

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
September 3, 1996**

**PROCEEDINGS OF
OF THE CITY OF
Tuesday,**

The city council of the city of Grand Forks, North Dakota met in its regular session in the council chambers in City Hall on Tuesday, September 3, 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, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; absent: Council Member Hamerlik - 1.

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.

APPROVE MINUTES JULY 15, 1996

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

ADOPT ORDINANCE NO. 3608, ANNEXING ALL OF RIVERS EDGE RESUBDIVISION AND COUNTRY VIEW FIRST RESUBDIVISION (FORMERLY REFERRED TO AS ST. FRANCIS FIRST RESUBDIVISION) TO THE CITY

An ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, all of Rivers Edge Resubdivision and St. Francis First Resubdivision, located east of Belmont Road between 49th Avenue South and Adams Drive", which had been introduced and passed on its first reading on July 15, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor exhibited affidavit of publication of notice to the public that this petition for annexation had been filed with the city council and had been published as required.

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

The city auditor reported that the area formerly referred to as St. Francis First Resubdivision has been changed to Country View First Resubdivision. Mr. Bushfield, city planner, reported that the change in name occurred between preliminary and final approval of the plat and change not made to the ordinance.

It was moved by Council Member Klave and seconded by Council Member Hagness that the ordinance be amended to change the name St. Francis First Resubdivision to Country View First Resubdivision. Carried 13 votes affirmative.

Upon call for the question of adoption of this ordinance, as amended, and upon roll call the following voted "aye": Council Members Beach,

Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the ordinance adopted.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE TO ANNEX PORTIONS OF JOHNSON'S
2ND AND 4TH ADDITIONS TO SEPTEMBER 16, 1996

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An ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, portions of Johnson's 2nd Addition and Johnson's 4th Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on August 19, 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 notice to the public that this matter would be presented to the city council this evening had not been published as required.

It was moved by Council Member Beyer and seconded by Council Member Hanson that the public hearing and second reading of the ordinance be continued until September 16, 1996. Carried 13 votes affirmative.

TABLE ORDINANCE TO ANNEX PORTION OF AURORA
PLAZA ADDITION AND REFER TO PLANNING AND
ZONING COMMISSION

An ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, the southerly 140 feet of Lot 4, Block 1 and all of Lot 1, Block 2, Aurora Plaza Addition, Grand Forks, North Dakota", which had been introduced and passed on its first reading on August 19, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration and second reading.

The city auditor reported that his office had not received notice of publication that this matter would be presented to the city council this evening, as required.

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

Bob Bushfield, city planner, reported that State law requires that petitioners publish notice, consequently, when some of the annexations are changed at the Planning Commission or the council, the notices are not published, and because there was an additional 140 ft. of property north of 29th Avenue South added to the annexation at the Planning and Zoning Commission, the developer, Mr. Coss, did not agree to that, so the publication will probably never take place. He suggested doing the annexation by resolution rather than ordinance, and if going to proceed with both the Cartiva lot and the 140 ft. strip north of 29th Avenue South, we need to initiate the annexation in order to complete it.

Howard Swanson, city attorney, advised that they table this matter indefinitely and as subsequent motion refer to Planning and Zoning Commission for consideration the annexation of this property by resolution.

It was moved by Council Member Ellingson and seconded by Council Member Sande to table indefinitely. Carried 13 votes affirmative.

It was moved by Council Member Klave and seconded by Council Member Hagness to refer this matter to the Planning and Zoning Commission for consideration of annexation by resolution. Carried 13 votes affirmative.

ADOPT ORDINANCE NO. 3609, RELATING TO ISSUANCE
FEES FOR ALCOHOLIC BEVERAGE LICENSES

An ordinance entitled "An ordinance amending Section 21-0210 of the Grand Forks City Code relating to issuance fees for alcoholic beverage licenses", which had been introduced and passed on its first reading on August 19, 1996,
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was presented and read for consideration on second reading and final passage.

Mr. Swanson reported that this ordinance would allow the payment of the issuance in four increments, one due at the issuance of the license, and at each anniversary date of issuance.

Mr. Swanson also advised committee that the ordinance before them has no sunset date and if they wish to have one, the ordinance should be amended to include the sunset date. There was no motion.

Upon call for the question and upon roll call, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the ordinance adopted.

RECEIVE AND FILE MATTER OF SUBSTANDARD
BUILDING AT 702 WALNUT STREET

The city auditor reported that this matter had been pulled from the agenda. It was moved by Council Member Beach and seconded by Council Member Ellingson to receive and file the matter. Carried 13 votes affirmative.

REPORTS OF OFFICERS

The city auditor's report on investment activity for the period ended August 31, 1996, was presented and read. It was moved by Council Member Hanson and seconded by Council Member Babinchak to receive and file. Carried 13 votes affirmative.

REPORT OF BOARD OF ZONING ADJUSTMENTS

A communication from Bev Collings, secretary, Board of Zoning Adjustments, was presented and read stating that the Board had held a

public hearing in City Hall on August 15, 1996, that notice had been published as required and that the following appeals were heard: 1) Robert and Sheila Carik, 825 Lincoln Drive, request for variance to the front yard requirements to erect a detached garage, with variance approved allowing a 3 ft. setback on the second front yard to construct a detached garage; 2) Radke Construction on behalf of James Ness and Debra Hartje, 307 7th Avenue North, request for variance to the front yard setback requirements to erect an addition on to the dwelling, with variance approved allowing a five ft. front yard setback to construct an addition; 3) Donald Walters, 2208 11th Avenue North, request for variance to the required lot area requirements to convert the existing home to a duplex, and after some discussion, the owner withdrew his request; 4) Carol Hansen, 1727 12th Avenue North, request for variance to the side yard requirements to erect an attached garage, with variance approved allowing a 30" sideyard setback to construct an attached garage; 5) Ben and Donna Lenze, 2115 8th Avenue North, request for variance to the residential accessory building, sideyard setback, second front yard setback and overhead door drive-in setback requirements to erect a detached garage, with variance approved allowing an 18" sideyard setback, a 10' second front yard setback and 10' to the overhead drive-in door to construct a detached garage; 6) Greg Opp on behalf of Robert Montgomery, 2525 South Washington Street, request for variance to the design of parking and loading facility, landscaping, and buffer yard requirements to expand the parking lot, with variance approved allowing buffer yard and curbing requirements of the parking lot to be delayed for two years, buffer yard and curbing to be completed by the end of the second year; 7) Robert Kadlec, 2204 8th Avenue North, request for variance to the approach and driveway setback requirements to pave a concrete slab, with variance approved allowing no driveway setback to pave a concrete slab and variance granted with the requirement that the property owner not pave in the 30 ft. obstruction

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angle, except where his present driveway is constructed where it should be 8'6".

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

APPROVE BILLS

Vendor Payment Listing No. 96-15, dated September 3, 1996, and totaling \$439,470.67, 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 Hafner 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, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

DENY OFFER TO PURCHASE CITY LOT AT 1310
8TH AVENUE NORTH

Committee No. 1, Finance, reported having considered the offer from Robert E. Mutcher, Sr. to purchase City lot at 1310 8th Avenue North, and recommended that we reject the current offer.

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

ADOPT GRAND FORKS EMPLOYEE SUGGESTION
PROGRAM

Committee No. 1, Finance, reported having considered the matter of recommendation from Human Resources. re. Employee Suggestion Program (IDEAS Program), and recommended to approve the Grand Forks Employee Suggestion Program.

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

EXTEND CURRENT CABLE TV FRANCHISE AGREEMENT,
INTRODUCE ORDINANCE ADOPTING NEW CABLE TV
FRANCHISE ORDINANCE AND SET DATE FOR PUBLIC
HEARING AS SEPTEMBER 16, 1996

Committee No. 1, Finance, reported having considered the matter of the report on cable TV franchise negotiations, and recommended to extend the current franchise to October 1, 1996, give preliminary approval to the new franchise agreement, introduce the ordinance for first reading and call for a public hearing on September 16, 1996.

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

Council Member Hagness introduced an ordinance entitled "An ordinance granting a cable television franchise agreement to TCI North Dakota, Inc.", which was presented, read and passed on its first reading.

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APPROVE TRANSFER OF FUNDS TO PARKING
AUTHORITY

Committee No. 1, Finance, reported having considered the matter of transferring Parking Authority funds for construction of 4th Street lot and Bridge lot, and recommended approval of the transfer of \$230,000 to the Parking Authority Fund.

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

RECEIVE AND FILE MATTER OF COMMUNICATION
RE. ALLOCATION OF PUBLIC FUNDS FOR YOUTH
COMMISSION

Committee No. 1, Finance, reported having considered the matter of allocation of public funds for establishment and operation of Youth Commission, and recommended to receive and file.

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

GRANT REQUESTS FOR VARIANCE TO NOISE ORDINANCE

Committee No. 2, Public Safety, reported having considered request from Lambda Chi Alpha Fraternity, 515 Harvard Street, for variance to noise ordinance during Rush Week (September 5 and 6, 1996), and recommended that we grant a variance to 12:00 midnight.

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

Committee No. 2, Public Safety, reported having considered request for variance to noise ordinance from Sigma Chi Fraternity for final Rush Week event on September 6, 1996 until 1:00 a.m. and recommended to grant request for noise variance until 1:00 a.m.

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

APPROVE REQUEST FROM ND NATIONAL GUARD TO
HOLD FUN RUN/WALK ON SEPTEMBER 16, 1996

Committee No. 2, Public Safety, reported having considered the request from 1st Battalion 188th ADA, ND National Guard, to hold 5K/10K Fun Run/Walk in conjunction with Community Awareness/Family Support Day on September 16, 1996, and recommended approval contingent upon signing of an indemnity and hold harmless agreement.

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

APPROVE REQUEST TO HOLD 1996 AMERICAN HEART
ASSOCIATIONS'S HEART WALK ON SEPTEMBER 29

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Committee No. 2, Public Safety, reported having considered the request to hold 1996 American Heart Association's Heart Walk on September 29, 1996, and recommended approval of the request.

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

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

APPROVE REQUEST BY BONZER'S TO SPONSOR 5K
FOOT RACE ON OCTOBER 19, 1996

Committee No. 2, Public Safety, reported having considered the request from Bonzer's to sponsor 5K foot race on Saturday, October 19, 1996, and recommended approval of the request.

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

AUTHORIZE INSTALLATION OF SPEED LIMIT SIGNS
IN ALLEY AT 626 6TH AVENUE SOUTH

Committee No. 2, Public Safety, reported having considered the matter of "slow traffic" signs on 6th Avenue South, and recommended to authorize installation of 15 mph signs in the alley, both sides (at 626 6th Avenue South).

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

AUTHORIZE STOP AND YIELD SIGNS AT WINSHIP
SCHOOL

Committee No. 2, Public Safety, reported having considered petition for four-way stops at each of the four intersections surrounding Winship Elementary School, and recommended to authorize a two-way stop for North 14th Street at 5th Avenue North and yield signs on North 15th Street at 6th Avenue North.

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

APPROVE BUDGET AMENDMENT

A request to amend the Narcotics Investigation budget in the amount of \$40,000 to reflect grant monies was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 13 votes affirmative.

APPROVE CHANGE ORDER TO PROJECT NO. 4349,
RED RIVER BIKEPATH

Committee No. 3, Public Service, reported having considered the matter of Change Order #1, project No. 4349, Red River Bikepath (redesign of bikeway along Lincoln Park dike), and recommended to approve the change order in the amount of \$12,524.50, with City's share \$2,388.00.

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

call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner,
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Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE PRELIMINARY ENGINEERING AGREEMENT
FOR PROJECT NO. 4225, SOUTH WASHINGTON STREET
RECONSTRUCTION

Committee No. 3, Public Service, reported having considered the matter of preliminary engineering agreement for Project No. 4225, South Washington Street reconstruction, and recommended to approve the preliminary engineering agreement with the North Dakota Department of Transportation.

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

ACCEPT LOW BIDS FOR PARKING LOT IMPROVEMENTS
FOR BRIDGE AND COUNTY LOTS, PROJECT NO. 4548

Committee No. 3, Public Service, reported having considered the matter of bids for Project No. 4548, parking lot improvements for bridge and county lots, and recommended to accept the low bids as follows: Opp Construction for concrete paving on County lot in the amount of \$156,490.00, and Nodak Contracting for the asphalt paving on the Bridge lot in the amount of \$37,773.00 plus Alternate No. 1 in the amount of \$14,930.00.

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

RECEIVE TABULATION OF BIDS, ESTIMATES OF TOTAL
COST AND AWARD CONTRACT, SEWER PROJECT NO. 4523
AND WATERMAIN PROJECT NO. 4524

The city auditor presented and read tabulation of bids which had been received and opened on Monday, August 26, 1996 for Sewer Project No. 4523, District No. 377, sanitary sewer for English Coulee Center (north of DeMers in easement extending approximately 500 ft west and 100 ft. east of 30th Avenue South), and Watermain Project No. 4524, District No. 250, watermain on South 30th Street north of DeMers Avenue and south of BN tracks), indicating that Soberaski, Inc. was low bidder based upon their bids in the amounts of \$45,115.00 and \$20,770.00, respectively, for a total bid of \$65,935.00:
Document No. 7145 - Bid Tabulation.

The city engineer's estimates of total cost for Sewer Project No. 4523, District No. 377, and Watermain Project No. 4524, District No. 250, in

the amounts of \$57,500.00 and \$26,500.00, were presented and read.

Committee No. 3, Public Service, reported having considered the matter of bids for Sewer Project No. 4523, District No. 377, sanitary sewer for English Coulee Center, and Watermain Project No. 4524, District No. 250, watermain for English Coulee Center, and recommended to accept the bids of Soberaski, Inc. in the amounts of \$45,115.00 and \$20,770.00 respectively, for a total bid of \$65,935.00.

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

Council Member Klave introduced the following resolution which was presented

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and read: Document No. 7146 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution awarding the contract for Sewer Project No. 4523 and Watermain Project No. 4524 to Soberaski, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the resolution adopted and the contract awarded.

RECEIVE TABULATION OF BIDS, ESTIMATE OF TOTAL COST, AND AWARD CONTRACT, SEWER PROJECT NO. 4525, DISTRICT NO. 378

The city auditor presented and read tabulation of bids which had been received and opened on August 26, 1996 for Sewer Project No. 4525, District No. 378, storm sewer for English Coulee Center, indicating that Molstad Excavating, Inc. was low bidder based upon their bid in the amount of \$85,832.00: Document No. 7147 - Bid Tabulation.

The city engineer's estimate of total cost for Sewer Project No. 4525, District No. 378, in the amount of \$109,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4525, Sewer District No. 378, storm sewer for English Coulee Center, and recommended to accept the low bid of Molstad Excavating, Inc. in the amount of \$85,832.00.

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

Council Member Klave introduced the following resolution which was presented and read: Document No. 7148 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution awarding the contract for Sewer Project No.

4525, District No. 378, to Molstad Excavating, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried and the contract awarded.

APPROVE PLANS AND SPECIFICATIONS FOR
INSTALLATION OF UTILITIES IN DESOTO
FIRST ADDITION

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for construction projects as follows in DeSoto First Addition: Project No. 4543, sanitary sewer; Project No. 4544, watermain; Project No. 4545, storm sewer; and Project No. 4546, paving; and recommended to approve plans and specifications, contingent upon review and approval by the engineering department.

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

APPROVE PLANS AND SPECIFICATIONS FOR
INSTALLATION OF UTILITIES IN GARDEN VIEW
ADDITION

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Committee No. 3, Public Service, reported having considered the matter of approving plans and specifications for construction in Garden View Estates, Project No. 4558, sanitary sewer, and Project No. 4559, watermain, and recommended to approve plans and specifications contingent upon city engineer's review and comments.

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

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

Upon call for the question and upon voice vote, the motion carried 12 votes affirmative; Council Member Babinchak excused from voting.

APPROVE PLANS AND SPECIFICATIONS FOR
INSTALLATION OF UTILITIES IN RIVERS EDGE

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for utilities in Rivers Edge, Project No. 4554, sanitary sewer, and Project No. 4555, watermain, and recommended approval of the plans and specifications contingent upon engineer's comments.

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

APPROVE CHANGE ORDERS FOR PROJECT NO. 4045,

WATER PLANT IMPROVEMENTS

Committee No. 3, Public Service, reported having considered the matter of change orders for Project No. 4045, water plant improvements, general contract, Innes Construction, \$16,700, and mechanical contract, Lunseth Plumbing, \$73,302, and recommended approval of the change orders.

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

GRANT WAIVER OF FEE FOR BUILDING PERMIT FOR
RED RIVER HIGH SCHOOL PROJECT

Committee No. 3, Public Service, reported having considered the request from Red River High School for waiver of building permit fee on project house, and recommended approval of the waiver of the permit fee.

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

APPROVE PROPOSED PROJECT FOR ARTWORK ON
FENCE ALONG US HIGHWAY 2

Committee No. 3, Public Service, reported having considered the matter of art- work on fence along US Highway 2, and recommended approval of the proposed project for three painted murals and lighting at an estimated cost of \$35,365.

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

There was some discussion and it was noted that the sight barrier is one-half to one mile, that because of alkali soil vines, etc. would not grow. There was also some concern about vandalism, etc., that vehicles being parked outside of the fence and who is responsible for the property and enforcement. Council Member Beyer reported that property owners have conditional use permit which is tied to some things that our inspection department has been working on, and also on other non-complying uses out there.

Upon call for the question and upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

COUNCIL MEMBER HAMERLIK REPORTED PRESENT

AUTHORIZE PURCHASE OF PROPERTY AT 524
FENTON AVENUE

Committee No. 4, Urban Development, reported having considered the matter of purchase of property at 524 Fenton Avenue, and recommended that we authorize purchase of the property at 524 Fenton Avenue for \$20,000 with funds from Acquisition and Demolition Program funds.

It was moved by Council Member Hanson and seconded by Council Member Polovitz 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.

REPORT FROM EVENT CENTER CORE COMMITTEE

Council Member Carpenter reported that there will be a Core Committee meeting this Thursday, September 5, at the civic auditorium with cost estimates to be presented for the eight options, as well as full schematic drawings and estimate; that there will be lot of information provided but not intended that any decisions will be made.

ADOPT 1997 PRELIMINARY BUDGET

The preliminary budget for the fiscal year ending December 31, 1997 was presented to the city council, copies of the proposed preliminary budget had been delivered to all members of the city council.

The Committee of the Whole to whom was referred the budget for the City of Grand Forks for the year ending December 31, 1997, recommended adoption of the preliminary budget with inclusion of \$37,000 for the Youth Commission.

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

The city auditor reported that since the committee of the whole made their recommendation, there have been several proposed changes as follows: the E-911 Board and PSAP asked for some changes in their budget, and if it is council's wishes would ask for an amendment as follows: an increase in expenditures for PSAP, under E-911 the use of cash carryover and on the revenue side an increase in the operating transfers-in for PSAP, and an increase in the storm water revenue by the percentage of rate increase, which increases revenue.

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It was moved by Council Member Babinchak and seconded by Council Member Ellingson that the budged be amended to include these items. Carried 14 votes affirmative.

Council Member Carpenter moved an amendment to the Economic Development budget which includes an allocation to the River Forks Plan of \$76,000, to increase that amount to \$100,000, which is an additional \$24,000, for various projects downtown and to provide a source of funds for studies. Council Member Carpenter moved to transfer \$24,000 from Acct. #470.0040

(Contingencies) to Acct. #470.0010, which is contributions, and increase budget for River Forks from \$76,000 to \$100,000. Council Member Hanson seconded the motion.

After some discussion and upon call for the question the motion carried 14 votes affirmative.

Upon call for the question on the motion to approve the preliminary budget as amended and upon voice vote, the motion carried 14 votes affirmative.

APPROVE APPOINTMENT TO BIKEWAY COMMITTEE

Mayor Owens announced the appointment of Sheryl Smith of 3797 20th Avenue South to the Bikeway Committee for term expiring January 1, 1998. It was moved by Council Member Hanson and seconded by Council Member Beach that this appointment be and is hereby approved. Carried 14 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 287, dated September 3, 1996, and totaling 2,016,738.96, was presented and read.

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

Council Member Babinchak asked to be excused from voting on any estimates to Duckstad Contracting. It was moved by Council Member Hamerlik and seconded by Council Member Beach that Council Member Babinchak be excused from voting on those items relating to Duckstad Contracting. Carried 13 votes affirmative.

Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; 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: Project No. 4180, 1994 Sanitary Sewer Rehab; Sewer Project No. 4216, District No. 350; Sewer Project No. 4364, District No. 362; Watermain Replacement Project No. 4434.1, 4434.2, 4434.3, 4434.4, and 4434.5; Sewer Project No. 4476, District No. 373; Watermain Project No. 4477, District No. 248; and Sewer Project No. 4478, District No. 374.

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

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ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS SEWER PROJECT NO. 4337 ON
ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Sewer Project No. 4337, District No. 372, is estimated to be \$52,200.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7149 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS SEWER PROJECT NO. 4364 ON
ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Sewer Project No. 4364, District No. 362, is estimated to be \$79,600.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7150 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS WATERMAIN PROJECT NO. 4340
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Watermain Project No. 4340, District No. 243, is estimated to be \$463,750.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7151 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4044
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4044, District No. 530, is estimated to be \$200,794.00, and directing that special assessments be levied for

the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7152 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4255
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the
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total cost of Paving Project No. 4255, District No. 531, is estimated to be \$215,600.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7153 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4266
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4266, District No. 536, is estimated to be \$469,300.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7154 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4286
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4286, District No. 532, is estimated to be \$261,100.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7155 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4292
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4292, District No. 537, is estimated to be \$154,200.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7156 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4312
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4312, District No. 533, is estimated to be \$235,200.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7157 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4341
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4341, District No. 535, is estimated to be \$449,600.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7158 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4363
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4363, District No. 538, is estimated to be \$192,100.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be

directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7159 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4366
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4366, District No. 539, is estimated to be \$139,300.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7160 - Resolution.

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

ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4475
ON ESTIMATES COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4475, District No. 540, is estimated to be \$172,500.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7161 - Resolution.

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

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ADOPT RESOLUTION DIRECTING SPECIAL ASSESSMENT
COMMISSION TO ASSESS PAVING PROJECT NO. 4483
ON ESTIMATED COST BASIS

Council Member Hanson introduced the following resolution certifying that the total cost of Paving Project No. 4483, District No. 541, is estimated to be \$135,400.00, and directing that special assessments be levied for the payment of the entire cost of said work and that the city auditor be directed to so notify the chairman of the Special Assessment Commission, which was presented and read: Document No. 7162 - Resolution.

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

ADJOURN

It was moved by Council Member Hagness and seconded by Council Member Hanson that we do now adjourn until Monday, September 16, 1996, at 7:30 o'clock p.m. Carried 14 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor