

**THE CITY COUNCIL  
GRAND FORKS, NORTH DAKOTA  
20, 1996**

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

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Monday, May 20, 1996 at the hour of 7:30 o'clock p.m. with President Hagness presiding. Present at roll call were Council Members McCabe, Hoepfner, Hamerlik, Carpenter, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 10; absent: Council Member Sande - 1.

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

City Engineer Ken Vein reported that some time ago a request was made to the Federal Emergency Management Administration (FEMA) for revisions to the effective Flood Insurance Study and the National Flood Insurance Program to incorporate changes in the hydrologic and hydraulic analysis of the English Coulee, English Coulee north tributary and English Coulee south tributary resulting from the completion of and recent modifications to the English Coulee Diversion Project; and specifically, the City requested a letter of map revisions (LOMR) revising the flood insurance map and the flood boundary and floodway map; and effective May 10 of this year that request has been granted to the city.

COUNCIL MEMBERS GLASSHEIM, HANSON AND BEACH  
REPORTED PRESENT

He stated that a large number of lots in the southwest part of the city have been removed from the 100-year flood (boundaries of the area shown as Interstate 29, 32nd Avenue South to the north is DeMers Avenue and South Columbia Road) and with revisions will basically follow the channel of the English Coulee; that will result in elimination of flood insurance for many of these properties, and basically, effectively removes them from danger of the 100-year flood.

President Hagness thanked Mr. Vein and his staff for work done on this over the years. Mr. Vein stated they have worked with consultant, CPS, in getting this done, has been long process which started in 1992. He also noted that his office will be notifying property owners.

APPROVE MINUTES APRIL 29, 1996

Typewritten copies of the minutes of the special meeting of the city council held on Monday, April 29, 1996 were presented and read. It was moved by Council Member Beyer and seconded by Council Member Johnson that these minutes be approved as read. Carried 13 votes affirmative.

ADOPT ORDINANCE NO. 3589, TECHNICAL  
CORRECTIONS ORDINANCE, CHAPTER IX OF THE  
CITY CODE, RELATING TO OFFENSES AND  
MISCELLANEOUS PROVISIONS

An ordinance entitled "a technical corrections ordinance amending Chapter

IX of the Grand Forks City Code relating to offenses and miscellaneous provisions", which had been introduced and passed on its first reading on May 6, 1996, was presented and read for consideration on second reading and final passage.

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

ADOPT ORDINANCE NO. 3590, RELATING TO CLASS 7  
GOLF COURSE BEER AND WINE LICENSE

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 had been introduced and passed on its first reading on May 6, 1996, was presented and read for consideration on second reading and final passage.

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

POSTPONE SECOND READING OF ORDINANCE RE.  
PAYBACK OF SICK LEAVE TO EMPLOYEES TERMINATED  
BECAUSE OF ON-THE-JOB INJURY TO JUNE 3, 1996  
AND REFER MATTER BACK TO FINANCE COMMITTEE

An ordinance entitled "An ordinance amending Section 6-0410 of the Grand Forks City Code relating to pay upon termination of employment", which had been introduced and passed on first reading on May 6, 1996, was presented and read for consideration on second reading.

Howard Swanson, city attorney, advised that the ordinance has not been distributed as he needed clarification as to rate of pay sick leave would be compensated at; that currently, there are two tiers of pay depending upon when sick leave accrued, whether accrued prior to June 30, 1980 or after; and whether intent was to follow that split or to pay at current rate or rate at which sick leave accrued.

Council Members Carpenter and Babinchak asked that this matter be sent back to committee for further discussion and clarification of the rates of pay at termination, and moved to postpone the second reading of the ordinance to June 3, 1996. Carried 13 votes affirmative.

HOLD PUBLIC HEARING; ADOPT RESOLUTION  
GIVING PRELIMINARY APPROVAL TO PROJECT ON  
BEHALF OF CIRRUS DESIGN CORPORATION AND THE  
FINANCING THEREOF UNDER THE CITY CHARTER AND  
ORDINANCES; AND AUTHORIZING THE PREPARATION

OF NECESSARY DOCUMENTS

The acting city auditor reported that notice had been published calling for a public hearing to be held this evening on the proposal that the City issue its Reserve Revenue Bonds in one or more series under the Home Rule Charter of the City to finance the acquisition and construction of a manufacturing facility and other improvements to be located in the City's industrial park in furtherance of the City's economic development program; that the proposed project is to be owned by the City and leased to Cirrus Design Corporation for use in its manufacturing business; and that the City may issue bonds in one or more series in an aggregate amount up to \$3,500,000 to finance the project.

President Hagness called for the public hearing; there were no comments from the audience.

Council Member Beyer introduced the following resolution and moved its adoption: Document No. 7038 - Resolution.

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The motion for the adoption of the foregoing resolution was duly seconded by Council Member Hoepfner and, upon vote being taken thereon, the following voted in favor thereof: Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; and the following voted against the same: none; whereupon the resolution was declared duly passed and adopted and was signed by the Acting Mayor, whose signature was attested by the City Auditor.

CONTINUE PUBLIC HEARING ON RESOLUTION OF  
NECESSITY AND DETERMINATION OF PROTEST ON  
PAVING DISTRICT NO. 542, PROJECT NO. 4418  
UNTIL JUNE 3, 1996

The acting city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 542, Project No. 4418, paving on South 34th Street from DeMers Avenue to 17th Avenue South, had expired on May 16, 1996; however, the date for receiving bids for the project been delayed until May 20, 1996, and in order to give property owners an opportunity to see bids and cost of the project before final action, it was moved by Council Member Beyer and seconded by Council Member Babinchak that the hearing on the determination of protests be and is hereby continued to June 3, 1996. Carried 13 votes affirmative.

APPROVE APPOINTMENT OF INSPECTORS OF  
ELECTION FOR JUNE 11 PRIMARY ELECTION

The acting city auditor reported that a listing of the inspectors of election by ward and precinct had been distributed to the council members. It was moved by Council Member Hoepfner and seconded by Council Member Beyer that the individuals listed be and are hereby appointed as inspectors of election for the June 11, 1996 primary election. Carried 13 votes affirmative.

APPROVE APPLICATION FOR PERMIT TO MOVE  
BUILDING TO 1020 1ST AVENUE NORTH FOLLOWING  
PUBLIC HEARING

The acting city auditor reported that the notice of public hearing on the application by William Graveline to move building from 2419 2nd Avenue North to 1020 1st Avenue North to be used as rental-duplex, had been published and posted as required.

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

Committee No. 3, Public Service, reported having considered the application by William Graveline for moving permit to move building from 2419 2nd Avenue North to 1020 1st Avenue North to be used as rental-duplex, and recommended to approve application subject to the public hearing.

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

APPROVE BILL LISTING

Vendor Payment Listing No. 96-08 dated, May 20, 1996, and totaling \$1,234,581.77, 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 Hanson and seconded by Council Member McCabe that these bills be allowed and that the city auditor be authorized to issue

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warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. President Hagness declared the motion carried and the bills ordered paid.

ACCEPT OFFER FOR PURCHASE OF CITY LOT (LOT  
6, AUDITOR'S SUBDIVISION NO. 27

Committee No. 1, Finance, reported having considered the matter of offer to purchase City-owned lot in Auditor's Subdivision No. 27, (Lot 6), by Alan B. Warcup or First American Bank Valley, and recommended to accept the offer of \$9,500.00.

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

RECEIVE AND FILE CABLE TV AUDIT REPORT

Committee No. 1, Finance, reported having considered the matter of audit report, TCI of North Dakota, Inc., for year ended December 31, 1995, and recommended to receive and file the report.

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

DECLARE UNUSABLE EQUIPMENT AS SURPLUS AND OFFER FOR SALE

Committee No. 1, Finance, reported having considered the matter of surplus property (various equipment, including desks, chairs, dictaphone, console parts for portable radio, computer printers and keyboards, monitors, etc. which had been offered to various departments), and recommended to declare the property as surplus and to offer for sale, along with unusable equipment becoming available between now and May 18, which is the date of the police auction.

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

APPROVE APPLICATIONS FOR 3-YEAR REMODELING EXEMPTIONS

Committee No. 1, Finance, reported having considered the application for 3-year remodeling exemption from BFI Partnership, LLP, 2016 South Washington Street, and recommended approval of a three-year exemption.

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

Committee No. 1, Finance, reported having considered the application for 3-year remodeling exemption from Grand Forks Homes, Inc., 110 Cherry Street, Phase A, Cherry Heights Apts., and recommended to approve the application for a three-year exemption.

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

Committee No. 1, Finance, reported having considered the application for 3-year remodeling exemption from Grand Forks Homes, Inc., 710 4th Avenue South, Phase C, Oak Manor, and recommended to approve a 3-year remodeling exemption.

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

ADOPT RESOLUTION CONCERNING INVESTMENT  
OF FUNDS WITH MERRILL LYNCH

Committee No. 1, Finance, reported having considered the matter of resolution concerning the investment of funds by the City with Merrill Lynch, and recommended to approve the resolution.

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

Council Member McCabe introduced the following resolution which was presented and read: Document No. 7039 - Resolution.

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

APPROVE PLEDGED SECURITIES

Committee No. 1, Finance, reported having considered requirements of the NDCC, as amended, which require that pledges made by designated depositories of the public funds be approved in January of each even numbered year and semi-annually, that they have examined the records and found that The First National Bank of Grand Forks has deposited with the Bank of North Dakota in a designated pledge pool \$27,005,651.12, all of which have been pledged as securities for public funds for the members of the pledge pool, that had a combined cash balance of \$22,348,508 as of May 1, 1996, and which requires a pledged amount of \$24,583.359, and recommended that the pledged securities be re-approved as required.

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

ESTABLISH YOUTH COMMISSION, AND APPROVE  
FUNDING

Committee No. 1, Finance, reported having considered the matter of financing youth commission, and recommended to establish a youth commission with a total budget of \$25,000 in 1996 with \$6,000 from mayor's city council budget, and \$19,000 from miscellaneous cash carryover; and that we further recommend to the budget framework committee and city council that \$37,000 be included in the 1997 budget for the youth commission.

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

Council Member Beyer expressed some concern re. motion, that they should utilize existing resources before approving plan.

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Pam Larson, 397 Woodland Circle, stated that one of the main functions of the coordinator would be to identify gaps and work with community to

remedy them and youth center one small part of what is involved; want to coordinate all areas of community; and that this program is one owned by the community.

There was considerable discussion re. council's concern re. entire funding for administration and City the financing agency; concern not so much with function but with structure, hiring of another City employee; and needs more research before approving and getting more agencies involved in funding, etc.; concern re. trend of how financing things in the city, that County was entity that took care of social issues, but in recent years City has become financing agency, ie., City Mission, Adult Abuse Center, renovation of Empire Theatre, etc., that City is first agency approached.

Gene Schneeweis, 1004 University Avenue, questioned spending of \$25,000 in administrative fees; questioned whether going to non-profit organizations who are receiving funds to contribute to this, and should coordinate with police department.

Dennis Herbeck, 3833 Fairview Drive, stated he would like council to have vision this group had, should have public agenda for youth issues in the city, and doesn't think asking for lot of money for children in the community.

Tom Neilson, patrol officer for the city of Grand Forks temporarily assigned to task force, 122 S. 5th Street, stated that statements he will make are based on research on youth violence and crimes; that problems started small, gang problems, etc., grew and now number one problem is gang and violence suppression. He stated that in all communities he researched none run program out of their police department because not a police problem, so many other problems that go along with it. He stated they need someone to review, and address needs, and deal with social issues which police department cannot address.

Patty Lazorus, 524 Reeves Drive, rep. United Hospital, stated they support program and are prepared to help financially and with other resources.

Rosanna Cunningham, 1001 South 12th Street, stated that she looks at this as support of the family institution, that gangs tearing family institutions apart, need to restore family unity, and this will help. She stated that there are people and families out in community that need support and they need to support youth and families.

Mr. Swanson, city attorney, stated that he believed motion out of committee as one of concept in nature, are in effect creating a budget allocating up to \$25,000 for calendar year 1996 for youth commission purposes; that there is a great amount of detail left to be addressed at some point, ie., establishing of a commission requires identification of membership and selection process, there are issues as to oversight, insurance responsibilities, how employee hired, source of membership on Commission, who nominates and who confirms, etc.; and council will see aspects of this before it in some form or another.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Klave, Beyer, Babinchak, Geller, Johnson, Hagness -

13; voting "nay": none. President Hagness declared the motion carried.

INTRODUCE ORDINANCE RELATING TO APPOINTMENT  
OF STANDING COMMITTEE AND COMMITTEE CHAIRS

Committee No. 1, Finance, reported having considered the matter of proposed ordinance(s) relating to appointment of standing committees of council and

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committee chairs, and recommended introduction of an ordinance for first reading providing for election of committee chairs by council and allowing chairs to nominate committee members.

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

After some discussion it was moved by Council Members Hamerlik and Beach that the proposed ordinance shall include provision that each council member shall serve on one of the standing committees and each council member shall have an opportunity to list his/her preference before nominations are made. Carried 13 votes affirmative.

It was then moved by Council Member Beach and seconded by Council Member Geller that Item 4. of the proposed ordinance read as follows: On or before August 1 in each even numbered year and upon vacancies arising, the chairs of the standing committees shall collectively nominate members of the city council to serve on each standing committee. The nominations for each standing committee shall be submitted to the city council for confirmation. Carried 13 votes affirmative.

Upon call for the question on the original motion, and upon voice vote, the motion carried 11 to 2, with Council Members Babinchak and Hanson voting against the motion.

Council Member Klave introduced an ordinance entitled "An ordinance amending Grand Forks City Code Section 2-0201 of the Grand Forks City Code relating to appointment of standing committees", which was presented, read and passed on its first reading.

APPROVE APPLICATION BY GRAND FORKS  
PROFESSIONAL BASEBALL, INC. FOR BEER LICENSE

Committee No. 2, Public Safety, reported having considered the application by Grand Forks Professional Baseball, Inc. for on-sale beer license (Class 8.1 Kraft Field Beer), and recommended to grant license contingent upon approval of police, fire, health and inspection departments.

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

GRANT EXTENSION OF CLASS 1 LICENSE TO DJL, INC.

DBA CHAPS AT 118 NORTH 3RD STREET TO JANUARY 1,  
1997

Committee No. 2, Public Safety, reported having considered the matter of alcoholic beverage license for DJL, Inc. at 118 North 3rd Street, and recommended to grant an extension to January 1, 1997.

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

APPROVE REQUEST BY KEM TEMPLE FOR PARADE  
PERMIT ON JUNE 8

Committee No. 2, Public Safety, reported having considered the request for parade permit by Kem Temple on June 8, 1996, and recommended to approve the request.

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

MATTER OF TRAFFIC REGULATION IN AREA OF  
CENTURY SCHOOL

Committee No. 2, Public Safety, reported having considered the matter of traffic study in area of Century School: request to move flashing amber lights from 20th Avenue South and South 34th Street farther north to just south of Century School, and re. intersection of 17th Avenue South and South 34th Street re. placement of traffic lights, and recommended to request the police department to do selective enforcement of stop signs on 17th Avenue South in the fall and periodically during the school year, and that the traffic engineer bring back revised warrant study when completed along with traffic projections.

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

Committee No. 2, Public Safety, reported having considered the matter of relocating flashing amber lights from 20th Avenue South and South 34th Street farther north to just south of Century School, and recommended to deny the request for any change in location of crossing light on South 34th Street.

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

APPROVE INSTALLATION OF CROSSWALK ON 6TH  
AVENUE NORTH AT RICHARD'S WEST PLAYGROUND

Committee No. 2, Public Safety, reported having considered the request from GF Housing Authority/Maintenance to install crosswalk on 6th Avenue

North between North 47th and 48th Streets at Richards West playground, and recommended to install crosswalk as requested and to evaluate crossing as to whether additional measures can be taken.

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

#### APPROVE HEALTH DEPARTMENT AGREEMENTS

Committee No. 2, Public Safety, reported having considered the matter of agreement between Health Department and Northwest Technical College for supervised work experience, and recommended to approve the agreement.

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

Committee No. 2, Public Safety, reported having considered the agreement between the Health Department and University of Minnesota/Crookston for mosquito control/environmental health internship, and recommended to approve, subject to review by the city attorney.

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

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#### REFER MATTER OF QUESTION ON PUBLIC VOTE ON MOSQUITO CONTROL PROGRAM BACK TO COMMITTEE

Committee No. 2, Public Safety, reported having considered the matter of question of public vote on approval of mosquito control program for 1997, and recommended to approve ballot language as presented for placement on the November ballot.

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

Council Member Johnson stated concern re. proposal from Mosquito Control Board and Health Department re. creation of a fulltime position for mosquito control; and moved an amendment to the proposed question to be placed on the November ballot to include the word "may" so that the question would read: "Should the City of Grand Forks continue a comprehensive mosquito control program that "may" include larviciding, adulticiding, mosquito survey, source reduction, and public education?" and the word "may" included in the explanations of the Yes and No votes. Council Member McCabe seconded the motion.

It was then moved by Council Member Beyer to insert words "as conditions dictate" at the end of the question after the words "public education" and in the Yes and No explanations. Council Member Klave seconded the motion.

Council Member Glassheim urged defeat of both amendments, that there was considerable public demand that they do something about mosquitos, that program was worked out with two-year time frame which would give public time to determine whether program effective, and need to give public clear possible choice.

Upon call for the question and upon roll call vote on the second amendment, the following voted "aye": Council Members Carpenter, Geller, Johnson - 3; voting "nay": Council Members Beach, McCabe, Hoepfner, Hamerlik, Hanson, Glassheim, Klave, Beyer, Babinchak, Hagness - 10. President Hagness declared the motion failed.

Upon call for the question on the first amendment and upon voice vote, President Hagness declared the motion failed on vote off 12 to 1, with Council Member Johnson voting in favor of the motion.

After further discussion Council Member Hanson moved an amendment to the question to read "Would you be willing to pay a fee for the City of Grand Forks to continue a comprehensive mosquito control program...." The motion died for lack of a second.

Mr. Swanson advised that when council set program in motion, they stated they would have public vote in two years; he questioned what they were asking public, that if want to know what people will support, take a poll, but if looking for specific items to be voted on, have to give them a question of substance. He also advised that this is purely an advisory vote, but need to define what looking for.

There was some discussion relative to assessment of fee, cost of program (last year City collected approx. \$122,000 in fees, program cost \$130-135,000, that there was a \$42,000 carryover accumulated in the past and used for capital costs), that fee cannot support the program even without full-time position. Mr. Shields stated to fund program (including fulltime position), would have to expand collections for one to two months. Mr. Swanson stated there is ordinance in place which imposes \$1.00 surcharge for February through July, that ordinance has been amended three times to increase amount, length and one 14488  
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increase class over whom charged (included housing units, etc.), and that if questions is a mosquito control fee, then should be referring ordinance, whether to repeal or retain, some questioned whether it was question of aerial or ground spraying, need to know what voting on, that question doesn't address cost, and suggested delaying for further study.

It was moved by Council Member Carpenter and seconded by Council Member Geller to refer this matter back to committee for further consideration. Carried 13 votes affirmative.

COUNCIL MEMBER HANSON EXCUSED

APPROVE CHANGE ORDER TO PROJECT NO. 4427,  
CITY-WIDE STREET REPAIR, TO ALLOW PARKING  
AUTHORITY TO UTILIZE CITY'S CONTRACT TO DO  
REPAIRS TO PARKING LOT, ETC.

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

change order to Project No. 4427, concrete street repair, to allow Parking Authority to use City's contract to redo entrance to the Bridge lot, change grade and re-surface lot, and to install walkway and steps, and recommended to authorize Change Order No. 1 to the project in an amount up to \$20,000 with funds to come from Parking Authority.

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

APPROVE SIDEWALK LIST NO. 1

Committee No. 3, Public Service, reported having considered the matter of sidewalk repair and construction list No. 1, and recommended to approve sidewalk list No. 1.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
STREET LIGHTING DISTRICT NO. 105, PROJECT NO. 4310

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4310, District No. 105, street lighting on 24th Avenue South from South 34th to South 38th Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Beyer introduced the following resolution creating the assess- ment district, which was presented and read: Document No. 7040 - Resolution.

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

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ACCEPT ENGINEER'S REPORT, STREET LIGHTING  
DISTRICT NO. 105, PROJECT NO. 4310

The acting city auditor presented and read the engineer's report on

Street Lighting District No. 105, Project No. 4310: Document No. 7041 - Report.

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

ADOPT RESOLUTION OF NECESSITY, STREET LIGHTING  
DISTRICT NO. 105, PROJECT NO. 4310

Council Member Beyer introduced the following resolution of necessity, which was presented and read: Document No. 7042 - Resolution.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
STREET LIGHTING DISTRICT NO. 111, PROJECT NO. 4455

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4455, District No. 111, street lighting in Columbia Park 15th Addition, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Beyer introduced the following resolution creating the assess- ment district, which was presented and read: Document No. 7043 - Resolution.

ACCEPT ENGINEER'S REPORT, STREET LIGHTING  
DISTRICT NO. 111, PROJECT NO. 4455

The acting city auditor presented and read the engineer's report on Street Lighting District No. 111, Project No. 4455: Document No. 7044 - Report.

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

ADOPT RESOLUTION OF NECESSITY, STREET  
LIGHTING DISTRICT NO. 111, PROJECT NO. 4455

Council Member Beyer introduced the following resolution of necessity, which was presented and read: Document No. 7045 - Resolution.

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

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ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
STREET LIGHTING DISTRICT NO. 117, PROJECT NO. 4508

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4508, District No. 117, street lighting on 25th Avenue South and South 34th Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 7046 - Resolution.

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

ACCEPT ENGINEER'S REPORT, STREET LIGHTING  
DISTRICT NO. 117, PROJECT NO. 4508

The acting city auditor presented and read the engineer's report on Street Lighting District No. 117, Project No. 4508: Document No. 7047 - Report.

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

ADOPT RESOLUTION OF NECESSITY, STREET  
LIGHTING DISTRICT NO. 117, PROJECT NO. 4508

Council Member Beyer introduced the following resolution of necessity, which was presented and read: Document No. 7048 - Resolution.

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

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
STREET LIGHTING DISTRICT NO. 113, PROJECT NO. 4484

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4484, District No. 113, street lighting in Mighty Acres Phase II, and recommended that we adopt a resolution creating assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

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Council Member Beyer introduced the following resolution creating the assess- ment district, which was presented and read: Document No. 7049 - Resolution.

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

ACCEPT ENGINEER'S REPORT, STREET LIGHTING  
DISTRICT NO. 113, PROJECT NO. 4484

The acting city auditor presented and read the engineer's report on Street LIghting District No. 113, Project No. 4484: Document No. 7050 - Report.

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

ADOPT RESOLUTION OF NECESSITY, STREET LIGHTING  
DISTRICT NO. 113, PROJECT NO. 4484

Council Member Beyer introduced the following resolution of necessity, which was presented and read: Document No. 7051 - Resolution.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
STREET LIGHTING DISTRICT NO. 114, PROJECT NO. 4505

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4505, District No. 114, street lighting on 6th Avenue North from 51st Street to 53rd Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Beyer introduced the following resolution creating the assess- ment district, which was presented and read: Document No. 7052 - Resolution.

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

ACCEPT ENGINEER'S REPORT, STREET LIGHTING  
DISTRICT NO. 114, PROJECT NO. 4505

The acting city auditor presented and read the engineer's report for Street Lighting District No. 114, Project No. 4505: Document No. 7053 - Report.  
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It was moved by Council Member Beyer and seconded by Council Member Klave that this report be and is hereby approved. Carried 12 votes affirmative.

ADOPT RESOLUTION OF NECESSITY, STREET LIGHTING  
DISTRICT NO. 114, PROJECT NO. 4505

Council Member Beyer introduced the following resolution of necessity, which was presented and read: Document No. 7054 - Resolution.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
STREET LIGHTING DISTRICT NO. 116, PROJECT NO. 4507

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4507, District No. 116, street lighting on 30th Avenue South from 34th to 38th Street, and recommended that we adopt a resolution creating assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

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

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 7055 - Resolution.

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

ACCEPT ENGINEER'S REPORT, STREET LIGHTING  
DISTRICT NO. 116, PROJECT NO. 4507

The acting city auditor presented and read the engineer's report for Street Lighting District No. 116, Project No. 4507: Document No. 7056 - Report.

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

ADOPT RESOLUTION OF NECESSITY, STREET LIGHTING  
DISTRICT NO. 116, PROJECT NO. 4507

Council Member Beyer introduced the following resolution of necessity, which was presented and read: Document No. 7057 - Resolution.

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

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ACCEPT QUOTE FOR YARD RESTORATION IN  
RIVERSIDE AREA

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

quotes for yard restoration in Riverside area (dike), and recommended to approve quote from Gowan Construction, Inc. in the amount of \$7,850.00.

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

CONSENT TO SISTER-CITY RELATIONSHIP WITH AWANO,  
JAPAN

Committee No. 4, Urban Development, reported having considered the matter of sister-city relationship with Awano, Japan, and recommended that the City of Grand Forks consent to a sister-city relationship that would emphasize both cultural and economic development ties.

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

APPROVE ALLOCATION OF CDBG BUDGET CUTS

Committee No. 4, Urban Development, reported having considered the matter of allocation of CDBG budget cuts, and recommended to pro-rate the \$1,800.00 cut consequential to the reduction in the total budget as follows: Community Violence Intervention Center, \$1,200; Listen, Inc., \$500; Affordable Housing Program/Urban Development, \$100; which would allocate \$88,200 to public service projects out of Community Development Block Grant; and to transfer out of Contingencies funds to cover the balance of the bricks and mortar projects in the amount of \$11,050.

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

APPROVE PLANS AND SPECIFICATIONS, AND AUTHORIZE  
TO PROCEED WITH ADVERTISING FOR BIDS FOR BUILDING  
FOR CIRRUS DESIGN CORPORATION

Committee No. 4, Urban Development, reported having considered the matter of authorization to bid Cirrus manufacturing plant, and recommended to approve plans and specifications, and to proceed with advertising for bids for the building.

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

APPROVE PROTECTIVE COVENANTS FOR BURDICK'S  
ACRES

Committee No. 4, Urban Development, reported having considered the matter of protective covenants for Burdick's Acres, and recommended that the

restrictive covenants for Burdick's Subdivision be approved as revised.  
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It was moved by Council Member Beach and seconded by Council Member Glassheim that this recommendation be and is hereby approved. Carried 12 votes affirmative.

#### REPORTS FROM EVENTS CENTER CORE COMMITTEE

Council Member Carpenter reported that the committee conducted a partnering session to make project proceed as smoothly as possible, that they have had proposals out for representative for insurance purposes, and will be considering proposal at their next meeting.

#### APPROVE PROPOSED AGREEMENTS FOR EVENTS CENTER

The Events Center Core Committee reported having considered the matter of agreement with Jeff Hussey regarding the plat for Danks Second Resubdivision, and recommended approval of the proposed agreement pending approval of city attorney.

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

Council Member Carpenter reported that all property that comes into the city is subject to an 8% park and open space requirement and in this instance the Park Dedication Committee was agreeable to trade that requirement for obtaining the additional right of way needed on South 42nd Street as well as the portion of right of way for 43rd Street that will go on the back side of Mr. Hussey's property, so in effect the City traded the 8% park and open space requirement for the additional right of way that City needed.

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

The Events Center Core Committee reported having considered the matter of the land agreement with Keith Danks regarding site for the Aurora, and recommended approval of the proposed agreement pending approval of the city attorney.

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

Council Member Carpenter reported that regarding the agreement for purchase of property from Keith Danks the council would have to act only on entering into a contract for deed for Lot 4 vs. the entire agreement and this was being done at the request for Mr. Danks relating to a holding period they have on a portion of that land for tax purposes, so rather than terms of this agreement actually enter into a contract for deed for the purchase of Lot 4 in that property. Council Member Carpenter moved an amendment to delete the entire agreement and to substitute contract for deed for purchase of Lot 4. Council Member Beach

seconded the motion. Upon voice vote, the amendment carried 12 votes affirmative.

Upon call for the question on the motion, as amended, and upon roll call vote, the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Glassheim, Carpenter, Klave, Beyer, Babinchak Geller, Johnson, Hagness - 12; voting "nay": none. President Hagness declared the motion carried.

The Events Center Core Committee reported having considered the matter of land agreement with property owners of Lots 6, 7, 9, 10 and 11 of Danks Second Resubdivision, and recommended approval of proposed agreement pending approval  
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of city attorney.

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

#### APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 284, dated May 20, 1996, and totaling \$23,047.00, was presented and read.

It was moved by Council Member Beyer and seconded by Council Member Johnson that these estimates be and are hereby approved and that the city auditor be and is hereby authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, McCabe, Hoepfner, Hamerlik, Glassheim, Carpenter, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 12; voting "nay": none. President Hagness declared the motion carried.

#### RECONSIDER RESOLUTION OF NECESSITY AND PROTESTS TO PAVING DISTRICT NO. 533, PROJECT NO. 4312, DETERMINE INSUFFICIENCY OF PROTEST; RECEIVE TABULATION OF BIDS, ESTIMATES OF TOTAL COST AND AWARD CONTRACT

It was moved by Council Member Hamerlik and seconded by Council Member Klave to consent to reconsider the council's action taken on May 6, 1996 relative to the resolution of necessity and determination of sufficiency of protest to Paving District No. 533, Project No. 4312, paving on 30th Avenue south from South 38th to 42nd Street, and rejection of the bids. Carried 12 votes affirmative.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that we reconsider the council's action of May 6, 1996 declaring a sufficiency of protest and rejecting all bids submitted for construction of the project. Carried 12 votes affirmative.

The acting 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 written protests totaling 61.68% of the assessment district had been received.

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

Howard Swanson, city attorney, advised that the public service committee was provided correspondence dated May 13, 1996 from Mr. Jim Lynch. He stated that Mr. Lynch was in the audience, as was Mr. Eggebraaten, and that there had been considerable discussion at the May 6 council meeting relative to the protest against the paving on this project, and that it is his understanding that Mr. Lynch has indicated that they are withdrawing on behalf of Rydell's the protest for a portion of the property that they own, which is west of the storage facility, and it is further his understanding that Nodak Rural Electric Cooperative is withdrawing any protest they may have had for their property (no formal protest filed), and consequently between those two, there is less than a 50% protest to the project. He stated he didn't know Mr. Eggebraaten's position.

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Mr. Jim Lynch, representing Rydell Chevrolet GMC, Inc., stated that Mr. Rydell has purchased the property located between Amundson Funeral Home and All Reasons Storage, and supports the project to pave the road with the intended special assessments.

It was noted that Mr. Eggebraaten's protest stays of record.

It was moved by Council Member Beyer and seconded by Council Member Klave that we declare an insufficiency of protest on the resolution of necessity. Carried 12 votes affirmative.

Council Member Beyer introduced the following resolution as to protests which was presented and read: Document No. 7058 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that we declare an insufficiency of protest against Paving District No. 533, Project No. 4312, and further that the resolution be and is hereby adopted. Carried 12 votes affirmative.

The acting city auditor presented and read tabulation of bids which had been received and opened on Monday, April 29, 1996 for Paving Project No. 4312, District No. 533, indicating that Opp Construction Company was the low bidder based upon their bid in the amount of \$232,187.000: Document No. 7059 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4312, District No. 533, in the amount of \$295,000.00, was presented and read.

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

that we award the bid for Paving Project No. 4312, District No. 533, to Opp Construction Company in the amount of \$232,187.00. Carried 12 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7060 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution awarding the contract for Paving Project No. 4312, District No. 533, to Opp Construction Company, be and is hereby adopted. Upon roll call the following voted "aye"; Council Members Beach, McCabe, Hoepfner, Hamerlik, Glassheim, Carpenter, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 12; voting "nay": none. President Hagness declared the resolution adopted and the contract awarded.

#### REFER ITEMS TO VARIOUS COMMITTEE

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

- 1) Council Member Carpenter presented the matter of consideration of 1996 funding for Growth Fund; President Hagness referred the matter to the finance committee for consideration.
- 2) Council Member Carpenter presented the matter of formation of a legislative committee; President Hagness referred the matter to the finance committee for consideration.
- 3) Council Member Glassheim presented the matter of extending clean-up week; President Hagness referred this matter to the public service committee for consideration.

Council Member McCabe advised council that he will be leaving for Minneapolis for school to study for the bar examination, and this will be his last

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meeting. He stated that he will return his paycheck to the City, and thanked council for their consideration, etc. President Hagness thanked Council Member McCabe on behalf of council and wished him the best in his new endeavors.

- 4) Council Member Johnson presented a request from the E-911 Board operating under joint powers agreement for change in agreement (re. membership of the Board), etc. President Hagness referred this matter to the finance committee for consideration.
- 5) Council Member Beyer reported she had received calls from several residents on Chestnut Street re. construction projects, that vehicles running on street rather than service road, and street conditions becoming very bad. The matter was referred to the engineering department.
- 6) Council Member Klave presented the matter of prizes given away at carnival (knives, etc.); President Hagness referred the matter to the public safety committee.

ADJOURN

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

Respectfully submitted,

Candi Stjern  
Acting City Auditor

Approved:

John M. Schmisek, City Auditor

Approved:

Thomas M. Hagness, President of the  
Council and Acting Mayor