

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

**PROCEEDINGS OF  
OF THE CITY OF  
Monday, June 17,**

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, June 17, 1996 at the hour of 7:30 o'clock p.m. with Mayor Polovitz presiding. Present at roll call were Council Members Hoeppner, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 10; absent: Council Members Beach, McCabe, Hanson - 3.

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

APPROVE MINUTES MAY 6 AND 20, 1996

Typewritten copies of the minutes of the regular and adjourned meetings of the city council held on May 6 and May 20, 1996 were presented and read. It was moved by Council Member Hagness and seconded by council Member Beyer that these minutes be approved as read. Carried 10 votes affirmative.

Howard Swanson, city attorney, advised mayor and council that under the City Code following the election of a new council and mayor, action cannot be taken on items on the agenda relating to second reading of ordinances until the second regularly scheduled meeting after the election and this being the first scheduled meeting, his recommendation is to call the public hearing and receive any comments, and then move to continue the public hearing to July 1, 1996, at which time the council could take action on those items.

CONTINUE PUBLIC HEARING AND SECOND READING  
OF ORDINANCE TO AMEND STREET AND HIGHWAY  
PLAN TO INCLUDE PUBLIC RIGHTS OF WAY SHOWN AS  
DEDICATED ON THE PLAT OF SHADYRIDGE ESTATES  
THIRD ADDITION TO JULY 1, 1996

An ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of Shadyridge Estates Third Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on May 6, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

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

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

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

to continue the public hearing and second reading of the ordinance to July 1, 1996. Carried 10 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING OF  
ORDINANCE TO AMEND ZONING MAP TO INCLUDE WITHIN  
SHADYRIDGE ESTATES PUD, CONCEPT DEVELOPMENT PLAN,  
ALL OF SHADYRIDGE ESTATES FIRST, SECOND, THIRD,  
FOURTH AND FIFTH ADDITIONS, INCL. UNPLATTED  
PROPERTY, TO JULY 1, 1996

14518  
June 17, 1996

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-1 (Agricultural Reserve) District and to include within Shadyridge Estates PUD (Planned Unit Development), Concept Development Plan, all that portion of Section 26, Township 151 North of Range 50 West of the 5th Principal Meridian, more specifically described as follows: 1) All of that portion of the Southwest Quarter of the Southeast Quarter of said Section 26, excluding that portion lying easterly of the Coulee; 2) all of the portion of Government Lots 3, 4 and 5 of said Section 26 not previously platted and excluding that portion deeded to the Sisters of St. Francis of the Immaculate Heart of Mary; 3) all of Shadyridge Estates First, Second, Third, Fourth and Fifth Additions to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on May 6, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

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

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

It was moved by Council Member Babinchak and seconded by Council Member Hoepfner to continue the public hearing and second reading of the ordinance to July 1, 1996. Carried 10 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING  
OF ORDINANCE TO AMEND STREET AND HIGHWAY PLAN  
TO INCLUDE PUBLIC RIGHTS OF WAY SHOWN AS  
DEDICATED ON THE PLAT OF ENGLISH COULEE CENTER  
SECOND ADDITION TO JULY 1, 1996

An ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of English Coulee Center Second Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on May 6, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

The city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this

evening and further that to date no protests or grievances had been filed with his office.

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

It was moved by Council Member Sande and seconded by Council Member Klave to continue the public hearing and seconded reading of the ordinance to July 1, 1996. Carried 10 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING  
OF ORDINANCE TO AMEND ZONING MAP TO INCLUDE  
WITHIN B-3 (GENERAL BUSINESS) DISTRICT ALL OF  
ENGLISH COULEE CENTER SECOND ADDITION TO  
JULY 1, 1996

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-1 (Limited Development) District and to include within the B-3 (General Business)

14519

June 17,

1996

District all of English Coulee Center Second Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on May 6, 1996 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

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

It was moved by Council Member Hoepfner and seconded by Council Member Babinchak to continue the public hearing and second reading of the ordinance to July 1, 1996. Carried 10 votes affirmative.

CONTINUE PUBLIC HEARING ON ANNEXATION  
OF ALL OF SHADYRIDGE ESTATES FIRST, SECOND  
AND THIRD ADDITIONS, SHADYRIDGE ESTATES FOURTH  
AND FIFTH RESUBDIVISIONS, AND AN UNPLATTED  
PORTION OF SECTIONS 26 AND 27, TO AUGUST 5, 1996

The city auditor reported that proper notice had been placed in the Grand Forks Herald publishing a resolution of annexation passed on May 6, 1996, annexation all of Shadyridge Estates First Addition, all of Shadyridge Estates Second Addition, all of Shadyridge Estates Third Addition, all of Shadyridge Estates Fourth Resubdivision, all of Shadyridge Estates Fifth Resubdivision, an unplatted portion of Section 26, T151N, R50W of the 5th PM, and an unplatted portion of Section 27, T151N, R50W of the 5th PM, and further that the published resolution called for a hearing this evening for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation.

The city auditor exhibited the affidavit of publication indicating publication on May 14 and 21, 1996, and reported that written protest had been received from the following property owners in Shadyridge Estates First Addition: Dr. H. David Wilson, #10 Shadyridge Estates; Lot No. 4, John W. Hill; Lot #10, Jeannette C. Wilson; Lot #13, Abdelhamid M. and Salowah M. Ahmed; Lots #5, 14 and 15. LaVonne Adams; Lot #6, Clifford D. Romuld; Lot #7 Jon Raymond; and Lot #8, Steven H. Bollinger. A letter of protest was also received from Grand Forks-Traill Water Users, Inc.

Mr. Swanson, city attorney, advised council that this body had previously considered a resolution of annexation of property within the Shadyridge Estates Additions, notice of the resolution and a public hearing was published in the Grand Forks Herald as required by law; however, the City did not provide the required mailed notice to the individual property owners; consequently, it is his recommendation that the council hear the public hearing this evening but take no action and moved to continue the public hearing to August 5, 1996 and in the interim the proper notice would be given.

Mayor Polovitz called for the public hearing and asked for comments from the audience.

Larry McLain, 2203 South 38th Street, stated that he would like to see change in technical changes, No. 20 re. plat approval; that in order to build would have to start within next two weeks to get fall sales in, otherwise have to sit on property until spring before get sales in; would like to get building permits so can proceed with project.

14520

June 17, 1996

COUNCIL MEMBER HAMERLIK REPORTED PRESENT

Mr. Swanson advised that the technical changes Mr. McLain is referring to are with respect to either the plat or the zoning and not to the annexation. Mr. Bushfield, city planner, agreed that the technical changes deals with the final plat of the Shadyridge 3rd Addition and technical change No. 20 is plat approval as subject to the annexation, and his recommendation would be that on July 1 could remove that; and would be willing to work with Mr. McLain and if it necessitates the removal of that technical change on council agenda item re. final plat and second reading of ordinance to amend Street and Highway Plan to include public rights of way shown as dedicated on the plat of Shadyridge Estates Third Addition, they would be willing to support that because it will be another month before they get to the annexation issue.

Mr. Swanson advised that Mr. McLain's comments are with regard to the plat and the zoning which this body cannot act upon this evening, that on July 1 those comments would be in order and council could take action at that time. He stated that with respect to the item re. resolution of annexation, this body will not take any further action, and because the defect is in the notice requirements no action can be taken until proper notice is given and that cannot occur until August 5 at the earliest.

Scott Stradlie, resident of Grand Forks Township, expressed concern re. annexation and to protest certain facets of the annexation. He stated that at the May 7 meeting he was ill but that a neighbor attended a

Planning and Zoning Commission meeting where a map was issued that was different than that published in the Herald announcing the annexation proceedings (the difference was that a strip running along Adams Drive to the township road was not included in the map presented at the May 7 Planning meeting but was included in the published map. He stated that he didn't take any action at that time, but would have expressed his concern about that annexation in particular over to the township road had he known about the actual map which was published. He stated that his second concern is that the City is annexing a large chunk of Grand Forks Township where he is a taxpayer and also serves on the Township Board, taking revenue away from the Township (annexing right up to the Township road) which is shown on the map as a County road (paved road that runs over to the Burke Addition is not County road but Township road), built and maintained by Township taxpayers, and introducing more traffic to that road; taking revenue away and adding cost to the Township. He stated that other concerns are: that annexation is bad idea because there is a well developed shelter belt adjacent to a large wetlands with quite a bit of development around it already and feels that the destruction of that shelter belt would introduce more soil erosion, more chemical pollution to the area; that the annexation seems to cut a working farmer off from his farm and that seems to violate common sense with farm machinery crossing Adams Drive to obtain access to their own fields; that Adams Drive coming close to the Adams' home, that road poorly placed. He stated that he did submit a letter to the mayor but did not perceive himself to be a person living within the Shadyridge property so did not submit the letter to the auditor as the public notice required; and that as a Township resident and a member of the Board of Supervisors, feels that in the future they need to work more actively with the City re. growth and development because of the financial problems it creates for them. He stated that the City is also annexing property in the township related to the events center so it's double concern.

John Hill, 1720 Belmont Road, stated he owns property in Shadyridge Estates First Addition, and that the First Addition was artificially made contiguous to the city by having 140 ft. of property annexed along the road. He also questioned whether additional protests could be filed and Mr. Swanson stated that the notice would be republished, the time period for protest extended.

14521

June 17,

1996

It was moved by Council Member Beyer and seconded by Council Member Babinchak to continue the public hearing to August 5, to direct the auditor's office to republish and properly serve notice to the property owners, and to extend the protest period. Carried 11 votes affirmative.

ADOPT RESOLUTION TO VACATE PORTION OF FORMER  
DEMERS AVENUE AND HIGHWAY AS SHOWN TO BE VACATED  
ON PLAT OF ENGLISH COULEE CENTER SECOND ADDITION

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate a portion of former DeMers Avenue and Highway as shown to be vacated on the plat of English Coulee Center Second Addition to the city of Grand Forks, North Dakota

(located north of DeMers Avenue and South 30th Street extended), the required legal notice had been published calling for a public hearing to be held this evening and further that no protests or grievances had been filed with his office.

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

It was moved by Council Member Geller and seconded by Council Member Hagness that we do hereby find and determine an insufficiency of protest on the petition for vacation. Carried 11 votes affirmative.

Council Member Geller introduced the following resolution which was presented and read: Document No. 7086 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hoepfner that this resolution be and is hereby adopted. Carried 11 votes affirmative.

#### REPORTS OF OFFICERS

The city auditor's statement of changes in cash balances as of May 31, 1996, was presented and read. It was moved by Council Member Hoepfner and seconded by Council Member Hamerlik that this report be and is hereby received and filed. Carried 11 votes affirmative.

#### APPROVE BILLS

Vendor Payment Listing No. 96-10 dated June 17, 1996, and totaling \$1,072,311.79, 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 Sande and seconded by Council Member Glassheim that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried and the bills ordered paid.

#### ADOPT RESOLUTION RELATING TO FINANCING OF CERTAIN PUBLIC IMPROVEMENTS ON PROJECT FOR CIRRUS DESIGN, AND CALLING FOR A PUBLIC HEARING ON JULY 15, 1996

Committee No. 1, Finance, reported having considered the matter of preliminary resolution on bonds for Cirrus Design Corporation, and recommended that we adopt the resolution relating to financing of certain public improvements by the City of Grand Forks, and calling for a public hearing on the proposed issuance of economic development facilities reserve bonds to finance the acquisition and construction of a manufacturing facility and other

14522

June 17, 1996

improvements in the City's Industrial Park.

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

Council Member Carpenter introduced the following resolution which was presented and read: Document No. 7087 - Resolution.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried and the resolution adopted.

ACCEPT APPLICATION FOR 5-YEAR TAX EXEMPTION  
FOR CIRRUS DESIGN CORPORATION, AND SET  
PUBLIC HEARING FOR JULY 15, 1996

Committee No. 1, Finance, reported having considered the matter of tax exemption for Cirrus Design Corporation, and recommended to hold public hearing on the application for property tax exemption by Dakota Aircraft for July 15, 1996.

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

DENY REQUEST FROM TIM LAMB FOR TAX INCREMENT  
FINANCING FOR PROJECT AT 1624 DYKE AVENUE

Committee No. 1, Finance, reported having considered the request by Tim Lamb for tax increment financing for project involving the improvement of property at 1624 Dyke Avenue, and recommended to deny the request.

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

APPROVE APPLICATION FOR 3-YEAR REMODELING  
EXEMPTION AT 2420 9TH AVENUE NORTH

Committee No. 1, Finance, reported having considered the matter of application for 3-year remodeling exemption for property at 2420 9th Avenue North, Gordon L. and Waltrault G. Iseminger, and recommended to approve the application.

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

ADOPT RESOLUTION RE. RECORDING OF PLAT  
OF AIRPORT 5TH RESUBDIVISION

Committee No. 1, Finance, reported having considered the matter of recording plat of Airport 5th Resubdivision to the city of Grand Forks, North Dakota, and recommended to adopt the resolution re Airport 5th Resubdivision.

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

14523

June 17,

1996

Council Member Carpenter introduced the following resolution which was presented and read: Document On. 7088 - Resolution.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Carried 11 votes affirmative.

#### APPROVE BUDGET AMENDMENTS

A request for budget amendment to transfer \$1,867.00 within finance department budget from cash carry-over to office equipment to remodel office 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 11 votes affirmative.

Committee No. 1, Finance, reported having considered the matter of request for health insurance coverage fund transfer for director of Grand Forks Substance Abuse and Traffic Safety Council, recommended to transfer \$1,734.00 from Miscellaneous Contingencies to Special Grants Fund to cover health, life and workers' comp. insurance costs for 1996 for Grand Forks Substance Abuse and Traffic Safety Council director.

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

#### GRANT 15-YEAR TAX EXEMPTION FOR LUCO PROPERTIES AT 1710 NORTH WASHINGTON STREET

Committee No. 1, Finance, reported having considered the matter of request from LUCO Properties for tax increment financing/tax exemption on proposed project for relocation and renovation of business facility at 1710 North Washington Street, and recommended to grant the 15-year exemption.

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

After some discussion and upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried.

#### DIRECT CITY ATTORNEY TO INCLUDE CERTAIN PROVISIONS IN NEGOTIATION OF CABLE TV FRANCHISE

Committee No. 1, Finance, reported having considered the matter of cable TV franchise negotiations, and recommended to authorize negotiation of

franchise agreement to include the following provisions: that the City not require mandatory system improvements; that channel 3 be designated as an education and governmental channel; and that the term of the franchise agreement not exceed eight years.

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

Council Member Hagness questioned whether there will be an increase in the franchise fee. Mr. Swanson reported that franchise fee has not been item of discussion, but agreement will include 5% franchise fee, and that council will have full franchise agreement back before it at a future date.

14524

June 17, 1996

Upon call for the question and upon voice vote, the motion carried 11 votes affirmative.

#### ENDORSE TRUCK RODEO

Committee No. 3, Public Service, reported having considered the matter of truck rodeo and recommended to endorse truck rodeo providing it's held during non-work hours and no compensatory time given as a prize; and Committee No. 1, Finance, reported having considered the matter and recommended to acknowledge the truck rodeo as training program for the public works department and to approve the awards as submitted in the report.

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 these are donated cash awards. Carried 11 votes affirmative.

#### APPROVE LEASING OF THIRD FLOOR OF CITY HALL TO CHILDREN'S SCIENCE & TECHNOLOGY EDUCATION FOUNDATIONS, INC.

Committee No. 1, Finance, reported having considered the matter of leasing of third floor of City Hall to "Brainy Bunch", and recommended that we authorize City to enter into lease with The Children's Science & Technology Education Foundations, Inc. for use of third floor office space in City Hall, and direct city attorney to draft the lease.

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

The council questioned why City providing funding/space to this organization, and not the School District, and also funding and space for Youth Commission.

Vera Uyehara, executive director of the Foundation, stated that the School Board was not approached, that activities are of broad range, that youth public commodity, and that purpose of the request is to allow on temporary basis for storage and office space. She stated they would continue

classes at the Park District; and that they hoped City would help with in-kind match for grant (rent) and part of the agreement is that they continue to look for other space. There was also some discussion re. cost of making space useable, whether making permanent improvements, and whether meets Code re. occupancy. There was some discussion re. parking which is not available in City lots, etc.

Harmon Abrahamson, 3502 Belmont Road, stated he is involved with the Brainy Bunch and one of his tasks is to put together budget for the \$9 million 5-year project they are proposing to the Department of Education, and wanted to note that the Grand Forks Public Schools is making a matching contribution of \$2.5 million to this project, and are asking as City's contribution total, including value of space, close to \$300,000 over the 5-year project.

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

APPROVE REQUEST FOR HANDICAPPED PARKING  
SPACE AT 613 NORTH 5TH STREET

Committee No. 2, Public Safety, reported having considered the matter of request for handicapped parking space at 613 North 5th Street, and recommended approval of the request.

14525

June 17,

1996

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

GRANT VARIANCE TO NOISE ORDINANCE FOR PROJECT  
AT KENNEDY BRIDGE

Committee No. 2, Public Safety, reported having considered the request from Brighton Paint Co. for variance to the noise ordinance for construction project at Kennedy Bridge, and recommended to grant the variance.

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

APPROVE REQUEST FROM CENTRAL HIGH SCHOOL  
TO HOLD ROAD RACE AUGUST 3

Committee No. 2, Public Safety, reported having considered the request from Grand Forks Central High School to hold road races on August 3, and recommended to approve the request.

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

APPROVE REQUEST FROM ABATE OF NORTH DAKOTA

TO HOLD 9TH ANNUAL TOY RUN ON JULY 6

Committee No. 2, Public Safety, reported having considered the request from ABATE of North Dakota, District 4 (American Bikers Aiming Toward Education), to hold 9th annual toy run on July 6, and recommended to approve the request.

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

APPROVE REQUEST FROM CENTRAL BUSINESS DISTRICT  
ASSN. TO HOLD SEVERAL EVENTS IN DOWNTOWN AREA

Committee No. 2, Public Safety, reported having considered the request from Central Business District Assn. to hold various events: street dance during Prairie Rose Games on July 13, and fifth annual Forx Fest activities on July 27, and recommended approval of the requests (as outlined in communication).

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

DECLARE CERTAIN PROPERTY AS SURPLUS  
AND AUTHORIZE SALE

Committee No. 2, Public Safety, reported having considered the matter of bicycle pound building as surplus property and recommended to move building to City property at Mill Road and North 6th Street, that if there is a problem with moving the building to declare as surplus and offer for sale.

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

14526  
June 17, 1996

Committee No. 2, Public Safety, reported having considered the matter of surplus property at fire department: 1945 Seagrave aerial ladder truck and 1966 pumper truck, and recommended to declare this property as surplus and to offer for sale.

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

APPROVE GRANT AGREEMENT FOR HEALTH DEPARTMENT

Committee No. 2, Public Safety, reported having considered the matter of grant agreement with State Health Department for Tuberculosis Control, and recommended approval of the grant agreement in the amount of \$4,000.

It was moved by Council Member Johnson and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 11

votes affirmative.

APPROVE APPLICATIONS FOR GAMING SITE AND CARNIVAL  
PERMIT FOR GREATER GRAND FORKS FAIR/EXHIBITION ASSN.

Committee No. 2, Public Safety, reported having considered the request from Greater Grand Forks Fair/Exhibition Assn. for gaming permit (site authorization for year ending June 30, 1997) and carnival permit for July 19-23, 1996, and recommended approval of the applications.

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

APPROVE REQUEST FROM PARK DISTRICT FOR WAIVER  
OF LICENSE REQUIREMENTS FOR TRANSIENT MERCHANTS  
DURING SUMMERTHING EVENTS

Committee No. 2, Public Safety, reported having considered the request from the Park District for waiver of license requirements for transient merchants during Summerthing events held in University Park June 22 and 23, and July 20 and 21, 1996, and recommended approval of the request.

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

APPROVE BUDGET AMENDMENT

A request for budget amendment for fire department budget in the amount of \$9,000 from cash carryover to purchase tractor with backhoe from water maintenance department for snow removal purposes, was presented and read. It was moved by Council Member Johnson and seconded by Council Member Sande that this amendment be and is hereby approved. Carried 11 votes affirmative.

APPROVE REQUEST FROM GRAND FORKS JAYCEES  
FOR PARADE PERMIT FOR POTATO BOWL

Committee No. 2, Public Safety, reported having considered the request from Grand Forks Jaycees for parade permit on September 14 for Potato Bowl and military flyover, and recommended approval of the request.

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

14527

June 17,

1996

Council Member Glassheim reported that there was some discussion re. parade route at a meeting of River Forks Commission as route no longer goes to East Grand Forks, and whether this could be changed. Bob Gustafson, Chamber of Commerce, stated he is not representing Jaycees but involved in decision when route changed, that they wanted to conclude parade at football field and starting from East Grand Forks too far.

Upon call for the question and upon voice vote, the motion carried 10 votes affirmative, Council Member Glassheim voting against the motion.

APPROVE VARIANCE TO DRIVEWAY WIDTH AT 316  
GATEWAY DRIVE

Committee No. 3, Public Service, reported having considered the request from Simonson Station Store for variance to maximum allowable driveway width at 316 Gateway Drive, and recommended approval of a variance to 45 ft.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT  
NO. 4333, 1995-96 FORCEMAIN REHAB.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4333, 1995-96 forcemain rehab., and recommended to approve plans and specifications and to authorize call for bids.

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

AUTHORIZE TO PROCEED WITH OBTAINING EASEMENT  
FOR SIDEWALK R/W FOR PEDESTRIAN UNDERPASS,  
PROJECT NO. 4225, SOUTH WASHINGTON STREET  
RECONSTRUCTION

Committee No. 3, Public Service, reported having considered the matter of assurance for sidewalk right of way on pedestrian underpass project, Project No. SU-6-081(032)942, City Project No. 4225, South Washington Street reconstruction, and recommended to proceed and to take whatever steps necessary to obtain the easement.

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

APPROVE PLANS AND SPECIFICATION FOR PAVING  
PROJECT NO. 4414, AND CALL FOR BIDS

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for construction project, Project No. 4414, paving 47th Avenue South to Ulland Park, and recommended to approve final concept report, approve plans and specifications and to authorize call for bids, contingent upon cost participation by Grand Forks Park District, Grand Forks Softball Association and Grand Forks Township, and contingent upon maintenance of the road by the Township.

It was moved by Council Members Hamerlik and Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

14528

June 17, 1996

ADOPT RESOLUTION APPROVING PLANS AND  
SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS,  
PROJECT NO. 4476, SEWER DISTRICT NO. 373

The city engineer's estimate of total cost of the construction of sanitary sewer on South 38th Street from 24th Avenue South to 29th Avenue South, in the amount of \$67,614.75, was presented and read.

Committee No. 3, Public Service Committee, reported having considered the plans and specifications 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 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 Hamerlik and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7089 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 11 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND  
SPECIFICATIONS AND ADVERTISEMENT FOR BIDS,  
PROJECT NO. 4477, WATERMAIN DISTRICT NO. 248

The city engineer's estimate of total cost of the construction of watermain on South 38th Street from 24th Avenue South to 29th Avenue South, in the amount of \$52,683.75, was presented and read.

Committee No. 3, Public Service, reported having considered the plans and specifications for assessment/construction project, Project No. 4477, District No. 248, watermain on South 38th Street from 24th Avenue South to 29th Avenue South, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7090 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 11 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND  
SPECIFICATIONS AND ADVERTISEMENT FOR BIDS,  
PROJECT NO. 4478, SEWER DISTRICT NO. 374

The city engineer's estimate of total cost of the construction storm sewer on South 38th street from 24th Avenue South to 29th Avenue South, in the amount of \$31,492.65, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for assessment/construction project, Project No. 4478, District No.374, storm sewer on South 38th Street from 24th Avenue South  
14529

1996

June 17,

to 29th Avenue South, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7091 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 11 votes affirmative.

APPROVE ENGINEERING AGREEMENT 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 construction engineering contract for Project No. 4260, Mill Road bridge replacement, State Project No. BRU-6-986(036)039, and recommended approval of the engineering agreement with KBM, Inc. contingent upon engineer's and city attorney's comments.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE ENGINEERING AGREEMENT FOR PROJECT  
NO. 4349, RED RIVER BIKEPATH, STATE PROJECT  
NO. TEU-6-986(041)044

Committee No. 3, Public Service, reported having considered the matter of construction engineering contract for Project No. 4349, Red River Bikepath, State Project No. TEU-6-986(041)044, and recommended approval of the engineering agreement with CPS, Ltd. in an amount not to exceed \$41,266.83.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11;

voting "nay": none. Mayor Polovitz declared the motion carried.

RECEIVE AND FILE COMMUNICATION FROM NDDOT RE.  
PROJECT NO. 4225, STATE PROJECT NO. SU-6-081(032)942,  
SOUTH WASHINGTON STREET RECONSTRUCTION

Committee No. 3, Public Service, reported having considered the matter of correspondence from North Dakota Department of Transportation re. South Washington Street reconstruction, Project No. SU-6-081(032)942, City Project NO. 4225, re. item 3, subsection 2, re. design of intersection of 24th Avenue South, that if the City were to select a different option for the intersection, the State would need to be notified no later than June 18, and recommended to receive and file, but contact be made to see if extension can be granted on item 3.2 to the June 18 date to something more appropriate.

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

14530

June 17, 1996

APPROVE PURCHASE OF COPIER FOR ENGINEERING  
DEPARTMENT

Committee No. 3, Public Service, reported having considered the matter of quotes for copy machine for engineering department, and recommended to approve purchase of the Minolta 4050 copier from Advance Business Methods in the amount of \$10,519.00.

It was moved by Council Member Hamerlik and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE ENGINEERING AGREEMENT FOR WASTEWATER  
TREATMENT SYSTEM IMPROVEMENTS DESIGN, PROJECT  
NO. 4371

Committee No. 3, Public Service, reported having considered the matter of engineering agreement for wastewater treatment system improvement design, Project No. 4371, and recommended approval of the agreement with KBM, Inc. for pre-final design and design phases of the project in the amount of \$730,000.

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

Council Member Hagness explained his no vote on the motion, that all other firms under 3%, with 3.0179% on this project, questioned whether they were willing to do that, and whether paying for non-productivity or high technology.

Upon call for the question and upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none.

Mayor Polovitz declared the motion carried.

ACCEPT BID FOR PAYLOADER FOR WATER  
MAINTENANCE

Committee No. 3, Public Service, reported having considered the bids for payloader for water maintenance, and recommended to accept the low bid of RDO Equipment of Grand Forks in the amount of \$72,985 which includes all alternates, without trade-in, and to accept offer of fire department to purchase used backhoe for the trade-in amount of \$9,000.00.

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

Council Member Beyer stated that public service committee had asked for cost of services on snow removal, maintenance of buildings, etc. but haven't received anything yet, and the \$9,000 equipment for snow removal for the fire department is probably a bargain, but questioned status of information. Mayor Polovitz stated this is in the process of being developed.

Upon roll call the following voted "aye": Council Members Hoepfner, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Geller, Johnson, Hagness - 11; voting "nay": none. Mayor Polovitz declared the motion carried.

APPROVE TRANSFER OF BEAUTIFICATION FUNDS

Committee No. 4, Urban Development, reported having considered the matter of

14531

June 17,

1996

beautification funds, and recommended transfer of \$1,000 out of Beautification Contingencies and \$1,000 out of DeMers Avenue Overpass "Original Marketplace" Green Space to the Adopt-An-Area program.

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

DELAY ACTION ON MATTER OF FINAL APPROVAL  
OF SHADYRIDGE PUD, DETAILED DEVELOPMENT PLAN,  
SINGLE-FAMILY AND TOWNHOUSE, ALL OF SHADYRIDGE  
ESTATES

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

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

Hagness that this recommendation be and is hereby approved.

Mr. Swanson, city attorney, stated that in view of action on items relating to ordinances amending Street and Highway Plan and Zoning, that this item should also be continued to July 1.

It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this matter be continued to July 1, 1996. Carried 11 votes affirmative.

APPROVE FINAL PLAT AND INTRODUCE ORDINANCE TO  
AMEND STREET AND HIGHWAY PLAN TO INCLUDE PUBLIC  
R/W SHOWN AS DEDICATED ON THE PLAT OF SHADYRIDGE  
ESTATES FIFTH RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of request from CPS, Ltd. on behalf of Lavonne Adams for final approval of the plat of Shadyridge Estates Fifth Resubdivision, Grand Forks, North Dakota, being a Replat of a portion of Shadyridge Estates First Addition and including a portion of the SW Quarter SE Quarter, Section 26, T151N, R50W, Grand Forks County, ND (located between Adams Drive and the Coulee and between Shadyridge Court and 62nd Avenue South), and recommended final approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Plan, to set the date of the public hearing for July 15, 1996, and final passage of the ordinance.

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

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

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

14532  
June 17, 1996

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

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

GRANT FINAL APPROVAL OF COLUMBIA PARK PUD,  
DETAILED DEVELOPMENT PLAN, BORROWED BUCKS OF

GRAND FORKS (BAR AND RESTAURANT) LOTS 2 AND 3,  
BLOCK 1, COLUMBIA PARK 17TH ADDITION

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

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

APPROVE FINAL PLAT OF REPLAT OF LOTS 22 AND  
23, BLOCK 1, HAAKE 5TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Branden Bartholomew on behalf of John Hutton for final approval (fast track) of a Replat of Lots 22 and 23, Block 1, Haake 5th Addition to the city of Grand Forks, North Dakota (located at 2422 Glen Circle), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE FINAL PLAT OF REPLAT OF LOTS 15,  
16 AND 17, BLOCK 3, BUDGE AND ESHELMAN'S  
THIRD ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Webster, Foster and Weston on behalf of Hugo Magnuson for final approval (fast track) of a Replat of Lots 15, 16 and 17, Block 3, Budge and Eshelman's Third Addition, Grand Forks, North Dakota (located at 1320 1st Avenue North and 117 North Washington Street, and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE FINAL PLAT OF REPLAT OF LOT A,  
BLOCK 1, HAAKE SECOND ADDITION

The Planning and Zoning Commission reported having considered the matter of

14533

June 17,

1996

the request from CPS, Ltd. on behalf of First Bank for final approval (fast track) of a Replat of Lot A, Block 1, Haake Second Addition to the

city of Grand Forks, ND (located at 1205 South Columbia Road), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

INTRODUCE ORDINANCE TO AMEND ZONING MAP TO INCLUDE WITHIN HAAKE PUD, CONCEPT DEVELOPMENT PLAN, AMENDMENT NO. 2, WITH SUBSTANTIAL CHANGE PERTAINING TO LOT A, BLOCK 1, HAAKE SECOND ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Dakota Financial and Development, Inc. on behalf of First Bank for preliminary approval of an ordinance to amend the Zoning Map to exclude from Haake PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1, and to include within Haake PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, with substantial change pertaining to Lot A, Block 1, Haake Second Addition to the city of Grand Forks, North Dakota (located northeast of South Columbia Road and 13th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Zoning Map and to set the date of the public hearing for July 15, 1996.

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

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from Haake PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1 and to include within Haake PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, with substantial change pertaining to Lot A, Block 1, Haake Second Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

GRANT PRELIMINARY APPROVAL OF HAAKE PUD AMENDMENT NO. 2, DETAILED DEVELOPMENT PLAN, OFFICE/RETAIL, LOT 3, BLOCK 1, HAAKE SECOND ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Dakota Financial and Development, Inc. on behalf of Dennis Johnson for preliminary approval of Haake PUD (Planned Unit Development), Amendment No. 2, Detailed Development Plan, Office/Retail, Lot 3, Block 1, Haake Second Addition to the city of Grand Forks (located northeast of South Columbia Road and 13th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

GRANT PRELIMINARY APPROVAL OF PERKINS PUD,  
DETAILED DEVELOPMENT PLAN, PET FOOD WAREHOUSE,  
LOT F AND EAST 30 FEET OF LOT G, BLOCK 1,  
PERKINS 1ST ADDITION  
14534  
June 17, 1996

The Planning and Zoning Commission reported having considered the matter of the request from Larry Nifong on behalf of J.D. Investors for preliminary approval of Perkins PUD (Planned Unit Development), Detailed Development Plan, Pet Food Warehouse, Lot F and the east 30 feet of Lot G, Block 1, Perkins 1st Addition to the city of Grand Forks, North Dakota (located at 2901 32nd Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

APPROVE PRELIMINARY PLAT, AND INTRODUCE  
ORDINANCE TO INCLUDE PUBLIC R/W SHOWN AS  
DEDICATED ON PLAT OF AURORA PLAZA ADDITION

The Planning and Zoning Commission reported having considered the matter of request from CPS, Ltd. on behalf of Cliff Coss for preliminary approval of the plat of Aurora Plaza Addition lying in the NW Quarter of the SW Quarter and the SW Quarter of the NW Quarter of Section 17, Township 151 North of Range 50 West of the 5th Principal Meridian (located east of South 42nd Street between 24th and 29th Avenues South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Plan and to set the date of the public hearing for July 15, 1996.

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

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

ACCEPT PETITION TO VACATE AND RE-DEDICATE  
20-FT. WIDE ERLY. AND WRLY. BIKEWAY AND PEDESTRIAN  
WALKWAY EASEMENT IN BLOCK 1 AND 2, GARDEN VIEW  
ESTATES FIRST ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Tim Crary for approval to vacate and re-dedicate a 20-foot wide easterly and westerly bikeway and pedestrian walkway easement lying 10 feet on each side of the lot line common to Blocks 1 and 2, Garden View Estates First Addition to the city of Grand Forks, North Dakota (located west of South 34th street and north of 11th Avenue South), and recommended approval to vacate and to set the date of the public hearing for August 5, 1996.

It was moved by Council Member Glassheim and seconded by Council Member Hagness that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, that a notice of public hearing be published as required and the public hearing be set for Monday, August 5, 1996. Carried 11 votes affirmative.

APPROVE PRELIMINARY PLAT OF REPLAT OF GARDEN  
VIEW ESTATES FIRST ADDITION, INTRODUCE  
ORDINANCE AMENDING STREET AND HIGHWAY PLAN  
AND SET PUBLIC HEARING FOR JULY 15, 1996

14535

June 17,

1996

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Crary Real Estate for preliminary approval of a Replat of Garden View Estates First Addition to the city of Grand Forks, North Dakota (located west of South 34th Street and north of 11th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the Street and Highway Plan and to set the date of the public hearing for July 15, 1996.

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

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

INTRODUCE ORDINANCE AMENDING TEXT OF LAND  
DEVELOPMENT CODE TO ALLOW ABOVE-GROUND STORAGE  
TANKS PER THE UNIFORM FIRE CODE

The Planning and Zoning Commission reported having considered the matter of request from the Grand Forks Fire Department for preliminary approval of an ordinance to amend the text of the Land Development Code to allow above-ground storage tanks per the Uniform Fire Code, and recommended preliminary approval of the ordinance amending the text of the Land Development Code, to introduce the ordinance and to set the date of the public hearing for July 15, 1996.

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

Mr. Swanson, city attorney, noted that the ordinance draft contained a typo- graphical error, the word "no" is overstruck and should not be, the word "no" should be retained in the ordinance and the draft is otherwise appropriate.

Council Member Beyer introduced an ordinance entitled "An ordinance relating to Chapter XVIII of the Land Development Code of 1987, as amended, Article II Zoning, Section 18-0215 B-2 Shopping Center District, subsection (2) Uses Permitted, (TTT) Service Stations", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND LAND  
DEVELOPMENT CODE, ARTICLE III RULES AND  
REGULATIONS, SECTION 18-0305 RESIDENTIAL  
ACCESSORY BUILDINGS (4)

The Planning and Zoning Commission reported having considered the matter of the request from the inspection office for preliminary approval of an ordinance to amend the text of the Land Development Code, Section 18-0305, Residential Accessory Buildings, and recommended preliminary approval of the ordinance amending the text of the Land Development Code, to introduce the ordinance and to set the date of the public hearing for July 15, 1996.

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

Council Member Beyer introduced an ordinance entitled "An ordinance relating  
14536  
June 17, 1996

to Chapter XVIII of the Land Development Code of 1987, as amended, Article III Rules and Regulations; Section 18-0305 Residential Accessory Buildings (4)", which was presented, read and passed on its first reading.

HOLD 1997 PLANNING AND ZONING BUDGET FOR  
BUDGET PROCESS

The Planning and Zoning Commission reported having considered the matter of 1997 Planning and Zoning budget, and recommended approval of the budget.

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

It was moved by Council Member Beyer and seconded by Council Member Babinchak to amend the motion to hold the budget for the budgeting process. Carried 11 votes affirmative.

INTRODUCE ORDINANCE TO AMEND ZONING MAP  
TO INCLUDE WITHIN GATEWAY COMMONS PUD,  
CONCEPT DEVELOPMENT PLAN, AMENDMENT NO. 2,  
WITH SUBSTANTIAL CHANGE PERTAINING TO LOT  
1, BLOCK 1, AIRPORT 3RD RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from Roger Matterm on behalf of Sherman Associates, Inc. for preliminary approval of an ordinance amending the Zoning Map to exclude from Gateway Commons PUD (Planned Unit Development), Concept Development Plan,

Amendment No. 1, and to include within Gateway Commons PUD (Planned Unit Development) Concept Development Plan, Amendment No. 2, with substantial change pertaining to Lot 1, Block 1, Airport 3rd Resubdivision (located east of North 51st Street between Gateway Drive and 12th Avenue North), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for July 15, 1996.

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

Council Member Beyer reported that she had received call from resident of the area who was concerned relative to submitting a letter of no protest for 12th Avenue N., and asked whether 12th Avenue N. was to be completed and paved.

Mr. Bushfield, city planner, stated that they haven't worked out the details on 12th Avenue North as there was some disagreement between the engineering department and planning department and whether 12th Avenue was necessary, that planning department took position that it wasn't, and were concerned that it would split the continuity of the mobile home park if it was an expansion; engineering thought it was necessary because of the distance between Gateway Drive and the next E/W street, which is 6th Avenue. He reported that the Planning Commission had instructed staff to sit down and work out with the developer between preliminary and final approval. Council Member Beyer stated that residents want to see that street goes through to alleviate some of the traffic on the other two streets and asked staff to consider that. It was noted by Council Member Hagness that Mrs. Steffl and Doug Reiersen were both at the Planning Commission meeting and those concerns were addressed.

Upon call for the question and upon voice vote, the motion carried 11 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude

14537

June 17,

1996

from Gateway Commons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1 and to include within Gateway Commons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, with substantial change pertaining to Lot 1, Block 1, Airport 3rd Resubdivision to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

GRANT PRELIMINARY APPROVAL OF GATEWAY  
COMMONS PUD, DETAILED DEVELOPMENT PLAN,  
MOBILE HOME COURT EXPANSION (61 UNITS),  
LOT 1, BLOCK 1, AIRPORT 3RD RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from Roger Matterm on behalf of Sherman Associates, Inc. for preliminary approval of Gateway Commons PUD, Detailed Development

Plan, Mobile Home Court Expansion (61 Units), Lot 1, Block 1, Airport 3rd Resubdivision (located east of North 51st Street between Gateway Drive and 12th Avenue North), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

#### APPROVE STATE AID GRANT FOR PUBLIC TRANSIT

The Bus Committee reported having considered the matter of State Aid for Public Transit grant, and recommended approval of State Aid Grant in the amount of \$34,363, and authorization of all proper officials to execute documents.

It was moved by Council Members Sande and Hoepfner that this recommendation be and is hereby approved. Carried 11 votes affirmative.

#### APPROVE PROPOSED CHANGE IN AELTUS ACCOUNT

The Pension and Insurance Committee reported having considered the matter of proposed change in Aeltus account from International Equity Separate Account to International Equity Index Separate Account, and recommended that the proposed change be approved.

It was moved by Council Members Sande and Babinchak that this recommendation be and is hereby approved. Carried 11 votes affirmative.

#### REPORT FROM MAYOR

Mayor Polovitz stated that this was last meeting of the council that he would conduct, expressed appreciation to council and thanked them for their cooperation. He stated he had compiled listing of accomplishments over the last 8 years, and which had been submitted to the council.

#### REFER VARIOUS ITEMS TO COMMITTEE

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

1) Council Member Glassheim questioned the taking of applications for position of coordinator of youth commission when matter was to come back to council. Mayor Polovitz stated that he had indicated to personnel office to move ahead because there was a job description, etc. and that this is a full-time part-time position that will work under auspices of City but take direction from the Commission. Mr. Swanson stated that at this point there is no youth

14538

June 17, 1996

commission, that it has never been formulated by this body, that he met with Mr. Gordon of Human Resources who published notice and that office was made aware that there are certain matters remaining to be determined, ie., makeup of commission, etc.; that they can take applications but that the council was anticipating some information coming back, and that he didn't know what the plan is once deadline for receiving applications is

met. Mayor Polovitz stated that this will all come back to the council. There was further discussion with no action taken.

#### RETIRING COUNCIL MEMBERS THANK COUNCIL

Council Member Hoepner thanked council, and especially members of public safety committee, which he chaired, for their cooperation, and that serving on the city council has been very enjoyable experience.

Council Member Geller thanked council, and that it has been privilege serving with the members of the council, and that he appreciated the professionalism of the council.

Council Member Johnson thanked council, that he appreciated working with the three mayors, employees, and staff, and enjoyed it entirely.

Council Member Hagness thanked retiring council members for time spent in service to the city.

#### CANVASS RESULTS OF BIENNIAL CITY ELECTION HELD IN CONJUNCTION WITH PRIMARY ELECTION ON JUNE 11, 1996

The city auditor presented canvass of the June 11, 1996 biennial election results as approved by the County Canvassing Board on June 14, 1996: Document No. 7092 - Report.

It was moved by Council Member Hagness and seconded by Council Member Hamerlik to accept and file the canvass of the results of the June 14, 1996 biennial city election. Carried 11 votes affirmative.

#### REPORT ON RESULT OF EMPLOYEES BALLOTING RE. WAGE NEGOTIATION

The city auditor reported that the employees had turned in balloting on the offer of 2.6% salary increase, which had been approved by council pending acceptance by the employees; that the employees voted 279 to approve and 14 to disapprove.

#### ADJOURN

It was moved by Council Member Hoepner and seconded by Council Member Johnson that we do now adjourn until Monday, June 25, 1996 at 7:30 o'clock p.m. Carried 11 votes affirmative.

Respectfully submitted,

John M. Schmisek  
City Auditor

Approved:

Michael Polovitz, Mayor