner introduced an ordinance entitled "A technical corrections ordinance amending Chapter IX of the Grand Forks City Code relating to offenses and miscellaneous provisions", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND CODE RE.  
GOLF COURSE ALCOHOLIC BEVERAGE LICENSE

Committee No. 2, Public Safety, reported having considered the matter of



golf course alcoholic beverage license (Park District), and recommended to amend the ordinance to allow beer and wine to be served on golf course property, and introduce for first reading.

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

After some discussion it was moved by Council Member Beyer and seconded by Council Member Sande to amend the motion to allow cart (with alcoholic beverages) on course for private events when course closed to the general public. Upon voice vote the amendment was defeated.

Upon call for the question on the original motion and upon voice vote, the motion carried 12 votes affirmative; Council Member Beyer voting against the motion.

Council Member Hoepfner introduced an ordinance entitled "An ordinance amending Section 21-0205 of the Grand Forks City Code relating to Class 7 Golf Course Beer and Wine license", which was presented, read and passed on its first reading.

APPROVE REQUEST FOR VARIANCE TO DRIVEWAY  
REGULATIONS AT 303 DIVISION AVENUE

Committee No. 3, Public Service, reported having considered the matter of request from Forx Radiator, 303 Division Avenue, for variance to the commercial driveway regulations, and recommended approval of the variance as presented (to remove median between two existing driveways).

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

APPROVE AGREEMENT RE. STORM WATER DRAINAGE  
IMPROVEMENTS AT 509 SOUTH 3RD STREET

Committee No. 3, Public Service, reported having considered matter of 14460  
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agreement with John Buegel re. storm water drainage improvements to property at 509 South 3rd Street, and recommended to approve the agreement in the amount of \$6,700.00.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

RECEIVE AND FILE PROTEST TO MOWER BID

Committee No. 3, Public Service, reported having considered the matter of mower bid protest by Kristy's, Inc. to Bid Proposal No. 1696, and recommended to receive and file.

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

ACCEPT BID FOR LAB DISHWASHER AT WATER PLANT

Committee No. 3, Public Service, reported having considered equipment bids for laboratory dishwasher for water plant, and recommended to declare late receipt of the bid of Key Scientific, Inc. to be minor technicality and to open the bid.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik to approve the recommendation. Carried 13 votes affirmative.

The city auditor opened and read the bid of Key Scientific, Inc. in the amount of \$7,100, which was not the low bid.

It was then moved by Council Member Hagness and seconded by Council Member Klave to award the bid to the low bidder, Dakota Food Equipment, in the amount of \$5,242.00. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

ACCEPT BID FOR PARTICLE COUNTER FOR WATER PLANT

Committee No. 3, Public Service, reported having considered the matter of equipment bids, particle counter, for water plant, and recommended to accept the bid of Met One, Inc., Great Pass, OR in the total amount of \$12,337.50.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

ACCEPT BID FOR FLUORIDE FEED SYSTEM FOR WATER PLANT

Committee No. 3, Public Service, reported having considered the matter of equipment bids, fluoride feed system, for water plant, and recommended that we accept the low bid that meets specifications, Feed Rite Controls, in the amount of \$3,919.00.

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It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the

motion carried.

ACCEPT BID FOR METERS, BRASS GOOD FOR  
WATER MAINTENANCE

Committee No. 3, Public Service, reported having considered the matter of equipment bids, meters, brass goods, etc. for water maintenance, and recommended to accept the bids as follows: Badger Meter for water meters in the amount of \$27,560.03, without trade; Northern Water Works for repair sleeves and saddles in the amount of \$10,164.18; and Northern Water Works for brass goods and curb boxes in the amount of \$12,322.74.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

ACCEPT BID FOR FOUR-WHEEL DRIVE PLOW TRUCK  
AND APPROVE FUNDING

Committee No. 3, Public Service, reported having considered the matter of equipment bids for four-wheel drive plow truck and funding, and recommended to accept the low bid of Oshkosh Truck in the amount of \$145,500.00.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

Committee No. 3, Public Service, reported having considered the matter of funding for four-wheel drive plow truck, and recommended to transfer funds within the street department budget to cover the bid cost of equipment over the budgeted amount of \$130,000.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT  
NO. 4335, MASONRY REPAIR AND RESTORATION AT  
WATER TREATMENT PLANT

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4335, masonry repair and restoration at water treatment plant, and recommended to approve plans and specifications and authorize call for bids.

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

RECEIVE AND FILE REQUEST FOR CHANGE IN TAPPING

FEE AREA FOR SANITARY SEWER IN MIGHTY ACRES  
FIRST ADDITION

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Committee No. 3, Public Service, reported having considered the matter of request by Tim Crary for change in tapping fee area for sanitary sewer in Mighty Acres First Addition, and recommended to receive and file.

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

AUTHORIZE ENTERING INTO THREE-WAY AGREEMENT  
FOR PRIVATE INSTALLATION OF WATERMAIN ON  
NORTH 43RD STREET, PROJECT NO. 4448

Committee No. 3, Public Service, reported having considered matter of three-way agreement with Jim Senske for private installation of watermain on North 43rd Street, Project No. 4448, and recommended approval of the agreement, subject to approval by the city attorney.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

AUTHORIZE ENTERING INTO THREE-WAY AGREEMENT  
FOR PRIVATE INSTALLATION OF UTILITIES IN  
MIGHTY ACRES PHASE II, PROJECTS NOS. 4480 AND 4481

Committee No. 3, Public Service, reported having considered the matter of three-way agreement with Crary Homes & Real Estate for private installation of sanitary sewer and watermain in Mighty Acres Phase II, Projects Nos. 4480 and 4481, and recommended that we authorize entering into the agreement.

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

Council Member Babinchak asked to be excused from voting on this matter. It was moved by Council Members Hagness and Klave that Council Member Babinchak be excused from voting on this issue. 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, Carpenter, Sande, Klave, Beyer, Geller, Johnson, Hagness - 12; voting "nay": none; and Council Member Babinchak excused from voting. Mayor Polovitz declared the motion carried.

AUTHORIZE PROCEEDING WITH PROJECT NO. 4433,  
REPLACEMENT OF AIR BASE WATERLINE

Committee No. 3, Public Service, reported having considered the matter of request to proceed with Project No. 4433, replacement of Grand Forks Air Base waterline, and recommended to proceed with the design for the project and to authorize advertising for bids.

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

APPROVE ENGINEERING AGREEMENT FOR WATER  
RECLAMATION FACILITY EVALUATION, PROJECT  
NO. 4377

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Committee No. 3, Public Service, reported having considered the matter of engineering agreement for water reclamation facility evaluation, Project No. 4377, and recommended to authorize entering into the agreement with Advanced Engineering in an amount not to exceed \$115,500.00.

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

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

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

APPROVE BUDGET AMENDMENT

A request to transfer \$100,000 within the water maintenance budget for water distribution system analysis and master plan was presented and read. It was moved by Council Member Beyer and seconded by Council Member Hamerlik that this transfer be and is hereby approved. Carried 13 votes affirmative.

APPROVE VARIOUS EASEMENTS

Committee No. 3, Public Service, reported having considered the matter of temporary construction and drainage easement to convert surface storm water drainage to underground pipe drainage in Sun-Beam riverfront park, for and in consideration of the sum of \$1.00 and other good and valuable considerations, Grand Forks Park District, grantor, and recommended that the easements be approved and authorize proper City officials to sign said easements.

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

votes affirmative.

Committee No. 3, Public Service, reported having considered the matter of easement for electric transmission line, to relocate two double-pole structures to the north approx. 10 feet, at 24th Avenue South between South 34th and South 38th Streets, for and in consideration of the sum of \$1.00, City of Grand Forks, grantor, and Minnkota Power Cooperative, Inc., grantee, and recommended that the easement be approved and proper City officials authorized to sign said easement.

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

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4475, DISTRICT NO. 540

The city engineer's estimate of total cost of the construction of paving on 30th Avenue South from South 34th Street to South 38th Street, in the amount of \$ , was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for construction of Project No. 4475, District No. 540, paving 30th Avenue South from 34th to 38th Street, and recommended that

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we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project and set the date for opening bids as Tuesday, May 28, 1996.

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

It was noted that sidewalks will be included in the project and spread to the entire district.

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

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7033 - Resolution.

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

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4483, DISTRICT NO. 541

The city engineer's estimate of total cost of the construction of paving in Mighty Acres Phase II, in the amount of \$ , was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4483, District No. 541, paving Mighty Acres Phase II, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project and set the date for opening bids as Tuesday, May 28, 1996.

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

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7034 - Resolution.

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

APPROVE PLANS AND SPECIFICATIONS FOR  
PAVING PROJECT NO. 4444, OVERLAY OF  
MINNESOTA AVENUE AND 4TH AVENUE SOUTH

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4444, overlay of Minnesota Avenue and 4th Avenue South, and recommended to approve plans and specifications for this construction and direct city auditor to advertise for bids on the project and set the date for opening bids as Tuesday, May 28, 1996.

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

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL  
COST AND AWARD CONTRACT, SEWER PROJECT NO.  
4386, DISTRICT NO. 366

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The city auditor presented and read tabulation of bids which had been received and opened on Monday, April 22, 1996, for Sewer Project No. 4386, District No. 366, storm sewer in Rolling Hills and Sloping Hills, indicating that Molstad Excavating, Inc. was low bidder based upon their bid in the amount of \$32,170.00: Document No. 7035 - Bid Tabulation.

The city engineer's estimate of total cost for Sewer Project No. 4386, District No. 366, based upon low bid received, in the amount of \$41,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4386, District No. 366, storm sewer in Rolling and Sloping Hills, and recommended that we accept the bid of Molstad Excavating, Inc. in the amount of \$32,170.00.

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

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7036 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that this resolution awarding the contract for Sewer Project No. 4386, District No. 366, to Molstad Excavating, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

AWARD CONTRACT FOR BUS SHELTER PROJECT  
NO. 4279

Committee No. 3, Public Service, reported having considered the bids for Project No. 4279, bus shelter modifications, and recommended that we accept the bid of Opp Construction in the amount of \$39,750.00.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the contract awarded.

REJECT BIDS FOR WATERMAIN PROJECT NO.  
4448, DISTRICT NO. 246

Committee No. 3, Public Service, reported having considered the matter of bids for Project No. 4448, District No. 246, watermain on North 43rd Street (24th Avenue North to 27th Avenue North), and recommended that we reject all the bids as watermain to be installed under private contract.

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

APPROVE CHANGE ORDER TO ASPHALT STREET  
REPAIR PROJECT NO. 4428

Committee No. 3, Public Service, reported having considered the matter of change order for Project No. 4428, city-wide asphalt repair of streets to 14466  
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include repair of potholes, estimated cost \$14,928.65, and recommended approval of the change order in an amount not to exceed \$14,928.65.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the



motion carried.

#### ACCEPT BID FOR CLAY REMOVAL/FLOOD EMERGENCY

Committee No. 3, Public Service, reported having considered the matter of clay removal/flood emergency, and recommended that we accept the bid of Robinson Excavating in the amount of \$10,890.00.

It was moved by Council Member Beyer 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

#### RECESS

Mayor Polovitz called for a five-minute recess at 8:40 p.m.; the council reconvened at approx. 8:50 p.m. with all members present.

#### AUTHORIZE SUBMISSION OF EMERGENCY SHELTER GRANT APPLICATION

Committee No. 4, Urban Development, reported having considered the matter of emergency shelter grant application, and recommended approval of the application in behalf of the Red River Valley Community Action Agency Shelter House, Salvation Army, and Shelter for the Homeless in the amount of \$39,315.00 for FY 1996.

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

#### AUTHORIZE FUNDING FOR PAYMENT OF CIRRUS BUILDING A/E SERVICES

Committee No. 4, Urban Development, reported having considered the matter of architectural/engineering for the Cirrus Building, and bill for A/E services, and recommended that we authorize funding for payment of engineering/ architectural fees through the design and engineering phase of the project from the Economic Development Fund in an amount not to exceed \$80,000, to be reimbursed from bond proceeds when issued, and to approve payment of the billing for services in the amount of \$38,500.00.

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

#### APPROVE BUDGET AMENDMENTS

A request to amend the Urban Development budget to transfer \$1,600,000 to establish fund for Industrial Park expansion funded with EDA assistance, was presented and read. It was moved by Council Member Beach and seconded by

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Council Member Hoepfner that this amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend the Urban Development budget to transfer \$400,000 to Grand Forks Industrial Park Development account for expansion in conjunction with the EDA Grant, was presented and read. It was moved by Council Member Beach and seconded by Council Member Hoepfner that this amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend the Urban Development budget to set up initial 1996 budget in the amount of \$94,739.00 for bond payments on TAG's FTZ building expansion, was presented and read. It was moved by Council Member Beach and seconded by Council Member Hoepfner that this amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend the Urban Development budget in the amount of \$35,498.00 to transfer funds for bond payments for TAG's FTZ building expansion, was presented and read. It was moved by Council Member Beach and seconded by Council Member Hoepfner that this amendment be and is hereby approved. Carried 13 votes affirmative.

GRANT FINAL 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 final 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 final approval subject to special conditions shown on or attached to the review copy.

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

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

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of LaVonne Adams for preliminary approval of the plat of Shadyridge Estates Third Addition to the city of Grand Forks, ND, lying within a portion of Government Lot 5, Section 26, Township 151 North, Range 50 West of the 5th Principal Meridian (located east of Belmont Road and north of Adams Drive), 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 June 17, 1996.

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

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

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INTRODUCE ORDINANCE TO AMEND ZONING MAP TO  
INCLUDE WITHIN SHADYRIDGE ESTATES PUD, CONCEPT  
DEVELOPMENT PLAN, ALL OF SHADYRIDGE ESTATES  
FIRST, SECOND, THIRD, FOURTH AND FIFTH ADDITIONS,  
INCLUDING UNPLATTED PROPERTY

The Planning and Zoning Commission reported having considered the matter of ordinance to amend the Zoning Map to rezone and exclude from the A-2 (Agricultural Reserve) District and to include within Shadyridge Estates PUD (Planned Unit Development) Concept Development Plan, all of Shadyridge Estates First, Second, Third, Fourth, and Fifth Additions, including unplatted property lying in Section 26, Township 151 North of Range 50 West of the 5th Principal Meridian (located east of Belmont Road between 49th and 62nd Avenues South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Zoning Map and to set the date of the public hearing for June 17, 1996.

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

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-2 (Agricultural Reserve) District and to include within Shadyridge Estates PUD (Planned Unit Development), Concept Development Plan, all that portion of Section 26, Township 151 North of Range 50 West of the 5th Principal Meridian (more specifically described in the ordinance)", which was presented, read and passed on its first reading.

GRANT PRELIMINARY APPROVAL OF SHADYRIDGE  
PUD, DETAILED DEVELOPMENT PLAN, SINGLE-FAMILY  
AND TOWNHOUSE, ALL OF SHADYRIDGE ESTATES  
THIRD ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Lavonne Adams for preliminary approval of Shadyridge PUD (Planned Unit Development), Detailed Development Plan, Single-Family and Townhouse, all of Shadyridge Estates Third Addition to the city of Grand Forks, ND (located east of Belmont Road and north of Adams Drive), and recommended preliminary approval, subject to special conditions shown on or attached to the review copy.

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

APPROVE PRELIMINARY PLAT OF SHADYRIDGE  
ESTATE FIFTH RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Lavonne Adams for preliminary approval of the plat of Shadyridge Estates Fifth Resubdivision, Grand Forks, North Dakota, being a Replat of a portion of Shadyridge Estates First Addition and including a portion of the SW Quarter SE Quarter, Section 26, T151N, R50W, Grand Forks County, ND (located between Adams Drive and the Coulee and between Shadyridge Court and 62nd Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

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APPROVE PRELIMINARY PLAT OF REPLAT OF  
LOTS A, B, C AND D, BLOCK 4, WESTACOTT'S  
SUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Dennis Coulter, etal, for preliminary approval of the Replat of Lots A, B, C and D, Block 4, Westacott's Subdivision to the city of Grand Forks, ND(located west of North 20th Street between 13th Avenue North and Gateway Drive), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

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

The Planning and Zoning Commission reported having considered the matter of request from EAPC Architects/Engineers on behalf of Paul Ray/Ogier Properties, LLC for preliminary approval of the plat of English Coulee Center Second Addition to the city of Grand Forks, North Dakota, lying within a portion of the North Half of the North Half of Section 8, Township 151 North of Range 50 West of the 5th Principal Meridian (located north of DeMers Avenue 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 Street and Highway Plan and to set the date of the

public hearing for June 17, 1996.

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

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

ACCEPT PETITION FOR VACATION OF PORTION OF  
FORMER DEMERS AVENUE AND HIGHWAY SHOWN TO  
BE VACATED ON PLAT OF ENGLISH COULEE CENTER  
SECOND ADDITION, AND SET PUBLIC HEARING

The Planning and Zoning Commission reported having considered the petition from Ray Engen of EAPC Architects/Engineers on behalf of Paul Ray and Ogier Properties, LLC for approval to vacate a portion of former DeMers Avenue and Highway as shown to be vacated on the plat of English Coulee Center Second Addition to the city of Grand Forks, North Dakota (located north of DeMers Avenue and South 30th Street extended), and recommended approval subject to the filing and recording of the plat of English Coulee Second Addition to the city of Grand Forks, North Dakota, with the Grand Forks County Register of Deeds Office, and set date of public hearing for June 17, 1996.

It was moved by Council Member Hagness and seconded by Council Member Carpenter that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, and that a notice of public hearing be

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published as required. Carried 13 votes affirmative.

INTRODUCE ORDINANCE TO AMEND ZONING MAP TO  
INCLUDE ALL OF ENGLISH COULEE CENTER SECOND  
ADDITION WITHIN B-3 (GENERAL BUSINESS) DISTRICT

The Planning and Zoning Commission reported having considered the matter of the request from EAPC Architects/Engineers on behalf of Paul Ray/Ogier Properties, LLC for preliminary approval of an ordinance to amend the Zoning Map to exclude from the A-1 (Limited Development) District and to include within the B-3 (General Business) District all of English Coulee Center Second Addition (located north of DeMers Avenue and South 30th Street extended), 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 June 17, 1996.

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

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-1 (Limited Development) District and to include within the B-3 (General Business) District all of English Coulee Center Second Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

GRANT PRELIMINARY APPROVAL OF COLUMBIA PARK  
PUD, DETAILED DEVELOPMENT PLAN, BORROWED BUCKS  
OF GRAND FORKS (BAR AND RESTAURANT) LOTS 2 AND  
3, BLOCK 1, COLUMBIA PARK 17TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Steven L. Adams on behalf of Arthur Greenberg, Jr. for preliminary approval of Columbia Park PUD (Planned Unit Development), Detailed Development Plan, Borrowed Bucks of Grand Forks (Bar and Restaurant), Lots 2 and 3, Block 1, Columbia Park 17th Addition, Grand Forks, ND (located at South Columbia Road and South 20th Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

INTRODUCE ORDINANCE RELATING TO COMPREHENSIVE  
PLAN, PERTAINING TO THE 2015 GRAND FORKS LAND  
USE PLAN AND SET DATE FOR PUBLIC HEARING

The Planning and Zoning Commission reported having considered the matter of the approval of the 2015 Land Use Plan, and recommended preliminary approval of the ordinance and to set the date of the public hearing for August 5, 1996.

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

Council Member Beyer introduced an ordinance entitled "An ordinance relating to the Comprehensive Plan, amending Chapter XVIII, Article 8, Comprehensive Plan, Section 18-0802, Elements, of the Grand Forks City Code of 1987, as amended, pertaining to the 2015 Grand Forks Land Use Plan", which was presented, read and passed on its first reading.

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INTRODUCE RESOLUTION TO ANNEX TO THE CITY OF  
GRAND FORKS ALL OF SHADYRIDGE ESTATES FIRST,  
SECOND, THIRD, FOURTH AND FIFTH ADDITIONS AND  
UNPLATTED PROPERTY

The Planning and Zoning Commission reported having considered the matter of the petition from Lavonne Adams for approval of an ordinance to annex to the city of Grand Forks, North Dakota, all of Shadyridge Estates Third

Addition (located east of Belmont Road and north of Adams Drive), and recommended approval of a resolution to annex and to set the date of the public hearing for June 17, 1996.

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

Council Member Beach stated that he wished to make sure that the council was aware that they would be setting a date of annexation for the year 2014, some 18 years away. It was noted that the future annexation is only for Shadyridge First Addition, and the balance of the property would be annexed at this time.

Darrell Adams, Grand Forks, stated that part of Shadyridge First was replatted, Lots 1 and 2 and part of another lot replatted into Shadyridge 4th, and that would have to be treated the same as Shadyridge First, because it's east of the Coulee and attached to the same tract.

Robert Bushfield, city planner, reported that the request from the developer was to annex all of Shadyridge Third Addition, and the Planning Commission's recommendation was to annex a greater area than that; that the Planning Commission's recommendation was to include 140 feet on either side of Adams Drive, and an additional 140 ft. north of Adams Drive to the section line and on the east side of the section line where it intersects with the property of the Sisters of St. Francis, and an unplatted parcel just east of Shadyridge Third Addition on the north side of Adams Drive to its intersection with the Coulee. He stated that the other recommendations from the Planning Commission included the annexation of Shadyridge Estates Second Addition, but only those lots that lie west of the Coulee, and also included the annexation of Shadyridge Estates Fifth Addition, and the motion went further to include all of the property east of the Coulee with the exception of the tree farm which is about a 10-acre parcel on which they didn't set an annexation date; however, they delayed the annexation for 18 years on the balance of the property, including Shadyridge Fourth Addition, all of Shadyridge First Addition, except for the lot Mr. Adams mentioned, and the balance of Shadyridge First Addition and the two lots that lie east of the Coulee in Shadyridge Estates Second Addition.

Darrell Adams objected to inclusion of a portion of their farmstead in the annexation. Mr. Bushfield stated that was included so that utilities could be extended. Mr. Adams stated that certain property owned by Ralph Adams who didn't want that property included. Mr. Bushfield stated that the policy has been to annex 140 ft. opposite any property that is being developed so that an assessment district can be created so they can assess benefits equitably to both sides of the road, and that was reason for extending area of annexation.

John Hill, 1720 Belmont Road, stated he had purchased Lot 4, Block 1, Shadyridge First Addition, and was told would have to buy 5 acres and it wouldn't be in the city, and that it would be 20-25 years before annexation and special assessment of utilities.

David Wilson addressed council, that he has lot in Shadyridge Estates 1st Addition, and was under assurance that it would be 20-25 years before annexation, and hoped that they would support proposed amendment.

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John Drees, rural Grand Forks, stated he is member of Grand Forks Township Board, that they lost 200 acres out of township because of annexation, and opposed to the annexation; that there were no plans on how to serve the impacted roads around the city. He stated that there is enough area in the Third Addition to promote city growth, and when Sisters of St. Francis sell their property, there will be large area for single family and duplex housing. He stated he is also on the Board of Grand Forks/Traill Water which serves this area which was not to be annexed for 15-20 years, and are in the process of spending \$4 million to improve their plant, including softening plant, and will lose these customers who would help pay for the improvements to their system. He stated he is also a member of the Grand Forks Planning and Zoning Commission, that they had 5-days notice of this and that it was rammed through by staff.

Randy Loeslie, 1998 Prairie Rose Court, manager of Grand Forks Traill Water, said that he wasn't made aware of this annexation until this morning when Mr. Drees called him; that they had very preliminary discussion re. orderly development of utility service with the city engineer's office, and then finds out that Planning and Zoning plans to annex this property. He stated that he has been in contact with REC-DC (formerly FHA) their banker, and their comment is that they will not allow this to happen if they have anything to say about it; that there is federal law that limits any municipal corporation or other public body from curtailment or limitation of their association's service. He stated there has been no contact with their utility whatsoever and that his board of directors will not stand for this unless there is some negotiation.

Ross Haugen, Grafton, ND, stated he owns property in Shadyridge First Addition, that is currently under construction, appeared before Planning and Zoning Commission, and questioned timeframe for annexation. He was informed that this would only be preliminary approval. Mr. Haugen stated that at the Planning and Zoning Commission the property owners agreed unofficially that the date for annexation of Shadyridge Estates 1 was an acceptable date.

Mr. Bushfield answered some of the concerns expressed, that their office had received calls as to when this property would be annexed, that as staff they can give no guarantees, but in discussing with Mr. Adams, stated that if no changes there and if property continued to develop as A-1 (in 5-acre lots), that it would probably be as much as 15 years before this area were to develop; however, two things have happened to change that significantly: 1) that property of Sisters of St. Francis (60 acre parcel) has been put up for sale in early June, that property will sell and will develop, possibly even this summer; and 2) that after discussions with Mr. Adams, tried to defer any small lot, single-family subdivisions, because of problem in trying to annex them, difficult to annex after property developed, and that's reason why important to set annexation date this evening. Mr. Bushfield stated that the comments that Traill Water wouldn't allow this, and pointed out that Traill Water is in City R/W, that they have no franchise for that right of way, and should be paying City for placing utilities in City's right of way; and that will have to negotiated later. He stated that the delay in annexation of this area for 18 years is going to be much too late for the development that's going to be taking place. He reported that staff recommendation was that annexation occur immediately for the entire area,



that Planning & Zoning Commission's recommendation was to defer for 18 years; and that more reasonable time period to annex this property would be 5 to 10 years; and would compromise between the two recommendations to set 5 years for undeveloped lots, and 8 years where building permits taken out, which would be more in line with way development going to occur in that area.

There was some discussion re. monies for snow removal, street update, etc. in annexed areas, tapping fees City would have to pick up, City unable to maintain what it has now with present staff and equipment and to wait with

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annexation until that land is platted and City can provide services, etc.

There was also discussion re. timeframe for annexation of these properties.

Mayor Polovitz stated that he didn't think that enough information was given to the property owners, that more study re. costs should be done for water, stormwater, etc., that area of annexation has expanded far above what was requested.

Council Member Carpenter moved an amendment to the motion to reduce date for future annexation of portion of area from 18 years to 10 years; Council Member Johnson seconded the motion.

After further discussion Council Member McCabe called for the question. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Babinchak, Geller, Johnson, Hagness - 12; voting "nay": Council Member Beyer - 1. Mayor Polovitz declared the call for the question approved.

Upon call for the question on the amendment, and upon roll call vote, the following voted "aye": Council Members McCabe, Carpenter, Sande, Beyer, Johnson, Beach - 6; voting "nay": Council Members Hoepfner, Hamerlik, Hanson, Klave, Babinchak, Geller, Hagness - 7. Mayor Polovitz declared the amendment failed.

Mr. Swanson, city attorney, advised council that if resolution of annexation passed, there would be a public hearing on June 17, and at time council will take final action, assuming the resolution passes, the future annexation would be effective January 1, 2014; that the property owners could petition for an earlier date of annexation, and if a future city council were to find sufficient basis to alter the date of annexation, they could make consideration to do that, that a future council is not foreclosed from making an earlier date of annexation.

Upon call for the question on the original motion and upon roll call vote, the following voted "aye": Council Members Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Hagness, Beach, McCabe - 12; voting "nay": Council Member Johnson - 1. Mayor Polovitz declared the motion carried.

Council Member Hagness introduced the following resolution of annexation which was presented and read: Document No. 7037 - Resolution.

It was moved by Council Member Hagness and seconded by Council Member Carpenter that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Hagness, Beach, McCabe - 12; voting "nay": Council Member Johnson - 1. Mayor Polovitz declared the resolution adopted.

DENY PETITION FOR CREATION OF AN URBAN  
RENEWAL DISTRICT BOUNDARY AND ESTABLISH  
PROJECT

The Planning and Zoning Commission reported having considered the matter of the petition from EAPC Architects/Engineers for approval of creation of an urban renewal district boundary and establishing a TIF (tax increment financing) for Phase I of EAPC A/E office facility project on Lot 2, Block 2, English Coulee Center Second Addition in the city of Grand Forks, ND (located northwest of DeMers Avenue and South 30th Street), and recommended that the area be determined to be one of blight,

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is in the best interest of the public economy, health, safety, and welfare, that the redevelopment, as proposed, is consistent with the City's comprehensive plan and that the urban renewal district be amended to include the property.

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

Council Member Carpenter stated opposition to the request, and encourage council to reject the recommendation. Council Member Sande stated this is an empty lot, and failed to see how declare they could designate as urban renewal area.

Don Tingum, 1103 South 19th Street, representing EAPC, stated that the area being looked at runs from South Columbia Road overpass to South 30th Street in a westerly direction and is unusable property on north side of DeMers, is unsightly area, and condition of lot is basis for their request for designation as blighted area.

After further discussion and upon call for the question and upon roll call vote, the following voted "aye": Council Member McCabe - 1; voting "nay": Council Members Carpenter, Sande, Klave, Beyer, Babinchak Geller, Johnson, Hagness, Beach, Hoepfner, Hamerlik, Hanson - 12. Mayor Polovitz declared the motion defeated.

APPROVE CREATION OF AN URBAN RENEWAL DISTRICT  
AND ESTABLISH TAX INCREMENT FINANCING TIF/TAX  
EXEMPTION FOR LUCO PROPERTIES BUSINESS  
FACILITY, AND SET DATE FOR PUBLIC HEARING

The Planning and Zoning Commission reported having considered the matter

of the petition from Lunseth Plumbing and Heating for approval of creation of an urban renewal district boundary and establishing a tax increment financing (TIF)/tax exemption for relocation and renovation of LUCO Properties business facility on Lot 2, Block 1, Northern Third Resubdivision (located at 1710 North Washington Street (former Grand Forks Equipment facility), Grand Forks, North Dakota, and recommended that the area be determined to be an area of slum and blight, that the development or redevelopment is in the best interests of the public economy, health, safety, and welfare, that the redevelopment, as proposed, is consistent with the proposed urban renewal project development as well as the City's comprehensive plan.

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

It was moved by Council Member Geller and seconded by Council Member Sande that the public hearing be set for Monday, June 3, 1996. Carried 13 votes affirmative.

DEFEAT RECOMMENDATION TO RENAME SOUTH 42ND STREET AS AURORA BOULEVARD, AND RENAME PORTIONS OF SOUTH 38TH STREET AND 30TH AVENUE SOUTH AS SOUTH 42ND STREET

The Planning and Zoning Commission reported having considered the matter of renaming South 42nd Street, and recommended approval of the resolution of street name changes (which would rename a segment of South 38th Street between 30th Avenue South (formerly Ishim Drive) and 32nd Avenue South; a segment of

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30th Avenue South between South 38th Street and a street known as South 42nd Street or the extension thereof; a segment of South 42nd Street or the extension thereof between DeMers Avenue and 30th Avenue South (formerly Ishim Drive) and South 42nd Street or the extension thereof, as Aurora Boulevard.

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

Council Member Beyer expressed concern with naming part of a street, and moved an amendment to change the name from Gateway Drive to 32nd Avenue South; the motion was seconded by Council Member Sande.

Council Member Hagness stated that there was concern on part of the property owners on North 42nd Street with renaming the street because have established business (42nd Street Eatery, etc.) and because of expense, and urged defeat of the amendment.

Council Member Hamerlik reported that the Events Center Core Committee

had recommended renaming the street as Aurora Boulevard to give directions to people coming into the city.

Upon call for the question on the amendment to the motion, and upon roll call vote, the following voted "aye": Council Members Sande, Beyer, McCabe, Hamerlik - 4; voting "nay": Council Members Hanson, Carpenter, Klave, Babinchak, Geller, Johnson, Hagness, Beach, Hoepfner - 9. Mayor Polovitz declared that the amendment failed.

Upon call for the question on the original motion and upon roll call vote, the following voted "aye": Council Members Hagness, Beach, McCabe, Carpenter - 4; voting "nay": Council Members Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hoepfner, Hamerlik, Hanson - 9. Mayor Polovitz declared that the motion failed.

It was then moved by Council Member Beyer and seconded by Council Member Geller to rename South 38th Street between 30th Avenue south (formerly Ishim Drive) and 32nd Avenue South, and 30th Avenue South between South 38th Street and South 42nd Street or the extension thereof as South 42nd Street. Carried 13 votes affirmative.

AUTHORIZE DIRECTOR OF FINANCE AND CHAIRMAN  
OF FINANCE COMMITTEE TO CONCLUDE NEGOTIATIONS  
RE. AIRPORT EMPLOYEES' LIABILITY

The Pension and Insurance Committee reported having considered the matter of airport employees' liability and recommended that the director of finance and the chairman of the finance committee be empowered to conclude negotiations with the Airport's representatives.

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

RECEIVE AND FILE MATTER OF ACTUARIAL  
VALUATION PRESENTATION

The Pension and Insurance Committee reported having considered the matter of actuarial valuation presentation, and recommended that the matter be received and filed.

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

AUTHORIZE EVENTS CENTER CORE COMMITTEE  
TO ACT ON MATTER OF INSURANCE FOR  
EVENTS CENTER

The Events Center Core Committee reported having considered the matter of insurance for the events center project, and recommended that the city council give the events center core committee the authority to act on the matter of insurance for the events center.

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

AUTHORIZE REIMBURSEMENT TO M. A. MORTENSON  
COMPANY FOR DIRECT EXPENSES INCURRED FOR  
EVENTS CENTER PROJECT IF CONTRACT NOT ENTERED  
INTO WITH CITY

The Events Center Core Committee reported having considered the matter of request from M. A. Mortenson to reimburse direct expenses incurred on events center project if contract is not entered into with City, and recommended that the City respond with a letter acknowledging that expenses are being incurred and in the event that a contract is not entered into, the City would reimburse M. A. Mortenson Company for reasonable expenses incurred.

It was moved by Council Member Beach 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, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE APPOINTMENT TO RIVER FORKS COMMISSION

Mayor Polovitz announced the appointment of Council Member Glassheim and Beth Bouley to the River Forks Commission for three-year terms expiring December 31, 1996, and asked for concurrence in these appointments.

It was moved by Council Member Hagness and seconded by Council Member Beach that these appointments be and are hereby approved. Carried 13 votes affirmative.

APPROVE APPOINTMENT TO BIKEWAY COMMITTEE

Mayor Polovitz announced the appointment of Ray Engen to the Bikeway Committee to fill the unexpired term of Mike Pederson which expires January 1, 1998, and asked for concurrence in this appointment.

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

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 283, dated May 6, 1996 and totaling \$640,456.22, was presented and read.

It was moved by Council Member Beyer and seconded by Council Member Hanson that these estimates be and are hereby approved and that the city auditor be and is hereby authorized to issue warrants in payment of the same. Upon roll

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call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

#### APPROVE CERTIFICATES OF COMPLETION

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Project No. 4321, Sewer District No. 361; and Project No. 4196, wastewater sampling building.

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

#### REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) matter of request from mayor of Awano, Japan for sister-city relationship; Mayor Polovitz referred the matter to the urban development committee for consideration.
- 2) matter of cable t.v. franchise negotiations; Mayor Polovitz referred this matter to the finance committee for consideration.
- 3) fire department annual report for 1994 (for information only)
- 4) Council Member Hamerlik brought to the attention of the council the matter of an event in University Park, that he had received several calls re. noise, etc. Mayor Polovitz stated that the matter should be looked into.

#### DIRECT THAT MAYOR'S OFFICE SEND LETTER TO CITY DEPARTMENTS AND EMPLOYEES FOR FLOOD EMERGENCY WORK

Council Member Hagness moved that a letter be sent from the mayor's office to various city departments and employees thanking them for their work in coordinating flood emergency work, etc., seconded by Council Member Hanson. Carried 13 votes affirmative.

It was moved by Council Member Hagness that to thank the youth of the community in helping to fight the flood, etc. that the City spend up to \$3,000 for an appreciation party for the youth who participated in helping with flood work, and that the funds be taken from miscellaneous funds. The motion was seconded by Council Member Beyer. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

#### RECONSIDER MATTER OF REQUEST FOR TAX INCREMENT FINANCING BY EAPC FOR COMMERCIAL/ OFFICE PARK PROJECT (DEMERS ENGLISH COULEE CENTER II), AND DEFEAT RECOMMENDATION

It was moved by Council Member Hagness and seconded by Council Member Carpenter to reconsider the finance committee's recommendation relative to the request by EAPC for tax increment financing. Carried 13 votes affirmative.

Committee No. 1, Finance, reported having considered the matter of request for tax increment financing by EAPC for commercial/office park project (DeMers English Coulee Center II), and recommended to refer to Planning and Zoning for 14478  
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determination of slum or blight in addition to the plan and call for public hearing on a tax exemption for EAPC for commercial/office park project.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this recommendation be and is hereby approved. Upon call for the question and upon voice vote, the motion was defeated by a vote of 13 votes against the motion.

ADJOURN

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

Respectfully submitted,

John M. Schmisek, City Auditor

Approved:

Michael Polovitz, Mayor