

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

**PROCEEDINGS OF
OF THE CITY OF
Monday, July 1,**

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, July 1, 1996 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Ellingson, Hamerlik, hanson, Carpenter, Sande, Klave, Babinchak, Bakken, Hafner, Hagness - 12; absent: none.

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

CONFIRM APPOINTMENT OF STANDING COMMITTEES

A listing of the nominations for members of the standing committees as sub- mitted by the committee chairs was presented to the city council for confirm- ation. It was moved by Council Member Sande and seconded by Council Member Hafner to confirm the nominations for the four standing committees as follows:

FINANCE COMMITTEE: Council Member Carpenter, Chair: Council Members Babinchak, Hamerlik and Bakken.

PUBLIC SAFETY COMMITTEE: Council Member Sande, Chair: Council Members Glassheim, Ellingson.

PUBLIC SERVICE COMMITTEE: Council Member Hagness, Chair: Council Members Beyer, Klave, Hafner.

URBAN DEVELOPMENT COMMITTEE: Council Member Beach, Chair: Council Members Polovitz, Hanson.

Upon call for the question and upon voice vote, the motion carried 12 votes affirmative.

**APPROVE FINAL PLAT; ADOPT ORDINANCE NO. 3593,
AMENDING STREET AND HIGHWAY PLAN TO INCLUDE
PUBLIC R/W SHOWN AS DEDICATED ON THE PLAT OF
SHADYRIDGE ESTATES THIRD ADDITION**

An ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of 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 continued from June 17, 1996 until this evening, was presented and read for consideration on second reading and final passage.

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

Darrell Adams, Route 1, Grand Forks, stated that on the final plat approval and if this is going to be annexed on Shadyridge Third stated

that he wanted property to be annexed subject to the recording of the plat.

COUNCIL MEMBER BEYER REPORTED PRESENT

Howard Swanson, city attorney, advised that the annexation of this property is not before the council, and that they have no ability to take any action tonight with respect to conditioning any annexation on recording of the plat.

14543

July 1,

1996

He stated that the council previously acted on the annexation resolutions and those are pending public hearing to be held on the 5th of August.

COUNCIL MEMBER GLASSHEIM REPORTED PRESENT

Mr. Bushfield, city planner, stated that one of the technical conditions attached to the plat is that it is subject to the annexation; that one of the conditions of issuing a building permit is the fact that the annexation had occurred. Mr. Swanson advised that this is separate to what is being discussed.

Mr. Swanson, city attorney, advised council that they are approving final plat of this addition, including the dedication of public right of way; that this has nothing to do with the annexation; that if approved plat as presented it will be finalized, and it will be up to the property owner to record it or not; that if disapproved, would have to go back to Planning and Zoning to make whatever changes to the plat that would be appropriate.

After further discussion, Mr. Adams stated that he was in agreement with the proposed action re. the final approval of the plat as presented.

Mayor Owens closed the public hearing.

The city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from CPS, Ltd. on behalf of Lavonne Adams, for final approval of the plat of Shadyridge Estates Third Addition to the city of Grand Forks, ND, lying within a portion of Government Lot 5, Section 26, Township 151 North, Range 50 West of the 5th Principal Meridian (located east of Belmont Road and north of Adams Drive), and recommended approval subject to special conditions shown on or attached to the review copy and final passage of the ordinance amending the Street and Highway Plan.

Upon call for the question of adoption of the ordinance and final approval of the plat, and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the ordinance adopted and the final plat approved.

ADOPT ORDINANCE NO. 3594, AMENDING ZONING
MAP TO INCLUDE WITHIN SHADYRIDGE ESTATES PUD,
CONCEPT DEVELOPMENT PLAN, ALL OF SHADYRIDGE

ESTATES FIRST, SECOND, THIRD, FOURTH AND FIFTH
ADDITIONS, INCLUDING UNPLATTED PROPERTY

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-2 (Agricultural Reserve) District and to include within Shadyridge Estates PUD (Planned Unit Development), Concept Development Plan, all that portion of Section 26, Township 151 North of Range 50 West of the 5th Principal Meridian", which had been introduced and passed on its first reading on May 6, 1996, and upon which public hearing had been continued from June 17 until this evening, was presented and read for consideration on second reading and final passage.

Mayor Owens called for the public hearing.

Darrell Adams stated that he wanted to make sure that Shadyridge 1st, 2nd, 4th and 5th not losing its present status, doesn't want Shadyridge 2nd Addition to change status until replatted into smaller lots, now five acre lots.

Mr. Swanson advised that item only deals with zoning, not a platting issue and 14544
July 1, 1996

not an annexation issue.

Mr. Adams stated that if zoning changes from A-2 to R-1, it's taking something from the property owners; and should retain current zoning until property owners want it changed.

Mr. Bushfield reviewed zoning changes for the various areas, that they had debated how much of the area should be placed in the PUD, and assumed that Mr. Adams was in agreement, with only difference being in Shadyridge 1st Addition and wanted Mr. Adams to understand that without the zoning they cannot proceed with development. He stated there are five different additions involved in this property, Shadyridge 1st Addition, which was platted (with exception of unplatted property in center) and with point of contention being whether the property owners that front on Shadyridge Court should be R-1 (Single Family) Residential or whether left in the A-2 District, and compromise position was that all the lots be included in the Residential District. He stated that they put all of this property into one PUD plan so they had an overall design as to how this area will be laid out and developed and was, they believed, consistent with his wishes with the exception of the balance of the property in the back which he wanted to remain in the A-2 District. He stated to put this area into an agricultural district, when in reality it's not agricultural, didn't seem to make a lot of sense to the Commission, and that's reason they zoned it as they did.

Mr. Adams stated that he wanted council to know that a lot of this area is being farmed, and that he felt it should stay in A-2 until developed. Mr. Swanson advised council that farming is not a permitted use in an R-1 Zone but is in A-1 or A-2 Zones, and stated that he is not in a position to tell council that the City would be seeking to preclude farming. Mr. Bushfield stated that is why they set district boundaries as they did, because farming is going to occur east of the A-34 line in the 100-year

flood plain, and that Mr. Adams is never going to be able to build houses in that area because you can't build in the flood plain.

Mr. Swanson stated that the council has already determined the date of annexation, this council will not have before it again the discussion as to when annexation will occur, the only thing with regard to annexation that the council will have before it will be a determination in August whether or not 25% or more of those property owners have protested annexation; that if they do not have 25% or more of the property owners protesting annexation, the annexation will be effective on the dates included in the resolution. If they do have 25% or more of the property owners protesting annexation, the council has choice, can either terminate or eliminate any proceedings for annexation at that time, or petition for an Annexation Review Commission, which is a three-member body: one member of the city council, one member of the affected Township, and a representative of the Attorney General's Office; and that group can make decision on annexation, they have complete authority on that body to make their decision. The annexation issues are underlying all debates and discussions tonight, and that has already been decided by council, the only remaining item to be decided is whether or not there is a valid protest.

Mr. Bushfield stated that there are lots in the city with more than one zoning designation, that there is a lot of property in the city with more than one designation, that this property carries a flood plain zoning designation, which is an F-2 designation and also carries an A-1 designation, and they are simply recognizing the differences in those land uses by rezoning a part of this property for residential uses, which is clearly what it will be developed as and which a number of lots have already been developed, the other part of the property at the back recognizes the fact that Mr. Adams is farming that property. Council Member Hagness noted that property zoned as is because those properties will be developed as residential in the near future and

14545

July 1,

1996

Planning doesn't want to bring them in piecemeal.

Council Member Glassheim called for the question; and Mayor Owens closed the public hearing.

The city auditor presented and read the Planning and Zoning Commission report that they have considered the request from CPS, Ltd. on behalf of LaVonne Adams for final approval of the plat of Shadyridge Estates Third Addition to the city of Grand Forks, ND lying within a portion of Government Lot 5, Section 26, Township 151 North, Range 50 West of the 5th Principal Meridian (located east of Belmont Road and north of Adams Drive), and recommended approval subject to special conditions shown on or attached to the review copy and final passage of the ordinance amending the Street and Highway Plan.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner, Hagness - 12; voting "nay": Council Members Hanson, Bakken - 2.

Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3595, TO AMEND THE
STREET AND HIGHWAY PLAN TO INCLUDE PUBLIC
R/W SHOWN AS DEDICATED ON THE PLAT OF ENGLISH
COULEE CENTER SECOND ADDITION

An ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of 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 continued from June 17 until this evening, was presented and read for consideration on second reading and final passage.

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

The city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from EAPC Architects/Engineers, on behalf of Paul Ray, Ogier Properties, LLC for final approval of the plat of English Coulee Center Second Addition to the city of Grand Forks, North Dakota, lying within a portion of the North Half of the North Half of Section 8, Township 151 North of Range 50 West of the 5th Principal Meridian (located north of DeMers Avenue between South Columbia Road and South 34th street), and recommended final approval subject to special conditions shown on or attached to the review copy and final passage of the ordinance amending the Street and Highway Plan.

Upon call for the question of adoption of the ordinance and final approval of the plat, and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the ordinance adopted and the final plat approved.

ADOPT ORDINANCE NO. 3596, TO AMEND ZONING
MAP TO INCLUDE WITHIN THE B-3 (GENERAL
BUSINESS) DISTRICT ALL OF ENGLISH COULEE CENTER
SECOND ADDITION

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the A-1 (Limited Development) District and to include within the B-3 (General Business) 14546
July 1, 1996

District all of English Coulee Center Second Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading on May 6, 1996, and upon which public hearing had been continued from June 17, 1996 until this evening, was presented and read for consideration on second reading and final passage.

Mayor Owens called for the public hearing; there were no comments, and the public hearing was closed.

The city auditor presented and read the report from the Planning and

Zoning Commission that they had considered the request from EAPC Architects/ Engineers, on behalf of Paul Ray/Ogier Properties, LLC, for final approval of an ordinance to amend the Zoning Map to exclude from the A-1 (Limited Development) District and to include within the B-3 (General Business) District all of English Coulee Center Second Addition (located north of DeMers Avenue and South 30th Street extended), and recommended final approval and passage of the ordinance amending the Zoning Map.

Upon call for the question of adoption of the ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the ordinance adopted.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
LIGHTING DISTRICT NO. 117, PROJECT NO. 4508

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Street Lighting District No. 117, Project No. 4508, street lighting on South 34th Street from 24th Avenue South to 30th Avenue South and on 24th Avenue South from South 30th Street to South 34th Street, had expired on June 27, 1996, and that he had received no written protests.

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

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7093 - Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Street Lighting District No. 117, Project No. 4508, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 14 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL
COST AND AWARD CONTRACT, STREET LIGHTING PROJECT
NO. 4508

The city auditor presented and read the tabulation of bids which had been received and opened on June 24, 1996 for Street Lighting Project No. 4508, District No. 117, street lighting on South 34th Street from 24th Avenue South to 30th Avenue South and on 24th Avenue South from South 30th Street to South 34th Street, indicating that Bergstrom Electric, Inc. was the low bidder based upon their bid in the amount of \$29,722.50: Document No. 7094 - Bid Tabulation.

The city engineer's estimate of total cost for Street Lighting Project No. 4508, District No. 117, in the amount of \$38,000.00, was presented and read.

14547

1996

July 1,

Committee No. 3, Public Service, reported having considered the matter of construction bids for Street Lighting Project No. 4508, District No. 117, commercial street lighting on 24th Avenue South and South 34th Street, and recommended that we accept the low bid of Bergstrom Electric, Inc. in the amount of \$29,722.50.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7095 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that the resolution awarding the contract for Street Lighting Project No. 4508, District No. 117, to Bergstrom Electric, Inc., be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
LIGHTING DISTRICT NO. 105, PROJECT NO. 4310

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Street Lighting District No. 105, Project No. 4310, street lighting on 24th Avenue South from South 34th street to South 38th Street, had expired on June 27, 1996, and that he had received no written protests.

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

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7096 - Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Street Lighting District No. 105, Project No. 4310, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 14 votes affirmative.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
LIGHTING DISTRICT NO. 111, PROJECT NO. 4455

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Street Lighting District No. 111, Project No. 4455, street lighting in Columbia Park 15th Addition, had expired on June 27, 1996, and that he had received no written protests.

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

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7097 - Resolution

It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Street Lighting District No. 111, Project No. 4455, as no protests were filed, and further that the resolution be and is hereby adopted.

Carried 14 votes

14548

July 1, 1996

affirmative.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
LIGHTING DISTRICT NO. 113, PROJECT NO. 4484

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Street Lighting District No. 113, Project No. 4484, street lighting on Barley Court and 49th Avenue South (Mighty Acres Phase II), had expired on June 27, 1996, and that he had received no written protests.

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

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7098 - Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Street Lighting District No. 113, Project No. 4484, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 14 votes affirmative.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
LIGHTING DISTRICT NO. 114, PROJECT NO. 4505

The city auditor reported that the period for filing protests on the resolution of necessity for the improvements in and for Street Lighting District No. 114, Project No. 4505, street lighting on 6th Avenue North from North 51st Street 800 feet west, had expired on June 27, 1996, and that he had received no written protests.

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

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7099 - Resolution.

It was moved by Council Member Babinchak and seconded by Council Member Klave that we do hereby find and determine an insufficiency of protest against Street Lighting District No. 114, Project No. 4505, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 14 votes affirmative.

DETERMINE INSUFFICIENCY OF PROTEST ON STREET
LIGHTING DISTRICT NO. 116, PROJECT NO. 4507

The city auditor reported that the period for filing protests on the

resolution of necessity for the improvements in and for Street Lighting District No. 116, Project No. 4507, street lighting on 30th Avenue South from South 34th Street to South 38th Street, had expired on June 27, 1996, and that he had received no written protests.

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

Council Member Babinchak introduced the following resolution as to protests which was presented and read: Document No. 7100 - Resolution.

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

that we do hereby find and determine an insufficiency of protest against

14549

July 1,

1996

Street Lighting District No. 114, Project No. 4507, as no protests were filed, and further that the resolution be and is hereby adopted. Carried 14 votes affirmative.

RECEIVE TABULATION OF BIDS, ESTIMATES OF TOTAL
COST AND AWARD CONTRACT, STREET LIGHTING PROJECTS
NOS. 4310, 4455, 4484, 4505 AND 4507

The city auditor presented and read tabulation of bids which had been received and opened on June 24, 1996 for Street Lighting Project No. 4310, District No. 105, street lighting on 24th Avenue South from South 34th Street to South 38th Street; Street Lighting Project No. 4455, District No. 111, street lighting in Columbia Park 15th Addition; Street Lighting Project No. 4484, District No. 113, on Barley Court and 49th Avenue South in Mighty Acres Phase II; Street Lighting Project No. 4505, District No. 114, street lighting on 6th Avenue North from North 51st Street 800 feet west; and Street Lighting Project No. 4507, District No. 116, street lighting on 30th Avenue South from South 34th street to South 38th Street; indicating that Bergstrom Electric, Inc. was the low bidder based upon their bids in the amounts of \$9,860.00, \$25,220.00, \$7,725.00, \$7,965.00 and \$9,147.50, respectively, for a total bids of \$59,917.50: Document No. 7101 - Bid Tabulation.

The city engineer's estimates of total cost on Street Lighting Project No. 4310, District No. 105; Street Lighting Project No. 4455, District No. 111; Street Lighting Project No. 4484, District No. 113; Street Lighting Project No. 4505, District No. 114; and Street Lighting Project No. 4507, District No. 116; in the amounts of \$12,600, \$32,000.00, \$10,000.00, \$10,200.00 and \$11,700.00, respectively, were presented and read.

Committee No. 3, Public Service, reported having considered the matter of construction bids for the following projects: Project No. 4310, District No. 105, street lights on 24th Avenue South, 3400-3800 blocks; Project No. 4455, District No. 111, street lights in Columbia Park 15th; Project No. 4484, District No. 113, street lights in Mighty Acres Phase II; Project No. 4505, District No. 114, street lights on 6th Avenue North; Project No. 4507, District No. 116, street lights on 30th Avenue South, 34th to 38th; and recommended that we accept the low bids for street lighting projects

in the amounts of \$9,860.00, \$25,220.00, \$7,725.00, \$7,965.00 and \$9,175.50, respectively, for a total bid of \$59,917.50, Bergstrom Electric, Inc.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7102 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that the resolution awarding the contract for Street Lighting Project No. 4310, District No. 105; Street Lighting Project No. 4455, District No. 111; Street Lighting Project No. 4484, District No. 113; Street Lighting Project No. 4505, District No. 114; and Street Lighting Project No. 4507, District No. 116; to Bergstrom Electric, Inc., be and is hereby adopted. Upon roll call the following voted "aye": Council Member Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

It was moved by Council Member Hagness and seconded by Council Member Hafner
14550
July 1, 1996

that the consent agenda items be referred to committee as noted. Carried 14 votes affirmative.

Finance Committee:

1) matter of 1995 audit report.

REPORTS OF OFFICERS

The city auditor's statement of investment activity for the period ending June 30, 1996, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Glassheim that this report be and is hereby received and filed. Carried 14 votes affirmative.

REPORT OF BOARD OF ZONING ADJUSTMENTS

A communication from Bev Collings, secretary, Board of Zoning Adjustments, was presented and read stating that the Board had held a public hearing in City Hall on June 13, 1996, that notice had been published as required and that the following appeals were heard: 1) Warren Jensen, 4556 Homestead Circle, request for variance to the off-street parking and loading, Table 1 require- ments to erect a cement pad, with variance granted to allow a one-foot setback for the off-street parking requirement to construct an off-street parking slab; 2) Marilyn Linnell, 3006 South 10th Street, request for variance to side-yard setback requirements to erect an attached garage, with variance approved allowing the total side yard requirement to be ten feet six inches and the side yard requirement to three feet to construct an attached garage; 3) Grand Forks Public School District, Rolland Scott, 720 North 3rd Street, request for variance to the

parking layout setback requirements to pave the area, with variance approved allowing the parking setback to be zero feet.

It was moved by Council Member Klave and seconded by Council Member Sande that this report be and is hereby received and filed. Carried 14 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 96-11, dated July 1, 1996, and totaling \$474,479.25, 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 Glassheim and seconded by Council Member Beyer 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, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

ACCEPT OFFER FOR PURCHASE OF LOT 3, AUDITOR'S SUBDIVISION NO. 27

Committee No. 1, Finance, reported having considered the matter of offer to purchase City lot (Lot 3, Auditor's Subdivision No. 27) by Bill O'Keefe in the amount of \$7,450.00 or \$0.30 per square foot, and recommended to accept the offer of Bill O'Keefe.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the

14551

July 1,

1996

motion carried.

APPROVE APPLICATION FOR ABATEMENT OF 1995 TAXES FOR LOT 15, BLOCK 7, MEDVUE ESTATES 2ND ADDITION

Committee No. 1, Finance, reported having considered the application for abatement of 1995 taxes by E. Dale and Janis M. DeRemer, 1323 Noble Cove (Lot 15, Block 7, Medvue Estates 2nd Addition), and recommended to approve the application for abatement and approve reduction in assessed value from \$173,700 to \$149,700.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved, and that we adopt the findings, conclusions and recommendations as prepared by the city attorney. Carried 14 votes affirmative.

APPROVE APPLICATION FOR 3-YEAR REMODELING
EXEMPTION AT 1623 8TH AVENUE SOUTH

Committee No. 1, Finance, reported having considered the application for 3-year remodeling exemption by Ardell and Connie Fladeland, 1623 8th Avenue South (Lots 239 and 240, Block I, Willmar Addition), and recommended approval of the 3-year remodeling exemption of improvements that qualify.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 14 votes affirmative.

APPROVE SETTLEMENT OFFER TO ACME ELECTRIC
RE. PROPERTY ON NORTH WASHINGTON STREET

Committee No. 1, Finance, reported having considered the matter of Acme Electric property on North Washington Street, condition of property, and recommended that we offer Acme Electric \$20,000 cash settlement plus (bicycle storage) building and that be full and complete settlement of all claims or issues in relation to this property.

It was moved by Council Member Carpenter and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE REQUEST FROM GRAND FORKS PARK DISTRICT/
PRAIRIE ROSE STATE GAMES FOR EVENT ROUTES AND
WAIVER OF TEMPORARY RESTAURANT LICENSE FOR FRENCH
FRY FEED

Committee No. 2, Public Safety, reported having considered the request from Grand Forks Park District, Prairie Rose State Games, for event routes and waiver of temporary restaurant license for French Fry Feed on July 13, and recommended approval of the routes, with exception of those events held outside the city, and to grant waiver of the temporary restaurant license.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

APPROVE GRANT AGREEMENTS WITH ND DEPARTMENT OF
HEALTH

14552

July 1, 1996

Committee No. 2, Public Safety, reported having considered the matter of grant agreements with North Dakota Department of Health: Ryan White Comprehensive AIDS Resources Case Mgmt., \$6,000 grant, and Human Immunodeficiency Virus (HIV) agreement, \$12,000 grant, and recommended approval of the grant agreements.

It was moved by Council Member Sande and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes

affirmative.

REFER MATTER OF REQUEST FOR REDUCTION IN
NUMBER OF GAMING SITES ALLOWED PER ORGANIZATION

Committee No. 2, Public Safety, reported having considered the matter of request for reduction in number of gaming sites allowed for each organization from 5 to 3, and recommended to receive and file.

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

It was moved by Council Member Sande and seconded by Council Member Glassheim that this matter be referred back to committee for further consideration. Carried 14 votes affirmative.

AUTHORIZE CONTRACT NEGOTIATION FOR ENGINEERING
CONSULTANT FOR PROJECT NO. 4530, WATER DISTRIBUTION
SYSTEM STUDY

Committee No. 3, Public Service, reported having considered the matter of selection of engineering consultant for water distribution system study, Project No. 4530, and recommended that we proceed and negotiate a contract with Webster, Foster & Weston.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

APPROVE FINAL CHANGE ORDER, CERTIFICATE OF SUB-
STANTIAL COMPLETION AND FINAL ESTIMATE, PROJECT
NO. 4199, UPDATE LIFT STATIONS #22 AND #23

Committee No. 3, Public Service, reported having considered the matter of final change order and estimate, and certificate of substantial completion, Project No. 4199, update Lift Stations #22 and #23, and recommended approval of final change order in the amount of \$88.36, certificate of substantial completion and final estimate in the amount of \$7,651.57 for Rick Electric.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CHANGE ORDER, PROJECT NO. 4044,
6TH AVENUE NORTH RECONSTRUCTION

Committee No. 3, Public Service, reported having considered Change Order #7 for Project No. 4044, 6th Avenue North reconstruction, a no cost change order, and recommended approval of the change order.

It was moved by Council Members Hamerlik and Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.
14553

July 1,

1996

APPROVE ENGINEERING AGREEMENT FOR PROJECT
NO. 4435, RAW WATER INTAKE IMPROVEMENTS

Committee No. 3, Public Service, reported having considered the matter of engineering agreement for Raw Water Intake Improvements, Project No. 4435, and recommended approval of the agreement with Advanced Engineering & Environmental Services, Inc., in an amount not to exceed \$91,931.16.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CHANGE ORDER FOR PROJECT NO. 4322,
IMPROVEMENTS TO ENGLISH COULEE DIVERSION CHANNEL

Committee No. 3, Public Service, reported having considered the matter of Change Order No. 1 for Project No. 4322, dike and structure improvements to English Coulee Diversion Channel, CPS, Ltd. engineer, Gowan Construction, contractor, and recommended approval of the change order in the amount of \$9,695.00, with City's share 18.75% of the amount.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

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

Committee No. 3, Public Service, reported having considered the matter of change order for Project No. 3945, Highway 2 Beautification Project, in the amount of \$6,273.00 deduct, and recommended approval of the change order.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

INTRODUCE ORDINANCE RELATING TO DAILY
PARKING RESTRICTIONS

Committee No. 3, Public Service, reported having considered the matter of changing City Code on daily parking regulations, and recommended approval of the revised ordinance designating areas for Friday parking restrictions to allow for maintenance, and to introduce ordinance for first reading.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance amending Section 8-0816 of the Grand Forks City Code relating to daily parking restrictions", which was presented, read and passed on its first reading.

AUTHORIZE LEASING EQUIPMENT FOR COMPOSTING

Committee No. 3, Public Service, reported having considered the matter of leasing trommel screen for compost, and recommended to authorize leasing of the machine for one month this year at a cost of \$8,000.00, with funds to come 14554
July 1, 1996

from Recycling Contingencies.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT, PAVING PROJECT NO. 4479, DISTRICT NO. 543

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4479, District No. 543, paving South 38th Street from 24th Avenue South to 29th Avenue South, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements, contingent upon payment of upfront monies from requesting property owners.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Hamerlik introduced the following resolution creating the assessment district, which was presented and read: Document No. 7103 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the resolution adopted.

ACCEPT ENGINEER'S REPORT, PAVING DISTRICT NO. 543, PROJECT NO. 4479

The city auditor presented and read the engineer's report on Paving District no. 543, Project No. 4479: Document No. 7104 - Report.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this report be and is hereby approved. Carried 14 votes affirmative.

ADOPT RESOLUTION OF NECESSITY, PAVING
DISTRICT NO. 543, PROJECT NO. 4479

Council Member Hamerlik introduced the following resolution of necessity, which was presented and read: Document No. 7104 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4514, DISTRICT NO. 375

14555

July 1,

1996

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4514, District No. 375, sanitary sewer in Birkholz' 5th Addition (24th Avenue South from South 38th Street to South 40th Street, and on South 40th Street from 24th to 29th Avenues South), and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements, contingent upon payment of upfront monies from requesting property owners.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Hamerlik introduced the following resolution creating the assessment district, which was presented and read: Document No. 7106 - Resolution.

It was moved by Council Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SEWER DISTRICT NO.
375, PROJECT NO. 4514

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

District No. 375, Project No. 4514: Document No. 7107 - Report.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this report be and is hereby approved. Carried 14 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS,
SEWER DISTRICT NO. 375, PROJECT NO. 4514

Council Member Hamerlik introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7108 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Carried 14 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
WATERMAIN PROJECT NO. 4515, DISTRICT NO. 249

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4515, Watermain District No. 249, watermain in Birkholz' 5th Addition, on 24th Avenue South from South 38th to South 40th Street, on South 40th Street from 24th to 29th Avenues South, and on 29th Avenue South from South 38th Street to 440 ft. west of South 40th Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements, contingent upon payment of upfront monies from requesting property owners.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer
14556
July 1, 1996

that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Hamerlik introduced the following resolution creating the assessment district, which was presented and read: Document No. 7109 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, WATERMAIN DISTRICT
NO. 249, PROJECT NO. 4515

The city auditor presented and read the engineer's report on Watermain District No. 249, Project No. 4515: Document No. 7110 - Report.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this report be and is hereby approved. Carried 14 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS,
WATERMAIN DISTRICT NO. 249, PROJECT NO. 4515

Council Member Hamerlik introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7111 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby approved. Carried 14 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4516, DISTRICT NO. 376

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4516, Sewer District No. 376, storm sewer in Birkholz' 5th Addition, on 24th Avenue South from South 38th Street to South 40th Street, on South 40th Street from 24th to 29th Avenues South, and on 29th Avenue South from South 38th Street to 235 ft. west of South 40th Street, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements, contingent upon payment of upfront monies from requesting property owners.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 14 votes affirmative.

Council Member Hamerlik introduced the following resolution creating the assessment district, which was presented and read: Document No. 7112 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Upon roll call the following
voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried and
14557

1996

July 1,

the resolution adopted.

ACCEPT ENGINEER'S REPORT, SEWER DISTRICT NO.
376, PROJECT NO. 4516

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

District No. 376, Project No. 4516: Document No. 7113 - Report.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this report be and is hereby approved. Carried 14 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS,
SEWER DISTRICT NO. 376, PROJECT NO. 4516

Council Member Hamerlik introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7114 - Resolution.

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that this resolution be and is hereby adopted. Carried 14 votes affirmative.

REPORT FROM EVENTS CENTER CORE COMMITTEE

Council Member Carpenter reported that at their last meeting they discussed the 42nd Street traffic study with several issues relating specifically to 17th Avenue South and the potential of an interchange at 17th and I-29 as well as closing off of 17th Avenue during events and used for bus traffic only. He stated that the committee gave guidance back to the Planning Department to pass onto the traffic consultant was that it's not and should not be considered in the plan for 42nd Street Study that there be an interchange at 17th and I-29 and would not be a part of this project, and also directed that it has never been the committee's intention that 17th Avenue be closed to automobile traffic, and sent those recommendations to the Planning Department to relay to the traffic consultant and they will be considering that and incorporating that in making their recommendations. He reported there will be a public meeting at Century School on Tuesday, July 9, at 7:30 p.m. at which time the traffic consultant will present their formal recommendations to the 42nd Street Corridor Study Committee as well as the general public.

Council Member Carpenter reported that former Mayor Polovitz had been a member of the Core Committee and has informed the committee that he no longer wishes to serve in that role; that Mayor Owens has informed the committee that she would like to serve on that committee, and moved that Mayor Owens be included as a voting member of the Events Center Core Committee. The motion was seconded by Council Member Hamerlik. Carried 14 votes affirmative.

APPROVE APPOINTMENTS TO LIBRARY BOARD

Mayor Owens announced the appointment of Kitty Maidenberg and Council Member Sande to the Library Board for three-year terms expiring July 1, 1999, and asked for concurrence in these appointments. It was moved by Council Members Hafner and Babinchak that these appointments be and are hereby approved. Carried 14 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 285, dated June 30, 1996 and totaling \$885,750.45, was presented and read.

It was moved by Council Member Beyer and seconded by Council Member Klave that these estimates be and are hereby approved and that the city auditor be and is 14558
July 1, 1996

hereby authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CERTIFICATES OF COMPLETION

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Paving Project No. 4246, District No. 529; Paving Project No. 4316, District No. 534; Watermain Project No. 4320, District No. 239; Watermain Project No. 4365, District No. 240; Watermain Project No. 4368, District No. 241; and Watermain Project No. 4417, District No. 245.

It was moved by Council Member Babinchak and seconded by Council Member Klave that these recommendations be and are hereby approved. Carried 14 votes affirmative.

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) City Attorney Swanson presented the matter of communication from Chi-Chi's re. change in corporate officers; Mayor Owens referred this matter to the public safety committee.
- 2) Mr. Swanson reported he, along with the mayor and city auditor, have identified some areas which they believe committees will be able to handle without coming to council, and will include that in resolution form which will come to council at some future date; that he will be reviewing past minutes of the city council to determine items that should be handled outside the city council if the council concurs, and that will require action to delegate that authority; and to call him with suggestions.
- 3) Council Member Hamerlik suggested that procedure for appointment to committees be discussed at one of the standing committees or at special committee.
- 4) Council Member Carpenter reported that at the last meeting in June a proposal by Tim Lamb for financing housing project was rejected and that Mr. Lamb has asked that they refer that back to finance for further discussion as there were only two members present at the finance committee meeting and he did not have opportunity to speak at the council meeting. Council Member Carpenter moved for reconsideration of this matter, the motion was seconded by Council Member Beach. Carried 14 votes affirmative. Mayor Owens referred the matter back to the finance committee for further discussion.
- 5) matter of financial management system software maintenance agreement renewal; Mayor Owens referred the matter to the finance committee for consideration.
- 6) Council Member Babinchak presented the matter of the possibility of moving the four-way stop at South 34th Street and Baron Boulevard to 11th

Avenue South and South 34th Street; Mayor Owens referred the matter to the public safety committee for consideration.

7) Council Member Babinchak presented the matter of crosswalk at 20th Avenue South and South 34th Street, possibility of moving signs (no parking here to corner) farther north; Mayor Owens referred the matter to the public safety committee for consideration.

ADJOURN

It was moved by Council Member Beyer and seconded by Council Member Beach that
14559

1996

July 1,

we do now adjourn until Monday, July 15, 1996 at 7:30 o'clock p.m.
Carried 14 votes affirmative.

Respectfully submitted,

Saroj Jerath
Deputy City Auditor