

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

**PROCEEDINGS OF
OF THE CITY OF
Monday, June 3,**

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, June 3, 1996 at the hour of 7:30 o'clock p.m. with Mayor Polovitz presiding. Present at roll call were Council Members Beach, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; absent: Council Member McCabe - 1.

Mayor Polovitz announced that there was a thank you poster on the back wall of the chambers from the children of Winship School thanking the council for playground equipment through the urban development program, and that they were pleased with help Urban Development was able to give them.

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.

**ADOPT ORDINANCE NO. 3591, RELATING TO PAYBACK
OF UNUSED SICK LEAVE TO EMPLOYEES WHO TERMINATE
EMPLOYMENT AS RESULT OF JOB INJURY**

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

Committee No. 1, Finance, reported having considered the matter of the ordinance re. payback of sick leave to employees who terminate employment as result of on-the-job injury, and recommended that subsection 3 be changed to state that employees who terminate due to on-the-job injury will be paid 100% accrued sick leave at the same rates as outlined in subsection 4, and the ordinance be amended.

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

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

**ADOPT ORDINANCE NO. 3592, RELATING TO
APPOINTMENT OF COUNCIL STANDING COMMITTEES**

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 had been introduced and passed on its first reading on May 20, 1996, was presented and read for consideration on second reading.

Council Member Carpenter moved an amendment to the ordinance to item No. 3 so that it reads, "On or before August 1 in each even-numbered year and upon vacancies arising, the city council shall elect chairs, individually in order of paragraph 1. for each of its standing committees."; and in item 4. to include after "..standing committees.." in the third line, "..and the mayor.." so that it reads "..standing committees and the mayor shall collectively nominate members..." Council Member Carpenter also included the motion the change in the word "..ex-official.." to "..ex-officio" in paragraph 2.

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Council Member Beach seconded the motion. Carried 13 votes affirmative.

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

HOLD PUBLIC HEARING ON REQUEST BY LUCO
PROPERTIES FOR TAX INCREMENT FINANCING/
TAX EXEMPTION ON PROPOSED PROJECT FOR
RELOCATION AND RENOVATION OF BUSINESS FACILITY
AT 1710 NORTH WASHINGTON STREET, AND REFER
TO FINANCE COMMITTEE

The city auditor presented the matter of the request by LUCO Properties for tax increment financing/tax exemption on proposed project for relocation and renovation of business facility at 1710 North Washington Street,

The city attorney advised that previously this body had considered a request by LUCO Properties for the tax increment exemption and scheduled a public hearing, that LUCO has properly conducted the required advertising, and the council is to receive public comment, after which the council could take action to approve or deny the request or refer back to committee for further consideration.

Mayor Polovitz called for the public hearing. There were no comments, and the public hearing was closed.

Council Member Carpenter moved that this matter go back to the finance committee to determine the package, if any, that should come before council for approval. Council Member Geller seconded the motion. Carried 13 votes affirmative.

APPROVE ASSESSMENTS, SNOW REMOVAL PROJECT
NO. 4464

The city auditor presented and read the assessments as certified to him by the superintendent of streets on Snow Removal Project No. 4464 in the amount of \$7,839.50, and reported that the legal notice to the public that these assessments would be presented to the city council this evening had

been published as required, and further that no protests or grievances had been filed with his office.

Mayor Polovitz asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Sande and seconded by Council Member Babinchak that these assessments be and are hereby accepted and confirmed and that they be levied against the property benefitted in one annual installment to be collected with other taxes by the proper authorities. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING
DISTRICT NO. 542, PROJECT NO. 4418

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving Project No. 4418, District No. 542, paving on South 34th Street from DeMers Avenue to 17th Avenue South, had expired on May 16, 1996, but because of a delay in receiving bids, the protest period and the public hearing had been continued until this evening. He reported that his office had received written protest from James W. Weber stating that this street is a major thoroughfare and should have City share in the cost, and that the protest is minimal percentage of the assessment district.

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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 Klave introduced the following resolution as to protests which was presented and read: Document No. 7061 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Beyer that we do hereby find and determine an insufficiency of protest against Paving District No. 542, Project No. 4418, 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.
4418, DISTRICT NO. 542

The city auditor presented and read tabulation of bids which had been received and opened on May 20, 1996 for Paving Project No. 4418, District No. 542, paving South 34th Street from DeMers Avenue to 17th Avenue South, indicating that Nodak Contracting was the low bidder based upon their bid in the amount of \$1,032,207.05: Document No. 7062 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4418, District No. 542, in the amount of \$. was presented and read.

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

consideration of project construction bids for Project No. 4418, District No. 542, paving South 34th Street from DeMers Avenue to 17th Avenue South, and recommended to accept the low bid of Nodak Contracting in the amount of \$1,032,207.05, and further that sidewalks included in the project will be assessed over the entire district with the exception of those properties where sidewalks are installed at front of their property.

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

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7063 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution awarding the contract for Paving Project No. 4418, District No. 542, to Nodak Contracting be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING
DISTRICT NO. 540, PROJECT NO. 4475

The city auditor reported that the period of filing protests on the resolution of necessity for the improvements in and for Paving Project No. 4475, District No. 540, paving on 30th Avenue South from South 34th Street to South 38th Street, had expired on May 30, 1996, and that he had received no written

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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 Hoepfner introduced the following resolution as to protests which was presented and read: Document No. 7064 - Resolution.

It was moved by Council Member Hoepfner and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Paving District No. 540, Project No. 4475, 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. 4475,
DISTRICT NO. 540

The city auditor presented and read tabulation of bids which had been received and opened on May 28, 1996 for Paving Project No. 4475, District No. 540, paving on 30th Avenue South from South 34th Street to South 38th Street, indicating that Valley Contracting Company was the low bidder

based upon their bid in the amount of \$135,770.00: Document No. 7065 - Bid Tabulation.

The city engineer's estimate of total cost for Paving Project No. 4475, District No. 540, in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered project construction bids for Project No. 4475, District No. 540, paving 30th Avenue South from South 34th Street to South 38th Street, and recommended to accept the low bid of Valley Contracting Company in the amount of \$135,770.00.

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

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7066 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution awarding the contract for Paving Project No. 4475, District No. 540, to Valley Contracting Company be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

DETERMINE INSUFFICIENCY OF PROTEST ON PAVING
DISTRICT NO. 541, PROJECT NO. 4483

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Paving District No. 541, Project No. 4483, paving on Barley Court and 49th Avenue South in Mighty Acres Phase II, had expired on May 30, 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 Hanson introduced the following resolution as to protests which was presented and read: Document No. 7067 - Resolution.

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It was moved by Council Member Hanson and seconded by Council Member Babinchak that we do hereby find and determine an insufficiency of protest against Paving District No. 541, Project No. 4483, 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.
4483, DISTRICT NO. 541

The city auditor presented and read tabulation of bids which had been received and opened on May 28, 1996 for Paving Project No. 4483, District No. 541, paving on Barley Court and 49th Avenue South in Mighty Acres

Phase II, indicating that Valley Contracting Company was the low bidder based upon their bid in the amount of \$106,602.45: Document No. 7068 - Bid Tabulation.

The city engineer's estimate of total cost on Paving Project No. 4483, District No. 541, in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered project construction bids for Project No. 4483, District No. 541, paving in Mighty Acres Phase II, and recommended to accept the low bid of Valley Contracting Company in the amount of \$106,602.45.

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

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7069 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution awarding the contract for Paving Project No. 4483, District No. 541, to Valley Contracting Company be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the resolution adopted and the contract awarded.

APPROVE CHANGE IN INSPECTOR FOR JUNE 11 ELECTION

The city auditor reported there was a change in inspectors for the June 11 election in Ward 2, Precinct 3, to appoint Grace Bergman 142 Columbia Court, as inspector of election. It was moved by Council Member Hoepfner and seconded by Council Member Geller that this appointment be and is hereby approved. Carried 13 votes affirmative.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

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

Finance Committee:

- 1) request by Tim Lamb for tax increment financing for project at 1624 Dyke Avenue.
- 2) request for health insurance coverage fund transfer.

REPORTS OF OFFICERS

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The city auditor's statement of investment activity for period ending May 31, 1996, was presented and read. It was moved by Council Member Sande and seconded by Council Member Beyer to receive and file the report.

Carried 13 votes affirmative.

The city auditor's statement of changes in cash balances as of April 30, 1996, was presented and read. It was moved by Council Member Beach and seconded by Council Member Hoepfner to receive and file the report. Carried 13 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 96-09, dated June 3, 1996, and totaling \$614,999.91, 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 Babinchak that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 13; voting "nay": none. Mayor Polovitz declared the motion carried and the bills ordered paid.

DIRECT MAYOR TO CALL MEETING RE. ADDITIONAL FUNDING FOR GROWTH FUND

Committee No. 1, Finance, reported having considered the matter of additional 1996 funding for the Growth Fund, and recommended to request the mayor to call a mayor's luncheon to deal with growth funding.

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

APPROVE APPOINTMENT OF LEGISLATIVE COMMITTEE

Committee No. 1, Finance, reported having considered the formation of legislative committee, and recommended appointment of a legislative committee to consist of six members with the mayor to serve as chair; and that the committee will consist of three department heads appointed by the mayor, two members of the city council who shall be appointed by the president of the council, and the mayor.

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

AUTHORIZE DIRECTOR OF FINANCE TO NEGOTIATE FINANCING OF SIDEWALK IMPROVEMENTS WITH LOCAL FINANCIAL INSTITUTIONS

Committee No. 1, Finance, reported having considered the matter of financing sidewalk improvements for 1996, and recommended to authorize the director of the finance department to negotiate financing the sidewalk improvements with the local financial institutions.

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

APPROVE BUDGET AMENDMENT
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A request for budget amendment to transfer \$1,000,000 in the Economic Development budget (from Sales Tax carryover and from transfer into Economic Development Fund) for purchase of Cirrus stock was presented and read. It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this budget amendment be and is hereby approved. Carried 13 votes affirmative.

APPROVE AMENDMENT TO JOINT POWERS AGREEMENT
FOR GRAND FORKS COUNTY 911 AUTHORITY

Committee No. 1, Finance, reported having considered the matter of request from E-911 Board operating under joint powers agreement for change in agreement, ie., membership of the Board, etc., and recommended approval of the changes as proposed with the addition of the word non-voting to the description of the PSAP (public safety answering point) director's description: 1) that the board membership be increased from five members to six members, with sixth member to be chairperson of the 911 Users Group; 2) strike the line that states that the director of PSAP be non-voting chairperson of the Users Group and replace as follows: The director of PSAP shall be an ex-officio member of the Users Group."; 3) add a section B stating that the chairperson of the Users Group should be elected annually by the Users Group; 4) under Section IX. A. to strike administrative control from the provision; and in subsection B. to strike the wording "including the director".

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved. (It was noted that Council Member Carpenter voted against the recommendation in committee.)

Council Member Johnson who is member of the 911 Board, reported that the only controversial change is the increase in board members, from five to six; that proposed change result of request by Users Group as they felt they were not being heard. After some discussion it was moved by Council Member Carpenter to amend the motion to delete additional board member; Council Member Johnson seconded the motion.

Pete Eggimann, PSAP director, 122 South 5th Street, spoke in favor of the increase in membership, that it was his intent to make use of the Users Board extensively, for those people to come to the Authority Board with recommendations and he would act in advisory capacity; that he wants support and consensus of the Users Board and it is his goal that those two Boards work closely together and if one of the members is common to both Boards might increase that communication.

Council Member Johnson stated that currently there is a member of the Users Group on the Board, and this amendment would put two members of the Users Group on the Board.

Upon call for the question on the amendment and upon voice vote, the motion failed.

Mr. Swanson, city attorney, advised that this body (E-911 Authority) created by a joint powers agreement, including the State Board of Higher Education, the City of Grand Forks and the County of Grand Forks, that any change would require approval by the other entities in the joint powers agreement before any change could go into effect. Mr. Eggimann stated that this was first body to hear the proposed changes.

Council Glassheim questioned whether an addition to this body would dilute the City's voting power on the Board, for which the City is paying two-thirds of the cost of operation and has only one member on the Board. Mr. Swanson said

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that would be a possibility.

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

DENY REQUEST FOR KEEPING MINIATURE HORSE IN CITY LIMITS

Committee No. 2, Public Safety, reported having considered request for variance to the ordinance re. keeping of miniature horse in the city limits, and recommended that the request be denied.

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

APPROVE REQUEST FROM AMERICAN LEGION TO HOLD PARADE JUNE 15 DURING STATE CONVENTION

Committee No. 2, Public Safety, reported having considered the request from American Legion to hold parade on June 15 during ND State Legion Convention, and recommended approval of the request from the American Legion to hold parade on June 15 during ND State Legion Convention.

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

APPROVE REQUEST FROM Y FAMILY CENTER TO HOLD RACES

Committee No. 2, Public Safety, reported having considered the request from YMCA Family Center to hold YMCA 10K and 5K Fun Run/Walk on June 8 and YMCA Half Marathon on July 4, 1996, and recommended that approval be granted to hold YMCA 10K and 5K Fun Run/Walk on June 8 and Half Marathon on July 4, 1996.

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

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

AUTHORIZE PARK DISTRICT TO LOCATE PORTABLE
TOILET AT WILLMAR PARK DURING SOFTBALL SEASON

Committee No. 2, Public Safety, reported having considered the request from the Park District to locate portable toilet at Willmar Park during 1996 softball season, and recommended to approve the request from the Park District to locate portable restroom at Willmar Park during the 1996 softball season.

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

APPROVE GRANT AGREEMENT FOR LOCAL HEALTH
SERVICES

Committee No. 2, Public Safety, reported having considered the matter of grant agreement with State Health Department for local health services, and recommended to approve the grant agreement with State Health Department for local health services.

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

APPROVE BUDGET AMENDMENTS

A request to amend budget ordinance for health department in the amount of \$4,394.00 for additional temporary nursing salary and increasing line items, was presented and read. It was moved by Council Member Sande and seconded by Council Member Johnson that this budget amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend budget ordinance for police department in the amount of \$2,000 to reflect Traffic Safety Grant, was presented and read. It was moved by Council Member Sande and seconded by Council Member Johnson that this amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend budget ordinance for municipal court in the amount of \$5,000 for increased cost for jury cases was presented and read. It was moved by Council Member Sande and seconded by Council Member Johnson that this amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend budget for Emergency Management in the amount of \$21,281 to cover flood costs, was presented and read. It was moved by Council Member Sande and seconded by Council Member Johnson that this amendment be and is hereby approved. Carried 13 votes affirmative.

APPROVE QUESTION OF PUBLIC VOTE ON MOSQUITO
CONTROL PROGRAM

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 the following proposal be brought to council: "Should the City of Grand Forks continue the present comprehensive mosquito control program financed by a one dollar per month fee for six to eight months on the utility bill?"

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

Mr. Swanson, city attorney, advised that the language in the proposal should be modified where speaks of the \$1/mo fee, to read "..for up to 8 months per year.." rather than for six to eight months as it is not clear whether that is a total of 6 to 8 months and no further, or if that is intended to be annual. He also questioned whether they were voting on the program, the amount of the fee, or mechanism for collection.

After some discussion Council Member Glassheim moved to amend the motion and language in the ballot question (by putting period after control program, and to delete "financed by a one dollar per month fee for six to eight months on the utility bill") to read as follows: "Should the City of Grand Forks continue the present comprehensive mosquito control program?" (and also in explanation of Yes and No votes). Council Member Carpenter seconded the motion.

Council Member Hamerlik questioned that if by leaving the word "present" in the motion, the program would remain same as is. Council Member Beyer stated that under present program changes can be made by ordinance amendment without any advisory vote of the public.

Mr. Swanson recommended that whatever language approved in the question, the

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heading should be labeled "City of Grand Forks advisory vote mosquito control program", as they are only looking for an advisory vote. Council Member Beyer asked for suggested language in the second proposal, and Mr. Swanson stated that a redraft of the language in alternative question would read as follows, "Should the City of Grand Forks continue to fund a comprehensive mosquito control program utilizing a monthly fee?" Council Member Glassheim stated that central focus not the fee, but whether this is an effective program.

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

Upon call for the question on the motion, as amended (and including advisory vote heading), and upon voice vote, the motion carried.

APPROVE WATER SYSTEM MASTER PLAN

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

water system master plan, and recommended to approve the master plan (annual breakdown master plan project list, dated April 4, 1996, for period through 2006).

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 REQUEST TO PLACE DIRECTIONAL SIGN
IN CITY RIGHT OF WAY AT SOUTH 47TH STREET AND
DEMERS AVENUE

Committee No. 3, Public Service, reported having considered the request to place informational sign in street R/W at corner of South 47th Street and DeMers Avenue, and recommended to approve, contingent upon engineering staff review.

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 PROJECT NO. 4335, MASONRY
REPAIR AND RESTORATION AT WATER PLANT

Committee No. 3, Public Service, reported having considered the matter of consideration of bids for Project 4335, masonry repair and restoration at water plant, and recommended to accept the bid of Mid-Continental Restoration Company, Inc. in the amount of \$57,300.00.

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

ACCEPT BID FOR PROJECT NO. 4260, MILL
ROAD
BRIDGE REPLACEMENT (STATE PROJECT NO.
BRU-6-986(036)039

Committee No. 3, Public Service, reported having considered the matter of project construction bids for Project No. 4260, Mill Road bridge replacement,
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State Project No. BRU-6-986(036)039, and recommended to accept the bid of R. J. Zavoral & Sons in the amount of \$218,433.30.

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

ACCEPT BID FOR PROJECT NO. 4349, RED RIVER
PEDESTRIAN/BICYCLE PATH, STATE PROJECT NO.
TEU-6-986(041)044

Committee No. 3, Public Service, reported having considered the matter of consideration of project construction bids for Project No. 4349, bike path along Red River (Plum to Lincoln), State Project No. TEU-6-986(041)044, and recommended to accept the bid of Strata Corporation in the amount of \$296,713.95.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4476, DISTRICT NO. 373

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4476, District No. 373, sanitary sewer on South 38th Street from 24th Avenue South to 29th Avenue South, and recommended that we adopt a resolution creating special 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, contingent upon filing of the plat and 50% upfront monies.

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 creating the assessment district, which was presented and read: Document No. 7070 - Resolution.

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

ACCEPT ENGINEER'S REPORT, SEWER DISTRICT NO.
373, PROJECT NO. 4476

The city auditor presented and read the engineer's report on Sewer District No. 373, Project No. 4476: Document No. 7071 - Report.

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

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ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS, SEWER DISTRICT NO. 373, PROJECT NO. 4476

Council Member Beach introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7072 - 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 CREATING ASSESSMENT DISTRICT, WATERMAIN PROJECT NO. 4477, DISTRICT NO. 248

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4477, District No. 248, watermain on South 38th Street from 24th Avenue South to 29th Avenue south, and recommended that we adopt a resolution creating special 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, contingent upon filing of the plat and 50% upfront monies.

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 creating the assessment district, which was presented and read Document No. 7073 - Resolution.

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

ACCEPT ENGINEER'S REPORT, WATERMAIN DISTRICT NO. 248, PROJECT NO. 4477

The city auditor presented and read the engineer's report on Sewer District No. 248, Project No. 4477: Document No. 7074 - Report.

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

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS, WATERMAIN DISTRICT NO. 248, PROJECT NO. 4477

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document no. 7075 -

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 CREATING ASSESSMENT DISTRICT,
SEWER DISTRICT NO. 374, PROJECT NO. 4478

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4478, District No. 374,
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storm sewer on South 38th Street from 24th to 29th Avenues South, and recommended that we adopt a resolution creating special 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, contingent upon filing of the plat and 50% upfront monies.

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 creating the assessment district, which was presented and read: Document No. 7076 - Resolution.

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

ACCEPT ENGINEER'S REPORT, SEWER DISTRICT
NO. 374, PROJECT NO. 4478

The city auditor presented and read the engineer's report on Sewer District No. 374, Project No. 4478: Document No. 7077 - Report.

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

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, SEWER DISTRICT NO. 374,
PROJECT NO. 4478

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7078 - 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, PROJECT NO. 4310, STREET LIGHTING DISTRICT NO. 105

The city engineer's estimate of total cost of the construction of street lighting on 24th 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 assessment Project No. 4310, District No. 105, street lights on 24th Avenue South from South 34th Street to South 38th Street, and recommended to pass the resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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.

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Council Member Beyer introduced the following resolution which was presented and read: Document No. 7079 - 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, PROJECT NO. 4455, STREET LIGHTING DISTRICT NO. 111

The city engineer's estimate of total cost of the construction of street lighting in Columbia Park 15th Addition, in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the plans and specifications for assessment Project No. 4455, District No. 111, street lighting in Columbia Park 15th Addition, and recommended to pass the resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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. 7080 - 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, PROJECT NO. 4508, STREET
LIGHTING DISTRICT NO. 117

The city engineer's estimate of total cost of the construction of street lighting on 24th Avenue South and South 34th Street, in the amount of \$ was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for assessment Project No. 4508, District No. 117, street lights on 24th Avenue South and South 34th Street, and recommended to 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.

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. 7081 - 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, PROJECT NO. 4484, STREET
LIGHTING DISTRICT NO. 113

The city engineer's estimate of total cost of the construction of street
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lighting 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 assessment Project No. 4484, District No. 113, street lights in Mighty Acres Phase II, and recommended to 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.

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. 7082 - 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, PROJECT NO. 4505, STREET
LIGHTING DISTRICT NO. 114

The city engineer's estimate of total cost of the construction of street lights on 6th Avenue North, in the amount of \$ _____, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for assessment Project No. 4505, District No. 114, street lights on 6th Avenue North, and recommended to 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.

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. 7083 - 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, PROJECT NO. 4507, STREET
LIGHTING DISTRICT NO. 116

The city engineer's estimate of total cost of the construction of street lighting 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 assessment Project No. 4507, District No. 116, street lights on 30th Avenue South from South 34th Street to South 38th Street, and recommended to 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.

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.

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Council Member Beyer introduced the following resolution which was presented and read: Document No. 7084 - 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.

APPROVE CONCEPT REPORT FOR PAVING PROJECT NO. 4414, AND DIRECT STAFF TO LOOK AT ALTERNATE FUNDING SOURCES

Committee No. 3, Public Service, reported having considered the matter of concept report for Project No. 4414, paving 47th Avenue South to Ulland Park, and recommended to approve concept report, and direct staff to look at other funding sources that are appropriate.

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 PROJECT NO. 4379, RR CROSSING REPAIR AT 5TH AND KITTSON

Committee No. 3, Public Service, reported having considered the matter of bids for Project No. 4379, RR crossing material for South 5th Street, and recommended to accept the bid of Magnum Manufacturing in the amount of \$15,470.00.

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

RECEIVE AND FILE MATTER OF EXTENDING CLEAN-UP WEEK

Committee No. 3, Public Service, reported having considered the matter of extending clean-up week, 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.

APPROVE VARIOUS EASEMENTS

Committee No. 3, Public Service, reported having considered the matter of temporary construction easement and permit for installation and operation of a bus shelter and pad at 2004 13th Avenue North and at 1010 North 5th Street, for and in consideration of the sum of \$1.00, Woodland, Inc. and C & R Laundry, grantor, and recommended to approve the easements as presented.

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 BUDGET AMENDMENT

A request to amend the street department budget in the amount of \$5,600.00 to cover balance of purchase of equipment (truck), was presented and read. It was moved by Council Members Beyer and Hamerlik that this amendment be and is hereby approved. Carried 13 votes affirmative.

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APPROVE FACILITY PLAN FOR WASTEWATER
TREATMENT SYSTEM IMPROVEMENTS AND AUTHORIZE
NEGOTIATION OF CONTRACT WITH KBM, INC.

Committee No. 3, Public Service, reported having considered the matter of wastewater treatment system improvements, and recommended to approve facility plan and to authorize staff to negotiate contract with KBM to proceed with interim installation of the extended aeration system with lagoon storage of the sludge solids, and a pilot composting operation be simultaneously implemented to produce compost, agronomically test, and test market the compost to the agricultural sector.

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

Council Member Hagness explained his no vote on the recommendation out of committee, that City at crossroads where spending \$13 million, and had raised question of whether they could delay project, that this will cause increase in rates for both industry and residential users. He stated that without industry wouldn't have to do but would still have ammonia problem, City has been out of compliance for several years and that during flood lagoon inches from running over, and because of present problems would encourage a vote for the project. He also noted that another part of the project is the composting program, with cost of \$6.5 to \$7 million, but has potential for some revenue.

Mr. Vein, city engineer, reported they plan on having additional capacity for future industry and will work costs into rate structure, looking at how to distribute costs.

Council Member Glassheim also questioned whether there was funding mechanism for economic development to pay part of the cost of the plan because providing infrastructure for economic development, and that he would like to have that considered in the funding mechanism.

Council Member Geller questioned if this isn't infrastructure as well as economic development, questioned why utility users footing entire bill, why not infrastructure dollars to this. Council Member Carpenter responded that they have tied up infrastructure funds, only source of funding is utility funds and rate increases.

Mr. Vein reported this is the same project as held committee of the whole where went into costs, that they are only asking authorization to negotiate with engineering firm to perform design, engineering agreement would have to come back to council and not proposing financing mechanism at this time; that they haven't decided which process to use.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Hoepfner, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Johnson, Hagness - 11; voting "nay": Council Members Glassheim, Geller - 2. Mayor Polovitz declared the motion carried.

APPROVE CALLING FOR BIDS FOR INDUSTRIAL

PARK EXPANSION

Committee No. 4, Urban Development, reported having considered the matter of bidding the Industrial Park expansion, and recommended to approve the bidding of the Industrial Park expansion contingent upon engineering department and EDA approval.

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

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Gene Schneeweis questioned what funding source for the Industrial Park; and Mayor Polovitz reported that funding through grant from federal government through an EDA grant. Mayor Polovitz also reported that monies for purchase of the land were from excess sales tax monies. Mr. Schneeweis stated the citizens want tax relief but City continuing to spend money, and stated they should request return of funding for UND Aerospace because number of jobs projected not created.

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

APPROVE JOB SHARE POSITION IN URBAN DEVELOPMENT

Committee No. 4, Urban Development, reported having considered the matter of job-share position, and recommended to authorize creation of office specialist position in the office of urban development and to establish the position under job-share provisions.

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

APPROVE AMENDMENT TO HOME PROGRAM FOR PHASE A (110 CHERRY STREET)

Committee No. 4, Urban Development, reported having considered the matter of request from Housing Authority for amendment to HOME Program for Phase A (110 Cherry Street), and recommended to amend the 1995 HOME Program grant in the amount of \$25,000 to include installation of air conditioners for 76 apartments at 110 Cherry Street, with units to be lease to tenants at a cost of \$40/per season.

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

REPORT OF EVENTS CENTER COMMITTEE

Council Member Carpenter reported that the core committee had selected insurance representative to represent City in securing insurance for this

project, that they had received three proposals, and had selected Vaaler Insurance. He also reported they are in the process of requesting proposals for a senior managing underwriter for the financing of the project so can have additional financial advise as to feasibility of some different techniques, with someone being hired in August or September.

ADOPT 1997 BUDGET RESOLUTION

The city auditor presented the 1997 budget resolution and reported that it was being presented to the council as recommended by the Budget Framework Committee for adoption to give guidance to the mayor in the establishment of the 1997 budget. It was moved by Council Member Hagness and seconded by Council Member Hoepfner to approve and adopt the resolution: Document No. 7085 - Resolution.

There was some discussion and explanation of the Technology Fund. Council Member Carpenter stated that the purpose of this fund is to fund acquisition or technology or the temporary hiring of programmers to allow various city projects that relate to technology to occur, whether hand-held computers for

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the police department or establish a wide area network for all of the city departments to be networked together, whether hire programmer or purchase equipment, etc.; basically to have a process of submitting applications to the finance committee for approval, etc. and to result in efficiencies or cost-savings to the City in the long run.

After further discussion and upon call for the question and upon voice vote, the motion carried 13 votes affirmative and the resolution was adopted.

APPROVE APPOINTMENTS TO BOARD OF ADJUSTMENTS

Mayor Polovitz announced the appointment of Mark Hoffman and Bob Kleve to the Board of Adjustments for three-year terms expiring June 2, 1999, and asked for concurrence in these appointments. It was moved by Council Member Glassheim and seconded by Council Member Hoepfner that these appointments be and are hereby approved. Carried 13 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 284, dated May 31, 1996 and totaling \$661,586.46, was presented and read.

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

REFER VARIOUS ITEMS TO COMMITTEE

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

as follows:

1) Council Member Johnson presented request from Central High School to hold road races on August 3. The matter was referred to the public safety committee.

2) The city auditor presented the matter of funding for Minn-Dak Growers, Ltd. and that the matter can be voted on at the next council meeting. Council Members Carpenter and Geller moved to refer the matter to the finance committee. Carried 13 votes affirmative.

ADJOURN

It was moved by Council Member Beyer and seconded by Council Member Babinchak that we do now adjourn until Monday, June 17, 1996 at 7:30 o'clock p.m. Carried 13 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Michael Polovitz, Mayor