

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
September 16, 1996**

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

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Monday, September 16, 1996 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; absent: Council Members Polovitz, Hagness - 2.

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.

**PRESENTATION OF AWARD TO JOEL MANSKE,
HOUSING AUTHORITY**

Mayor Owens presented the 1996 Rocky Mountain Area Manager of the Year Award to Joel Manske, Director of the Grand Forks Housing Authority, and read accompanying letter from the Asst. Secretary for Housing, Federal Housing Administration.

APPROVE MINUTES AUGUST 5, 1996

Typewritten copies of the minutes of the regular meeting of the city council held on Monday, August 5, 1996, were presented and read. It was moved by Council Member Hanson and seconded by Council Member Ellingson that these minutes be approved as read. Carried 12 votes affirmative.

**SUSPEND AGENDA AND CONSIDER MATTER OF
PROJECT NO. 4433, AIR BASE WATERMAIN AND
BOOSTER STATION, CONSIDERATION OF BIDS AND
AWARD OF CONTRACT**

Council Member Beyer moved to suspend the agenda to consider the matter of Project No. 4433, Air Base Watermain and Booster Station; Council Member Hafner seconded the motion. Carried 12 votes affirmative.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4433, Air Base watermain and pump station, report on bids and award of contract, and recommended not to open the bid of S. J. Louis Construction, Inc. and to return the bid unopened.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4433, Air Base watermain and pump station, report on bids and award of contract, and recommended to waive minor defect in the bid submission of Dunnick Bros., Inc. and that council open the bid.

(Note: The bid of Dunnick Brothers had a license number written on the outside of the bid envelope but did not have copy of the license or certificate of renewal issued by the Secretary of State enclosed in the required bid bond envelope attached to the bid envelope.)

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

Project No. 4433, Air Base watermain and pump station, report on bids and award of contract, and recommended to allow ICS, Inc., Grand Forks, to withdraw their bid on Contract 2, booster station, because of error in their bid.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4433, Air Base watermain and pump station, report on bids and award of contract: Contract No. 2, Booster Station; and recommended to accept 14638
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the low bid of Construction Associates, Inc., Valley City, for a combination bid for Contract 2 in the amount of \$595,000.00, subject to Air Force concurrence.

It was moved by Council Member Klave and seconded by Council Member Hafner that these recommendations be and are hereby approved.

Curt Peterson, Associated General Contractors of North Dakota, and in capacity of representative of Gibb Construction, Fargo, ND, addressed issue; that public bidding laws in North Dakota are relatively specific, that statutes in place protect integrity of that process for both the public entity and construction industry. He stated that the current project which council is considering, that governing statutes very clear in application and intent, and is their opinion that the non-complying bid of Dunnick should not be opened, that it clearly does not comply with ND statutes; that their association has always supported legislation that enhances process and integrity of the process and always opposed actions of public entities that fail to follow those statutory measures. He stated that in this case a certain statute contained in North Dakota law speaks directly to the issue at hand, NDCC 43-07-12 entitled Bids to Show License Issued, and read that section. He stated they and their legal counsel think that speaks directly to this issue; that they are very serious about protecting that statute and would probably look at some other type of action in event that statute was violated.

Council Member Hafner reported that the photocopy of the license was faxed later that day, and seems that was minor discrepancy, that wasn't physically attached to the bid but was in time. Mr. Peterson stated that way they viewed this is that a law on the books is not a technicality and cannot be waived.

Howard Swanson, city attorney, stated that it is his opinion that this is a discretionary item that the council may or may not waive, the State of North Dakota, while it does have a statute, has no case law interpreting that statute. He stated there are cases from other jurisdictions interpreting similar statutes that would allow a bid of this nature to be opened for a number of reasons: 1) there was no benefit to any bidder gained and no damage suffered by any bidder, 2) no information that this bidder did not provide that is relevant to evaluating the bid, that they did have proof that there was a contractor's license issued in addition to the contractor's license number, also had issuance dates, and those courts that have considered an issue, have split of authority, and those closest to this have held that there is substantial compliance. He advised that he cannot tell council that in the exercise of their discretion, they do not have some risk of litigation, but he would not fear that litigation because facts of this case appear to be as close to

a technicality as you will ever find in law; that's not to say that if you believe strict compliance with the bid instructions should be kept, that you shouldn't make that finding; and consequently, his advise is to exercise your best discretion. He also advised that the bid of S. J.

Louis

had a bid bond violation and City has always rejected bid bond violations.

He stated that there was a statement of the contractor's license number, there was a statement re. the issuance date or validity date of license, that it did not contain the license, that license was received by FAX but that was outside the bid time; that bid instructions are very clear, they were advised that they should have had this contractor's license in the bid instructions. He stated that he reviewed the bid instructions and they very clearly did advise that the contractor's license should be there.

Harris Dunnick, Dunnick Brothers, stated that they did not have a photostatic copy of their ND license in the proposal with the bond, their secretary wrote their license number and expiration date on the proposal. He stated they have had ND license for many years, oversight on part of staff. He stated that in the advertisement of bids it states that no contract shall be awarded to any

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contractor unless he is the holder of a license in the class within which the value of the project falls, they are the holder of a license, are capable of doing the work and their bid is lower than the one being considered, and asking council to look at their bid because is a minor detail and City can save some money.

Dean Wieland, CPS, Ltd. read from advertisement for bids: "each bid must be submitted upon the basis of cash payment for the work on blanks furnished by the engineer and shall be accompanied by a separate envelope containing an acceptable bidder's bond to the City of Grand Forks in the sum equal to 5% of the full amount of the bid.", "each bid shall contain a copy of the contractor's license or certificate of renewal thereof issued by the Secretary of State enclosed in the required bid bond envelope. No contract shall be awarded to any contractor unless he is the holder of a license in the class within which the value of the project falls.", and "no bid will be read or considered which does not fully comply with the above provisions as to bond and licenses, and any deficient bid submitted will be returned to the bidder unopened."

Upon call for the question on the motion to return the S. J. Louis Construction, Inc. bid unopened, the motion carried 12 votes affirmative.

Upon call for the question on the second motion, to waive the defect in the bid submission of Dunnick Bros., Inc. and to open their bid, and upon roll call vote, the following voted "aye": none; voting "nay": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12. Mayor Owens declared that the motion failed.

Council Member Beyer moved to award the low bid on Contract No. 1,

watermain construction, to Robert Gibb & Sons, Inc. in the amount of \$1,123,348.00, subject to U.S. Air Force concurrence. The motion was seconded by Council Member Klave. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

Upon call for the question on the motion to allow ICS, Inc. to withdraw their bid on Contract No. 1 because of an error in their bid, the motion carried 12 votes affirmative.

Upon call for the question on the motion to accept the bid of Construction Associates, Inc. for a combination bid for Contract No. 2 in the amount of \$595,000.00, subject to Air Force concurrence, and upon roll call vote the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

COUNCIL MEMBER HAMERLIK EXCUSED

APPROVE FINAL PLAT; AND ADOPT ORDINANCE NO.
3609.1, AMENDING STREET AND HIGHWAY PLAN TO
INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON THE
PLAT OF DESOTO FIRST 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 Desoto First 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 and final passage.

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

Mayor 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 presented and read the report from the Planning and Zoning Commission that they had considered the matter of request from CPS, Ltd. on behalf of Desoto Association for final approval of a plat of Desoto First Addition to the city of Grand Forks, North Dakota (located in the southwest corner of 32nd Avenue South and South 17th Street), and recommended final approval subject to special conditions shown on or attached to the review copy and 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, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 11; voting "nay": none. Mayor Owens declared the ordinance

adopted.

ADOPT ORDINANCE NO. 3610, AMENDING ZONING
MAP TO INCLUDE WITHIN COLUMBIA PARK PUD,
CONCEPT DEVELOPMENT PLAN, AMENDMENT NO. 9,
WITH SUBSTANTIVE CHANGES, LOTS 1-16, BLOCK C,
COLUMBIA PARK 15TH ADDITION

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 8, and to include within Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 9 with all substantive changes lying within Lots 1 through 16, Block C, Columbia Park 15th 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 and final passage.

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

Mayor 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 presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from Steve Adams on behalf of Art Greenberg, Jr. for final approval of an ordinance to amend the Zoning Map to exclude from Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 8 and to include within Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 9 with all substantive changes lying within Lots 1 through 16, Block C, Columbia Park 15th Addition (located between Sara Lyn Drive and South 35th Street and 28th Avenue South), and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the zoning map.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 11; voting "nay": none. Mayor Owens declared the ordinance adopted.

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ADOPT ORDINANCE NO. 3611, AMENDING ZONING
MAP TO INCLUDE WITHIN R-1 (SINGLE FAMILY
RESIDENCE) DISTRICT ALL OF RIVERS EDGE
RESUBDIVISION

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 R-1 (Single Family Residence) District, all of Rivers Edge Resubdivision, 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 and final passage.

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

Mayor 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 presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from Dave Robertson et al 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 R-1 (Single Family Residence) District all of Rivers Edge Resubdivision (located east of Belmont Road and south of 49th Avenue South), 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 the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 11; voting "nay": none. Mayor Owens declared the ordinance adopted.

COUNCIL MEMBER HAMERLIK REPORTED BACK

TABLE SECOND READING OF ORDINANCE TO ANNEX PORTIONS OF JOHNSON'S 2ND ADDITION AND JOHNSON'S 4TH ADDITION TO OCTOBER 7, 1996

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 continued until this evening, was presented and read for consideration on second reading.

The city auditor reported that notice to the public that this would be pre- sented to the city council had not been published by the petitioner as required.

Bob Bushfield, city planner, stated that developer hasn't following through with publication, and recommended holding for one more meeting.

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

It was moved by Council Member Hafner and seconded by Council Member Ellingson to table this matter to October 7, 1996. Carried 12 votes affirmative.

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EXTEND EXISTING CABLE TELEVISION FRANCHISE
AGREEMENT TO NOVEMBER 1, 1996 AND CONTINUE
PUBLIC HEARING AND SECOND READING OF ORDINANCE
GRANTING NON-EXCLUSIVE CABLE TELEVISION FRANCHISE
TO TCI OF NORTH DAKOTA, INC. TO OCTOBER 21, 1996

An ordinance entitled "An ordinance granting a cable television franchise agreement to TCI North Dakota, Inc.", which had been introduced and passed on its first reading on September 3, 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 notice to the public that the cable TV franchise ordinance would be considered by the city council this evening had been published.

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 Ellingson asked to be allowed to abstain from voting on this matter. It was moved by Council Members Babinchak and Beyer that Council Member Ellingson be allowed to abstain from any vote on the issue. Carried 11 votes affirmative.

Howard Swanson, city attorney, reported that the legal department in Denver for TCI has asked for additional time to review the changes that the City has made in the most recent draft, and consequently, he is recommending that this body take the following action: to extend the existing franchise agreement to November 1, 1996 and that the public hearing on this matter be continued to October 21, 1996.

It was moved by Council Member Babinchak and seconded by Council Member Sande to extend the existing franchise agreement to November 1, 1996, and to continue the public hearing and second reading of the ordinance granting a non-exclusive cable television franchise to October 21, 1996.

Council Member Carpenter reported having received several calls re. this matter, i.e., problems landscapers having with buried cable and property owners when aerating lawns, expense to property owner is cable broken; and that they should probably look into this. Council Member Beyer also brought up matter of residents having to wait for service. This matter will be placed on the finance committee agenda at their meeting.

Mr. Swanson reported that the proposed agreement utilizing an industry standard of number of subscribers per cable mile, being located within city limits does not guarantee the right for cable installation, that there is investment analysis whether there are sufficient users to warrant the extension of cable to particular area of the city, so in fringe areas cable may not be available immediately. He also stated that the existing franchise has no standard so are moving toward definitive standard as to when they are obligated to provide service.

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

APPROVE CIP BUDGET, AND ADOPT FINAL BUDGET
FOR THE CITY OF GRAND FORKS FOR 1997 AND
ANNUAL TAX LEVY

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The city auditor reported that a notice calling the attention of the general public to the fact that the final budget of the City of Grand Forks, North Dakota for the year ending December 31, 1997 would be presented to the city council on Monday, September 16, 1996 at 7:30 o'clock p.m. at which time anyone interested might be heard, had been published as required; and presented the final budget of the City of Grand Forks for the period ending December 31, 1997.

Mayor Owens asked for comments from the audience and from the council.

Council Carpenter questioned what salary for the mayor was included in the Mayor/Council budget and if salary in the budget is what has been established or if it would take council action to change that salary. The city auditor reported that the line item in the Mayor's budget for 1997 is \$24,000 and that compares to \$12,000 in the 1996 budget and that in approving that, that would be the amount of the mayor's salary. Mr. Swanson stated that the line item for the salary for the mayor would be the established salary, however, that is not true with other line items of the budget. He further advised that under Section 2-0801 and 2-0802 of the City Code establishes the salaries of the council and mayor as being established in the budget. He advised that council that if they have concerns that amount (mayor's salary) is too high or too low, that they make that action tonight; however, with respect to the total overall budget amount, the council cannot increase that budget from what council gave preliminary approval to; but could make alterations within the budget line items if within that total appropriation. He also stated that there is a State statute re. increasing of elected bodies' salary during the fiscal year from which they are being paid, and could make those changes if done before December 31, 1996.

After further discussion Council Member Carpenter moved to amend the budget

to transfer \$12,000 from the personal services for the mayor's salary to the other operating expenses line item; Council Member Hafner seconded the motion. Carried 11 votes affirmative; Council Member Ellingson voted against the amendment.

It was moved by Council Member Beyer and seconded by Council Member Babinchak to approve the 1997 CIP budget and adoption of the resolution and certificate of levy which is 135.46, and to introduce the following resolution adopting the budget: Document No. 7164 - Resolution.

Upon call for the question of adoption of the resolution and upon roll call the following voted "aye": Council Members Beach, Ellingson,

Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried and the budget adopted.

HOLD PUBLIC HEARING ON APPLICATION BY J.W. PERRY, INC. FOR FIVE-YEAR TAX EXEMPTION ON PROPERTY AT 1250 SOUTH 46TH STREET, AND REFER BACK TO FINANCE COMMITTEE TO DETERMINE LEVEL OF EXEMPTION

The city auditor reported that a public hearing on the application from LeRoy and Barbara Bross Trust dba J. W. Perry, Inc. for a five-year tax exemption pursuant to NDCC Chapter 40-57.1 had been scheduled for this evening, that the required legal notice (notice to competitors of hearing on application for property tax exemption) had been published as required, and further that no protests or grievances had been filed with his office.

Mayor Owens called for the public hearing on this matter. There were no comments and the public hearing was closed.

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It was noted that the School District had been notified re. public hearing this evening.

It was moved by Council Member Beyer and seconded by Council Member Ellingson that this matter be referred back to the finance committee for determination of exemption if any. Carried 12 votes affirmative.

REPORTS OF OFFICERS

The city auditor's statement of changes in cash balances as of August 31, 1996, was presented and read. It was moved by Council Member Klave and seconded by Council Member Sande that this report be and is hereby received and filed. Carried 12 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 96-16, dated September 16, 1996 and totaling \$2,648,016.00, 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 Babinchak and seconded by Council Member Klave 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, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

ADOPT RESOLUTIONS ESTABLISHING TERMS AND DIRECTING ISSUANCE OF DEFINITIVE IMPROVEMENT WARRANTS ON THE VARIOUS IMPROVEMENT FUNDS, PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUNDS; AND DIRECTING ISSUANCE OF \$4,530,000 REFUNDING

IMPROVEMENT BONDS, SERIES 1996B AND PRESCRIBING
TERMS AND COVENANTS THEREOF

The city auditor exhibited affidavit showing publication in the official newspaper of the City of a Notice of Bond Sale of \$4,530,000 Refunding Improvement Bonds, Series 1996B (the Bonds) of the City, bids for which were to be considered at this meeting as provided by resolution adopted August 5, 1996. The affidavit was examined and approved and ordered placed on file.

The city auditor reported that 4 sealed bids for the purchase of the Bonds had been received at his office from the following institutions at or before the time stated in the Notice of Bond Sale, and the bids were then opened and publicly read and considered, and were all found to conform to the notice of Bond Sale and to be accompanied by the required security, and the purchase price, interest rates and net interest cost under the terms of each bid were found to be as follows: Document No. 7165 - Bid Listing.

Wally Dornfeld, Springsted, Inc., financial consultant, stated that the Moody's Investors Service did confirm a double A rating for the City of Grand Forks, which they were very pleased with, and that bids received today were excellent. The city auditor reported that the information from Moody's was on the council members' desks and there was some additional information as to how they rated the issue. It was also noted that Moody's has been rating agency that the City has used for many years.

Committee No. 1, Finance, reported having considered the matter of sale of \$4,530,000 Refunding Improvement Bonds, Series 1996B, and adoption of resolutions, and recommended that we award bid to Dain Bosworth with a true

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interest rate of 5.2313%; and adopt resolutions establishing terms and directing issuance of definitive improvement warrants and providing for and appropriating special assessments for support and maintenance of said bonds and adopt resolution directing issuance of \$4,530,000 Refunding Improvement Bonds, Series 1996B, and prescribing the terms and covenants thereof.

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

Council Member Bakken introduced the following resolution and moved its adoption: Document No. 7166 - Resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Hamerlik and upon vote being taken thereon the following voted in favor: Council Members Babinchak, Bakken, Beach, Beyer, Carpenter, Ellingson, Glassheim, Hafner, Hamerlik, Hanson, Klave, Sande - 12; and the following voted against the same: none; whereupon the resolution was declared passed and adopted and was signed by the mayor

and her signature attested by the city auditor.

Council Member Bakken than introduced the following resolution and moved its adoption: Document No. 7167 - Resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Hamerlik and upon vote being taken thereon the following voted in favor: Council Members Babinchak, Bakken, Beach, Beyer, Carpenter, Ellingson, Glassheim, Hafner, Hamerlik, Hanson, Klave, Sande - 12; and the following voted against the same: none; whereupon the resolution was declared passed and adopted and was signed by the mayor and her signature attested by the city auditor.

ACCEPT OFFER FOR PURCHASE OF CITY PROPERTY
AT 1310 8TH AVENUE NORTH, SUBJECT TO CONDITIONS

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 to accept the offer of Mr. Mutcher to purchase the property for \$10,000 plus un- paid special assessments pro-rated to closing date, with sale of the property contingent upon rezoning of the property from B-1 to B-3, and further that the City not consider the contingency for 10-year conditional use permit.

It was moved by Council Member Bakken and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

FIND AND DETERMINE THAT THERE ARE NO LOCAL
COMPETITORS TO RDO FOODS COMPANY, AND SET
PUBLIC HEARING FOR OCTOBER 7, 1996

Committee No. 1, Finance, reported having considered the application for five-year tax exemption by RDO Foods Co. re. public hearing requirements, and found there are no competitors and set public hearing for October 7, 1996.

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

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APPROVE APPLICATION FOR CLASS 4 LIQUOR
LICENSE FOR MAMA LOLA'S, L.L.C., 124
NORTH 3RD STREET

Committee No. 2, Public Safety, reported having considered the application for Class 4 liquor license (less than 100 seats) for Mama Lola's, L.L.C. dba Lola's, 124 North 3rd Street, and recommended approval of the application subject to approval by the fire, health and inspection departments.

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

APPROVE GRANT AGREEMENTS WITH ND DEPARTMENT OF HEALTH

Committee No. 2, Public Safety, reported having considered the matter of grant agreement with ND State Department of Health, Smoke-free and Nutritious Dining Health Promotion, and recommended that the grant agreement be approved.

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

Committee No. 2, Public Safety, reported having considered the matter of grant agreement with ND State Department of Health: Tobacco Prevention and Control, and recommended that the grant agreement be approved.

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

APPROVE BUDGET AMENDMENT

A request for budget amendment in the amount of \$2,700.00 in the Smoke-Free and Nutritious Dining Grant (Health Department), reflecting new mini-grant funds, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this budget amendment be approved. Carried 12 votes affirmative.

APPROVE REQUEST BY AMERICAN RED CROSS TO HOLD 5K RUN ON FEBRUARY 1, 1997

Committee No. 2, Public Safety, reported having considered the request to hold 5K Run on February 1, 1997 by American Red Cross, and recommended approval of the request.

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

DELEGATE AUTHORITY TO COMMITTEE TO ACT ON SPECIFIC ITEMS

Committee No. 2, Public Safety, reported having considered listing of items from city attorney for possible delegation of authority to committee, and recommended that the council delegate authority to the committee to act on the following items: 1) parking designation (time parking, no parking, handi- capped parking, location parking); 2) special alcohol beverage permits; 3) adoption of resolutions recognizing group as public-spirited; 4) loading/ unloading zone designations; 5) routes for parades, walks, runs, bike races,

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marathons, street dances, festivals, etc.; 6) approval of site authorizations; 7) liquor license renewals; 8) site authorization renewals; and 9) block parties.

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

DECLARE FIRE DEPARTMENT BACKHOE AS SURPLUS
PROPERTY AND OFFER FOR SALE

Committee No. 2, Public Safety, reported having considered the matter of disposal of unneeded 1970 John Deere backhoe in fire department, and to declare the property as surplus and offer for sale.

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

AUTHORIZE ENTERING INTO FARM LEASE WITH
LARRY MCENROE

Committee No. 3, Public Service, reported having considered the matter of farm lease (five year lease) for approx. 455 acres of pasture land located between city landfill and city lagoon with Larry McEnroe, and recommended that we approve the lease as negotiated and authorize proper City officials to sign the lease (with following terms accepted by Mr. McEnroe: decrease in pasture area by 25 acres for a public works use, realignment of fencing around the 25 acres if the City desires, and increase of \$400/yr. in rents even though total acreage decreased by 25 acres).

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BIDS FOR TRUCK AND BOX FOR SANITATION
DEPARTMENT

Committee No. 3, Public Service, reported having considered the bids for single-axle truck for sanitation department, and recommended to accept the low bid of Rydell Chevrolet in the amount of \$38,103.84, less \$2,000 trade-in for 1978 truck, for a net bid of \$36,103.84.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the bids for truck box and hoist for single-axle truck, and recommended to accept the low bid of Dacotah Truck and Equipment in the amount of \$7,499.00.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

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AUTHORIZE BUY-OUT OF NSP MATERIALS AND
EQUIPMENT, PROJECT NO. 4045, WATER
TREATMENT PLANT MODIFICATIONS

Committee No. 3, Public Service, reported having considered the matter of Project No. 4045, Water Treatment Plant Modifications, buy-out of Northern States Power Company materials and equipment at plant (standby power), and recommended to authorize buy-out of the materials and equipment at the water plant in the amount of \$41,860.00, and to indicate that the City is unhappy with pricing policy.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE AMENDMENT NO. 1 TO ENGINEERING SERVICES
AGREEMENT, PROJECT NO. 4377, WATER RECLAMATION
FACILITIES EVALUATION

Committee No. 3, Public Service, reported having considered the matter of amendment to engineering agreement for Project No. 4377, Water Reclamation Facilities Evaluation, and recommended to approve amendment to the agreement in the amount of \$11,955.27.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4435, WATER INTAKE IMPROVEMENTS

Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4435, water intake improvements, and recommended to approve plans and specifications and to authorize call for bids, contingent upon engineer's approval.

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

APPROVE CHANGE ORDER, PROJECT NO. 4260,
MILL ROAD BRIDGE

Committee No. 3, Public Service, reported having considered Change Order #1, Project No. 4260, Mill Road Bridge, and recommended to approve the change order in the amount of \$12,060.56, with 20% City share.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE PLANS AND SPECIFICATIONS, PROJECT
NO. 4186, LANDFILL CLOSURE

Committee No. 3, Public Service, reported having considered plans and

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specifications for Project No. 4186, landfill closure, and recommended to approve plans and specifications, and to authorize call for bids.

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

APPROVE PLANS AND SPECIFICATIONS, PROJECT
NO. 4450, 1996 SANITARY SEWER REHAB.

Committee No. 3, Public Service, reported having considered plans and specifications for Project No. 4450, 1996 sanitary sewer rehab., and recommended to approve plans and specifications, and to authorize call for bids.

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

APPROVE PLANS AND SPECIFICATIONS, PROJECT NO.
4536, WATERMAIN EXTENSION, AND PROJECT NO. 4535,
SANITARY SEWER EXTENSION, 15TH AVENUE SOUTH

Committee No. 3, Public Service, reported having considered plans and specifications for Project No. 4536, watermain extension, and Project No. 4535, sanitary sewer extension, 15th Avenue South, and recommended to approve plans and specifications, contingent upon engineer's comments.

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

votes affirmative.

APPROVE FINAL PLAT OF COUNTRY VIEW FIRST
RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of C & A Partnership for final approval of a plat of Country View First Resubdivision (formerly referred to as St. Francis First Resubdivision) lying within a portion of the East Half of the Northeast Quarter of Section 27, Township 151 North, Range 50 West of the 5th Principal Meridian (located northeast of Belmont Road and Adams Drive), and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Street and Highway Plan.

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

ACCEPT PETITION FOR VACATION OF ALLEY AND
E/W STREET AS PLATTED AND DEDICATED ON PLAT
OF ANDERSON'S SUBDIVISION

The Planning and Zoning Commission reported having considered the petition from Ralph Applegren et al for approval to vacate all of the 15-foot wide N/S alley subject to a 15-foot wide utility easement on the northerly 500 feet thereof and subject to utility easement on the easterly 10 feet of the southerly 143.77 feet of the northerly 643.77 feet thereof and all of the 60-foot wide E/W unnamed street as platted and dedicated on the plat of Anderson's Subdivision extension of Blocks 1, 2 and 3, Grand Forks, North Dakota (located east of Belmont Road between 49th Avenue South and Adams Drive), and recommended to vacate subject to a 15-foot wide utility easement

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on the northerly 500 feet thereof and subject to utility easement on the easterly 10 feet of the southerly 143.77 feet of the northerly 643.77 feet thereof and vacate all of the 60-foot wide E/W unnamed street as platted and dedicated on the plat of Anderson's Subdivision extension of Blocks 1, 2 and 3, Grand Forks, North Dakota.

It was moved by Council Member Hanson and seconded by Council Member Glassheim that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, and that a notice of public hearing be published as required. Carried 12 votes affirmative.

GRANT FINAL APPROVAL FOR COLUMBIA PARK SOUTH
PUD (PLANNED UNIT DEVELOPMENT), DETAILED
DEVELOPMENT PLAN, LOT C, BLOCK 2, COLUMBIA
PARK 21ST ADDITION

The Planning and Zoning Commission reported having considered the matter of request from Kevin Thompson on behalf of KT's Precision Auto Body, for final approval of Columbia Park South PUD (Planned Unit Development), Detailed Development Plan, Auto Body Repair Facility, Lot C, Block 2,

Columbia Park 21st Addition to the city of Grand Forks (located south of 32nd Avenue South between South 20th and South 23rd Streets), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

GRANT FINAL APPROVAL FOR COLUMBIA PARK
PUD, AMENDMENT NO. 9, DETAILED DEVELOPMENT
PLAN, TOWNHOMES, LOTS 1-16, BLOCK C, COLUMBIA
PARK 15TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Larry McLain for final approval (fast track) of Columbia Park PUD (Planned Unit Development), Amendment No. 9, De-tailed Development Plan, Townhomes, Lots 1 through 16, Block C, Columbia Park 15th Addition to the city of Grand Forks, ND (located between Sara Lyn Drive, south 35th Street and 28th Avenue South), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE FINAL PLAT OF REPLAT OF LOTS 1 AND
2, BLOCK 2, INDUSTRIAL SUBDIVISION

The Planning and Zoning Commission reported having considered the matter of request from Branden J. Bartholomew on behalf of Kedney Warehouse Co. for final approval (fast track) of a Replat of Lots 1 and 2, Block 2, Industrial Subdivision to the city of Grand Forks, North Dakota (located in the 4700 block of DeMers Avenue), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

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INTRODUCE ORDINANCE AMENDING ZONING MAP TO
INCLUDE ALL OF COUNTRY VIEW FIRST RESUBDIVISION
WITHIN R-1 (SINGLE FAMILY RESIDENCE) DISTRICT

The Planning and Zoning Commission reported having considered the matter of the request from Darrell Adams on behalf of C & A Partnership for preliminary approval of an ordinance to amend the Zoning Map to exclude from the A-1 (Limited Development) District and to include within the R-1 (Single Family Residence) District all of Country View First Resubdivision (formerly referred to as St. Francis First Resubdivision)

(located south of Adams Drive and east of Belmont Road), and recommended preliminary approval of the ordinance amending the zoning map, to introduce the ordinance and to set the date of the public hearing for October 7, 1996.

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

Council Member Hanson introduced 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 R-1 (Single Family Residence) District all of Country View First Resubdivision (formerly referred to as St. Francis First Resubdivision), Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND STREET AND
HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN
AS DEDICATED ON THE PLAT OF SHADYRIDGE
ESTATES THIRD ADDITION

The City Planning and Zoning Commission reported having considered the matter of the request from Lavonne Adams for preliminary approval of a plat of Shady- ridge Estates Third Addition to the city of Grand Forks, ND (replaces and supersedes that certain plat of the same name approved by city council on July 1, 1996), being a portion of Government Lot 5, Section 26, Township 151 North of Range 50 West of the 5th Principal Meridian (located north of Adams Drive), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the enclosed ordinance amending the Street and Highway Plan and to set the date of the public hearing for October 7, 1996.

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

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

APPROVE PRELIMINARY PLAT OF REPLAT OF LOT
J, BLOCK 2 OF REPLAT OF LOTS 10-13, BLOCK 2,
TOLLESON'S SUBDIVISION NO. 1

The Planning and Zoning Commission reported having considered the matter of the request from the city engineering department on behalf of the North Dakota Department of Transportation and the Community National Bank for preliminary approval of a Replat of Lot J, Block 2 of the Replat of Lots 10 through 13, Block 2, Tolleson's Subdivision No. 1, Grand Forks, North Dakota (located north of 17th Avenue South between South Washington Street and South 14th

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Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

DENY PRELIMINARY PLAT OF MOLSTAD'S
ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Alan and Nancy Molstad for preliminary approval of a plat of Molstad's Addition, including a variance to the minimum lot size of five acres, per Section 18-0207 (Agricultural Reserve) District, subsection (6) Required Lot Area, Grand Forks County, being a part of the NE Quarter of Section 19, Township 152 North of Range 50 West of the 5th Principal Meridian (located south of 54th Avenue North between North 42nd Street and Interstate 29), and recommended denial of the variance and of the plat, would not want to set a precedent in granting variance of this type, approval of the plat would require a change in the Land Use Policy and the Land Development Code.

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

ADOPT RESOLUTION TO ANNEX TO THE CITY OF
GRAND FORKS THE SRLY. 140 FT. OF LOT 4, BLOCK
1 AND ALL OF BLOCK 2, AURORA PLAZA ADDITION

The Planning and Zoning Commission reported having considered the matter of the petition from Cliff Coss for approval of a resolution to annex the Southerly 140 feet of Lot 4, Block 1 and all of Lot 1, Block 2, Aurora Plaza Addition to the city of Grand Forks, ND (located in the corner of South 42nd Street and 29th Avenue South), and recommended approval of the resolution to annex and to set the date of the public hearing for October 21, 1996.

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

The city auditor reported that this annexation had been considered by ordinance, however, the property owner didn't publish the notice of annexation. Mr. Swanson, city attorney, reported that as the property owner had failed to publish notice on the ordinance, the ordinance tabled indefinitely and the matter referred back to Planning and Zoning to consider annexation by resolution.

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

Council Member Hanson introduced the following resolution of annexation, which was presented and read: Document No. 7163 - Resolution.

It was moved by Council Member Hanson and seconded by Council Member Glassheim that this resolution be and is hereby adopted. Upon roll call

the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the resolution adopted.

APPROVE UPDATE OF SAFETY PROGRAM SUMMARY
FOR PUBLIC TRANSPORTATION DEPARTMENT

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The Bus Committee reported having considered the matter of update of Safety Program Summary for Public Transportation Department, and recommended approval of the update of Safety Program Summary for the Public Transportation Department.

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

APPROVE AGREEMENT FOR CAPITAL GRANT TO
ASSIST IN FINANCING OF TRANSIT BUSES AND
CERTAIN OTHER TRANSIT IMPROVEMENT EQUIPMENT

The Bus Committee reported having considered the matter of agreement pursuant to 13(c) of the Urban Mass Transportation Act of 1964, as amended, and recommended approval of the agreement pursuant to 13(c) of the Urban Mass Transportation Act of 1964, as amended.

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

ACCEPT BID FOR JANITORIAL SERVICE FOR BUS
SHELTER FACILITIES, WITH THREE-MONTH
PROBATIONARY PERIOD

The Bus Committee reported having considered the matter of approval of bid for janitorial services for cleaning of 36 bus shelter facilities, and recommended award of bid to Service Master of Greater Grand Forks for janitorial services for cleaning of 36 bus shelter facilities, with an amendment of a three-month probationary period. (It was noted that low bid was \$400/mo.)

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

Mr. Swanson advised that the committee wants to have an opportunity to evaluate the cleaning services and want to use a 90-day period, however, when bid specs. written and advertised, there was no probationary period included, and stated they could reject all bids and rebid, or take advantage of termination clause in the contract after 30-days notice by the City, that 30-day termination gives more flexibility than 90-day probationary period.

It was moved by Hanson and Beyer to delete the three-month probationary

period from the motion.

After further discussion and upon call for the question on the amendment and upon voice, vote, the motion carried 12 votes affirmative.

Upon call for the question on the motion, as amended, and upon roll call vote, the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

EVENTS CENTER REPORT

Council Member Carpenter reported that the Core Committee voted to have the city attorney draft language for ballot measure for vote on the issue, and that committee will meet tomorrow, September 17, to consider.

HIRE DAIN BOSWORTH AS SENIOR UNDERWRITER
FOR THE AURORA PROJECT
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The Events Center Core Committee reported having considered the matter of a bond underwriter for The Aurora financing package, and recommended that we hire Dain Bosworth as the senior underwriter for The Aurora project.

It was moved by Council Member Beach and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 288, dated September 16, 1996, and totaling \$12,922.71, was presented and read.

it was moved by Council Member Hanson and seconded by Council Member Babinchak that these estimates be and are hereby approved and that the city auditor be and is hereby authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Member Carpenter reported that he had received call from Joni Cepak, 626 6th Avenue South, re. signs in alley and when they would be installed; the matter was referred to the engineering department.
- 2) Council Member Carpenter reported he had received call from Frances McCosh, 502 River Street, who had concern re. way street being cleaned; the matter was referred to the street department.

3) Council Member Carpenter asked that the matter of the mayor's salary be referred to the finance committee; and the matter was referred by Mayor Owens.

4) Council Member Hanson updated the council re. federal allocations for public transportation which is being divided according to recommendation from the federal government to the governor with the governor having ability to amend those allocations; that Bismarck has \$320,000 for operating funds for dial-a-ride system and also receiving \$2.5 million grant to build facility to house their cabs; that the Bus Committee has structured letter which has been sent to the mayor's office for possible presentation to governor with recommendation that he look at re-allocation of funds; that the City of Grand Forks runs full system on \$190,000 for next three years, that Bismarck/Mandan has \$320,000/year for dial-a-ride; that there are some inequities there. Information only.

5) matter of RDO Foods Co. request for tax exemption. It was moved by Council Members Babinchak and Hanson to refer this matter to the finance committee. Carried 12 votes affirmative.

6) Council Member Bakken presented the matter of snow removal problem on 32nd Avenue South and suggested using personnel from second garbage route during winter as backup for extra equipment (snowplow), to reduce overtime, etc. Mayor Owens referred the matter to the public service committee for consideration.

7) Council Member Bakken reported he has been working on bringing the ND Motor Carriers convention to Grand Forks, but were turned down because the Allied members were very concerned about splitting the exhibitors from the Association meetings by using two motels, that they are interested in coming to Grand Forks if and when City has a facility. He stated there isn't facility large enough for that convention, and even with convention facility would need motel/hotel anchor in order to get conventions.

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APPROVE SUCCESSION AGREEMENT BETWEEN CITY AND
GRAND FORKS REGIONAL AIRPORT AUTHORITY TO
TRANSFER LIABILITIES AND ASSETS FROM THE GRAND
FORKS PENSION PLAN TO THE AIRPORT PENSION PLAN

The city auditor presented the matter of the succession agreement by and between the City of Grand Forks and the Grand Forks Regional Airport Authority for the City of Grand Forks, North Dakota Pension Plan. He reported that he and Council Member Carpenter have been working with Don Carlson of the Dorsey-Whitney firm and an attorney for the Airport in setting up an agreement whereby the liabilities and assets for the Airport would transfer and have come to that agreement with the payout coming up on the 18th; and that the city attorney has reviewed and approved the agreement.

It was moved by Council Member Carpenter and seconded by Council Member Hanson to approve the agreement and that the proper City officials be authorized to sign the agreement. Upon roll call the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner - 12; voting "nay": none. Mayor Owens declared the motion carried.

ADJOURN

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

Respectfully submitted,

John M. Schmisek
City Auditor