

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

October 7, 1996

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

The city council of the city of Grand Forks, North Dakota met in its regular session in the council chambers in City Hall on Monday, October 7, 1996 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hagness - 13; absent: Council Member Hafner - 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.

**INTRODUCTION OF DELEGATION FROM AWANO,
JAPAN (SISTER CITY)**

Mayor Owens introduced a delegation from Awano, Japan (City will be entering into a sister-city agreement with Awano), including deputy mayor and town planner, who made brief presentations, and presented a piece of artwork to the City Council on behalf of Awano Town. Mayor Owens presented a City flag to the delegation.

PRESENTATION RE. CLEAN CITIES PROGRAM

Tim Gerlach, Energy & Environmental Research Center, made a presentation to the council re. Red River Valley Clean Cities Coalition program, stating that the purpose of the Clean Cities program is to expand the use of alternative transportation fuels and main goal is to increase use of alternative fuels and reducing our dependence on overseas imports. He reviewed the goals of the Red River Valley Clean Cities Program and its accomplishments to date, and asked for the City's continued support in the Coalition's efforts.

**APPROVE FINAL PLAT, AND ADOPT ORDINANCE NO. 3616,
AMENDING STREET AND HIGHWAY PLAN TO INCLUDE PUBLIC
R/W SHOWN AS DEDICATED ON THE PLAT OF SHADYRIDGE
ESTATES THIRD ADDITION**

An ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of Shadyridge Estates Third Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on September 16, 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 Lavonne Adams for final approval of a plat of Shadyridge 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 final approval subject to special conditions shown on or attached to the review copy and
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passage of the ordinance amending the street and highway map.

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

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

ADOPT ORDINANCE NO. 3613, AMENDING STREET
AND HIGHWAY PLAN TO INCLUDE PUBLIC R/W
SHOWN AS DEDICATED ON THE PLAT OF COUNTRY
VIEW FIRST RESUBDIVISION (FORMERLY REFERRED TO
AS ST. FRANCIS FIRST RESUBDIVISION)

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 Country View First Resubdivision (formerly referred to as St. Francis First Resubdivision) to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on July 15, 1996, and upon which public hearing had been continued until this evening, was presented and read for consideration on second reading and final passage.

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

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

ADOPT ORDINANCE NO. 3614, AMENDING THE ZONING
MAP TO REZONE AND INCLUDE WITHIN THE R-1 (SINGLE
FAMILY RESIDENCE) DISTRICT ALL OF COUNTRY VIEW
FIRST RESUBDIVISION (FORMERLY REFERRED TO AS ST.
FRANCIS FIRST 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 Country View First Resubdivision (formerly referred to as St. Francis First Resubdivision), Grand Forks, North Dakota", which had been introduced and passed on its first reading on September 16, 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 Darrell Adams on behalf of C & A Partnership for final approval of an ordinance to

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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 north of Adams Drive and east of Belmont Road), and recommended final approval and passage of the ordinance amending the zoning map.

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

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

CONTINUE SECOND READING OF ORDINANCE TO ANNEX
PORTIONS OF JOHNSON'S 2ND ADDITION AND JOHNSON'S
4TH ADDITION TO NOVEMBER 18, 1996 AND AUTHORIZE
CITY AUDITOR TO PUBLISH NOTICE OF ANNEXATION

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 on 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 the notice to the public that this matter would be presented to the city council had not been published by the petitioner as required.

It was moved by Council Member Hamerlik and seconded by Council Member Glassheim to continue public hearing and second reading of the ordinance to November 18, 1996 and authorize the city auditor to publish the notice of annexation. Carried 13 votes affirmative.

HOLD PUBLIC HEARING ON APPLICATION BY RDO
FOODS COMPANY AND GRANT EXEMPTION OF
PROPERTY TAXES FOR FIVE YEARS ON A GRADUATED
SCALE

The city auditor reported that a public hearing on the application from RDO Foods Company 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 waived after making a determination that there were no competitors to this business, 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.

Committee No. 1, Finance, reported having considered the matter of application from RDO Foods Company for tax exemption, and recommended to approve the exemption at a rate of 100, 80, 60, 40 and 20% over a five-year period.

It was moved by Council Member Babinchak and seconded by Council Member Bakken 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, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

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OPEN PUBLIC HEARING ON PROPOSED COMMUNITY
DEVELOPMENT BLOCK GRANT AND HUMAN NEEDS
BUDGETS

The city auditor reported that a public hearing had been set for the Community Development Block Grant and Human Needs budgets for 1997, copies of which were on the council members' desks.

Mayor Owens called for the public hearing.

Pauline Kilbride, 721 S. 4th Street, made a brief presentation re. Entrepreneurial Training Program that she has conducted for the past three years, that program was funded by VISTA and originally brought here by the US Small Business Administration and locally supported by Grand Forks Housing Authority. She stated that VISTA brings in a program in hopes that a community will pick it up; they have had classes for people who have started businesses which bring more taxes to the city. She stated they are looking at foundation grants from Minneapolis/St. Paul and other areas, and thinks it is important that the city support this program. She stated that the program is geared for people who are economically disadvantaged and would not be able to go to college, etc.

She thanked council and asked that they look at their grant application.

Diana Elhaug spoke on behalf of Nina Kuilkov, KOSMOS, which is a teen-oriented cafe and social center designed primarily for the youth culture within the Greater Grand Forks area. She stated that Nina is seeking as much help as possible, that the Youth Committee has given its support. Mikela Saunders, member of Grand Forks Youth Committee, spoke in support of the project.

Council Member Beach, a member of the Urban Development Committee, reported that each applicant had an opportunity to appear before the committee, all did not choose to do so, but committee had their formal application before them; that summary of applicants requests, amount received in 1996 and recommendation from Urban Development Office had been provided for the council's information. He reported that the committee put a lot of stress on recommendations from the Citizens' Advisory Committee, that if they did not rank the project, the Committee did not make an allocation to that project.

Council Member Beach reported that the process for this program is as follows: opening of the public hearing tonight with a 30-day public comment period, with no final decisions this evening.

Committee No. 4, Urban Development, reported having considered the matter of review/prioritization of applications for CDBG and Human Needs funds for 1997 and allocation of funds, and recommended adoption of the following funding recommendations: CDBG Bricks & Mortar Projects:

- Shelter for the Homeless, \$65,000
- Office of Urban Development (Affordable Housing), \$100,000
- Community Violence Intervention Center, Inc., \$40,000
- Office of Urban Development (Nodak bldg. accessibility), \$15,500
- Office of Urban Development (Royce LaGrave Park), \$8,000
- Office of Urban Development (Riverbank Park), \$18,000
- Office of Urban Development (Storefront Rehabilitation), \$45,000
- Office of Urban Development (Acquisition and Demolition), \$50,000
- Prairie Harvest Human Service, \$20,000
- D & J Enterprises, \$23,500
- River Forks Commission, \$5,000; for a total of \$390,000.

Committee No. 4, Urban Development, reported having considered the review/prioritization of applications for CDBG and Human Needs funds for 1997 and allocation of funds, and recommended adoption of the following funding

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recommendations: CDBG and Human Needs Public Service Projects:

- Third Street Clinic, \$18,000
- Community Violence Intervention Center, Inc., \$60,000
- GF Housing Authority Family Self Sufficiency, \$10,000
- GF Food Cupboard, \$13,000
- Office of Urban Development (Affordable Housing), \$10,000
- Office of Urban Development (Youth Employment Program), \$18,000
- YMCA Family Center (Little Brother/Little Sister Program), \$2,000

Children's Science & Tech. Education Foundation, \$8,000
Mayor's Comm. on Employment of People w/Disabilities, \$2,000
Red River Valley Community Action (Eviction Prevention), \$6,500
Just Say No - Dakota (Youth Power), \$2,500
Mountainbrooke (Transitional Employment Program), \$7,000
Listen, Inc., \$28,000
Eagle Project & UND Foundation (Indian Youth Ed. Success
and Community Service Program), \$7,000; for a total of \$190,000.

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

It was moved by Council Member Beach and seconded by Council Member Polovitz to amend the motions to include, subject to the public comment period and the public hearing, with final action on November 18. Carried 13 votes affirmative.

Council Member Sande noted that the Community Violence Intervention Center will receive \$100,000, which is 20% of the total amount available, and questioned whether that organization's work that valuable that City needs to fund to that level. Council Member Beach explained that these are two types of requests, the \$60,000 is for operational budget; and \$40,000 request is a capital improvements item for relocation of their operation and presume second application will be a non-recurring item.

Upon call for the question, as amended, and upon voice vote, Mayor Owens declared the motion carried and the public hearing continued to November 18.

Committee No. 4, Urban Development, reported having considered the request from Community Violence Intervention Center, Inc. for waiver of rental for location in City Center Mall, and recommended that this request be referred to the finance committee.

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

John O'Leary, executive director Urban Development Office, reported that the council's action in accepting the reports is not the allocation of funds, that will be done on November 18; and that the 30-day comment period is a HUD regulation. Council Member Hamerlik asked if copies of Citizens' Advisory Committee minutes were available. Mr. O'Leary reported that copies would be sent to the council, and further that copies of the full applications are on file in his office, the mayor's office and in the city auditor's office. Mr. O'Leary also reported that if council has concerns or comments to let the Urban Development Committee know, or can bring up on council floor.

DESIGNATE POLLING PLACES AND INSPECTORS
OF ELECTION AND SET POLLING HOURS FOR GENERAL
ELECTION TO BE HELD ON NOVEMBER 5, 1996

The city auditor reported that a listing of polling places and inspectors of election for the November 5 general election were before the council for their 14664

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action, as well as setting of polling hours for the election. It was moved by Council Member Beyer and seconded by Council Member Klave that the listing of inspectors and polling sites be approved, and further that the hours of election be set from 7:00 a.m. to 8:00 p.m. Carried 13 votes affirmative.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

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

Finance Committee:

- 1) matter of membership dues for Clean Cities Program.
- 2) matter of feasibility study re. development on international cargo hub project at Grand Forks Airport.

REPORTS OF OFFICERS

The city auditor's statement of investment activity for period ending September 30, 1996, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Beyer that this report be and is hereby approved. Carried 13 votes affirmative.

REPORT OF BOARD OF ZONING ADJUSTMENTS

A communication from the secretary of the Board of Zoning Adjustments was presented and read, stating that the Board had held a public hearing in City Hall on September 12, 1996, that notice had been published as required and that the following appeals were heard: 1) Randy McWilliams, 634 Belmont Road, request for variance to rear yard setback requirements to erect a detached garage, variance approved allowing a 10 ft. setback to the overhead door of a garage to construct an accessory building; 2) Mike Murie, EAPC, on behalf of the Grand Forks City Parking Authority, 303 and 305 South 5th Street and 415 Division Avenue, request for variance to the impervious surface area requirements to pave the parking lot, variance approved allowing fifty-seven and one-half percent of impervious surface to pave the parking lot; 3) Kent Anderson on behalf of United Lutheran Church, 324 Chestnut Street, request for variance to the impervious surface area requirements to pave the parking lot, with variance approved allowing a 77% impervious surface area to pave the parking lot.

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

APPROVE BILLS

Vendor Payment Listing No. 96-17, dated October 7, 1996, and totaling \$1,088,762.83, 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 Carpenter and seconded by Council Member Hanson that these bills be allowed and that the city auditor be

authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT OFFER TO PURCHASE LOTS 4 AND 5,
BLOCK 1, AUDITOR'S SUBDIVISION NO. 27

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Committee No. 1, Finance, reported having considered the matter of bid to purchase City property, Lots 4 and 5, Block 1 of Auditor's Subdivision No. 27, for combined price of \$17,500.00, and recommended to accept the offer.

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

Council Member Beyer asked to be excused from voting on this matter. It was moved by Council Members Babinchak and Sande that Council Member Beyer be allowed to abstain from voting on this issue. Carried 12 votes affirmative.

Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Babinchak, Bakken, Hagness - 12; voting "nay": none; Council Member Beyer abstaining. Mayor Owens declared the motion carried.

APPROVE APPLICATION BY J. W. PERRY, INC.
FOR FIVE-YEAR PROPERTY TAX EXEMPTION
FOR BUILDING TO BE CONSTRUCTED AT 1250
SOUTH 46TH STREET

Committee No. 1, Finance, reported having considered the application from LeRoy and Barbara Bross Trust dba J. W. Perry, Inc. for five-year property tax exemption for building to be constructed at 1250 South 46th Street, and recommended to proceed with exemption on 100, 80, 60, 40 and 20% basis.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik 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, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

INTRODUCE ORDINANCE RELATING TO EMPLOYEE
CONDUCT AND DISCIPLINE

Committee No. 1, Finance, reported having considered the matter of recommendation from Implementation Committee for Policy Study re. disciplinary action policy, and recommended to approve the policy and introduce ordinance for first reading.

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

Council Member Carpenter introduced an ordinance entitled "An ordinance amending Section 6-0101 and Article 6 of Chapter VI of the Grand Forks City Code relating to employee conduct and discipline", which was presented, read and passed on its first reading.

ESTABLISH MAYOR'S SALARY, EFFECTIVE
JANUARY 1, 1997

Committee No. 1, Finance, reported having considered the matter of mayor's salary, and recommended that a salary of \$24,000 for a part-time mayor position, effective January 1, 1997.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik 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,
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Bakken, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE REQUEST FORM CHILDREN'S SCIENCE &
TECHNOLOGY EDUCATION FOUNDATION TO INSTALL
PHONE LINES IN THIRD FLOOR OFFICE SPACE

Committee No. 1, Finance, reported having considered the request from The Children's Science & Technology Education Foundation to install phone lines in third floor space in City Hall, and recommended to approve the request.

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

APPROVE BUDGET AMENDMENT

A request to transfer \$700.00 from Cash Carry over to the Assessing Department's budget was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this budget amendment be and is hereby approved. Carried 13 votes affirmative.

INTRODUCE ORDINANCE TO AMEND CITY CODE TO
PROVIDE THAT SALE TAX APPLY ONLY TO 56% OF THE
GROSS RECEIPTS COLLECTED FROM COIN-OPERATED
AMUSEMENT DEVICES

Committee No. 1, Finance, reported having considered the matter of city sales tax on amusement devices, and recommended to provide an exemption for amusement devices under \$1.00, with effective date of January 1, 1997.

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

It was moved by Council Member Carpenter and seconded by Council Member Ellingson that the motion be amended to amend the City Code to provide that the sales tax apply only to 56% of the gross receipts collected from coin operated amusement devices.

Pat Morley, 3312 East Elmwood Drive, attorney representing A & H Vending, and Jim Carlson, A & H Vending, spoke in support of the request.

After some discussion and upon call for the question on the amendment and upon roll call vote, the following voted "aye": Council Members Beach, Ellingson, Hamerlik, Glassheim, Carpenter, Sande, Klave, Beyer - 8; voting "nay": Council Members Polovitz, Hanson, Babinchak, Bakken, Hagness - 5. Mayor Owens declared the motion carried.

Upon call for the question on the motion, as amended, and upon voice vote, the motion carried 12 votes affirmative; Council Member Polovitz voting against the motion.

Council Member Carpenter introduced an ordinance entitled "An ordinance amending Article 1 of Chapter XXII of the Grand Forks City Code relating to municipal sales tax on gross receipts from coin operated amusement devices", which was presented, read and passed on its first reading.

APPROVE REQUEST TO POST 25 MPH SPEED LIMIT
SIGNS ON 47TH AVENUE SOUTH FROM CHERRY STREET
800 FEET WEST

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Committee No. 2, Public Safety, reported having considered the matter of request for the posting of a 25 MPH speed limit on 47th Avenue South from Cherry Street 800 feet west for safety and dust control, and recommended to approve request to post 25 MPH speed limit sign as requested.

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

APPROVE AMENDMENT TO GRANT AGREEMENT WITH
ND STATED DEPARTMENT OF HEALTH

Committee No. 2, Public Safety, reported having considered the amendment to Occupational Health Nurse Grant Agreement with North Dakota State Department of Health by increasing grant amount by \$1,000.00, and recommended to approve amendment to the grant amendment.

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

APPROVE BUDGET AMENDMENTS

A request for budget amendment in the amount of \$2,500 in Tobacco Control budget to reflect additional funding from the ND Department of Health was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this budget amendment be approved. Carried 13 votes affirmative.

A request for budget amendment in the amount of \$1,000 in the Occupational Health Grant to reflect additional funding was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this budget amendment be approved. Carried 13 votes affirmative.

A request for budget amendment in the amount of \$800 in the Community Relations budget to reflect donations for Youth Gang Violence Task Force was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this budget amendment be approved. Carried 13 votes affirmative.

ADOPT RESOLUTIONS RE, DEPENDABLE WATER
SUPPLY FOR RED RIVER VALLEY

Committee No. 3, Public Service, reported having considered resolution re. dependable water supply for Red River Valley, and recommended that we adopt the resolution.

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

Council Member Beyer introduced a resolution supporting the proposal for the State of North Dakota to assume responsibility for planning construction, operation and maintenance of the Garrison principle water supply facilities: Document No. 7168 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 13 votes affirmative.

Committee No. 3, Public Service, reported having considered the matter of resolution re. North Dakota's water infrastructure for economic growth and quality of life and to support legislation to provide state funding to provide 14668
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state cost share for water infrastructure in the amount of \$41 million for the next biennium and necessary amounts thereafter, and further support appropriate increase in state revenues to meet funding needs, and recommended that we adopt the resolution.

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

Council Member Beyer introduce a resolution supporting legislation to provide state funding as stated: Document No. 7169 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 13 votes affirmative.

APPROVE SLUDGE PLANT FACILITY PLAN,
PROJECT NO. 4377

Committee No. 3, Public Service, reported having held a public hearing on the Sludge Plant Facility Plan, Project No. 4377, and recommended to approve the facility plan.

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

APPROVE CONSTRUCTION CREDIT FOR BERM
LANDSCAPING ON PROJECT NO. 4266

Committee No. 3, Public Service, reported having considered the matter of berm landscaping on Project No. 4266, south Chestnut Street, and recommended to give a \$150.00 construction credit per lot to those lots which received hydroseeding, which would amount to a \$190.00 assessment, and that funds would be paid out of a reduction in the engineering fees for the project.

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

Council Member Babinchak asked to be excused from voting on this matter. It was so moved by Council Members Beyer and Beach. Carried 12 votes affirmative.

Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Bakken, Hagness - 12; voting "nay": none; Council Member Babinchak abstaining. Mayor Owens declared the motion carried.

AUTHORIZE ENGINEERING TO START REHAB OF
PUMP STATION #29

Committee No. 3, Public Service, reported having considered the matter of engineering for rehab of Pump Station #29, and recommended that the request for engineering to start to rehab this station be approved.

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

AWARD CONTRACT FOR PROJECT NO. 4450, 1996
SANITARY SEWER REHAB.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4450, 1996 sanitary sewer rehab., and recommended to accept the low bid of Duckstad Contracting, Inc. in the amount of \$61,132.50.

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

Council Member Babinchak asked that she be excused from voting on this matter. It was so moved by Council Members Beyer and Beach. Carried 12 votes affirmative.

Upon roll call the following voted "aye": Council Members Beach, Ellingson, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Bakken, Hagness - 12; voting "nay": none; Council Member Babinchak abstaining. Mayor Owens declared the motion carried and the contract awarded.

AUTHORIZE CONSULTING ENGINEER TO REQUEST
DOCUMENTATION RE. COMPLETION OF PROJECT NO.
3821, RICHARD'S WEST STORM SEWER

Committee No. 3, Public Service, reported having considered the matter of completion of Project No. 3821, Richard's West Storm Sewer, and recommended to authorize consulting engineer to request documentation from the contractor, Molstad Excavating, Inc., and if request not answered within two week period, that the City put claim against contractor's bond.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4438, REHAB. LIFT STATION #17, AND AUTHORIZE
CALL FOR BIDS

Committee No. 3, Public Service, reported having considered the matter of plans and specifications and authorization to advertise for bids on Project No. 4438, Rehab. Lift Station #17, and recommended to approve plans and specifications and authorize call for bids, subject to approval of engineering department.

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

APPROVE PLANS AND SPECIFICATION FOR PROJECT
NO. 4409, GRADING AND GRAVELING N. 48TH STREET

Committee No. 3, Public Service, reported having considered the matter of Project No. 4409, grade and gravel North 48th Street (as authorized by three-way agreement previously approved), and recommended to approve plans and specifications, and further that it be noted that Strata Corporation will be responsible for maintenance of that road.

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

APPROVE AMENDMENT NO. 4 TO ENGINEERING
AGREEMENT FOR SOUTHEND DRAINWAY PROJECT

Committee No. 3, Public Service, reported having considered the matter of Amendment No. 4 to the southend drainway engineering agreement (with CPS, Ltd.), and recommended to approve the amendment in an amount not to exceed \$4,000.

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

APPROVE AGREEMENT WITH STATE OF NORTH DAKOTA
FOR FUNDING HAZARD MITIGATION PROJECTS

Committee No. 3, Public Service, reported having considered the matter of flood mitigation funds, and recommended to approve agreement with the State of North Dakota (State-Local Disaster Assistance Agreement) under Hazard Mitigation Grant Program for funding for six hazard mitigation projects.

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

ACCEPT BIDS FOR SALT AND SAND

Committee No. 3, Public Service, reported having considered the bids for salt, and recommended to accept the bid of Glacier State in the amount of \$29.12/ton for 325 tons of rock salt, for a total bid of \$9,464.00.

It was moved by Council Member Beyer and seconded by Council Member Klave 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, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the bids for sand and recommended to accept the bid of Bradshaw Gravel in the amount of \$8.26/ton for 5,850 tons of washed sand, for a total bid of \$48,321.00.

It was moved by Council Member Beyer and seconded by Council Member Klave 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 Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE BUDGET AMENDMENT

A request to amend the Dial-a-Ride Program budget in the amount of \$50,000 (use of federal/local capital funds to purchase and implement an automated accounting/dispatching system) was presented and read. It was moved by Council Member Beyer and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 13 votes affirmative.

AUTHORIZE PURCHASE OF PROPERTY AT 1101
BELMONT ROAD BY HOUSING AUTHORITY

Committee No. 4, Urban Development, reported having considered the matter of the purchase of the property at 1101 Belmont Road by the Grand Forks Housing Authority, and recommended the award of \$85,848 in CDBG funds to the Grand Forks Housing Authority for the purchase and rehabilitation of property at 1101 Belmont Road, and to include authorization for the transfer of \$26,000 from Contingencies Fund (#5495) to 1994 Housing Demonstration Program (#5433) for the following project budget: 1995-1996 Affordable Housing (#5416) \$30,000 and 1994 Housing Demonstration (#5433), \$55,548.

It was moved by Council Member Hanson and seconded by Council Member Beach 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, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

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CLOSE COMMENT PERIOD ON GRANTEE PERFORMANCE
REPORT FOR 1994 FLOOD MITIGATION PROGRAM

Committee No. 4, Urban Development, reported having considered the matter of closing comment period on Grantee Performance Report for 1994 Richard's West Flood Mitigation Program, and recommended to close the comment period.

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

APPROVE CHANGE ORDER FOR EDA INDUSTRIAL
PARK EXPANSION PROJECT

Committee No. 4, Urban Development, reported having considered the matter of change order for EDA Industrial Park Expansion Project, and recommended approval of change order in amount of \$42,323.25 for Molstad Excavating for increase in watermain from 8" to 12", contingent upon EDA approval.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4493, Change Order #1, watermain in Industrial Park, and recommended to concur in action by the engineering department authorizing

the installation of 12: watermain for this project.

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

APPROVE BUDGET AMENDMENTS

A request to amend Urban Development budget in the amount of \$3,775,000 establishing fund for construction of Cirrus building, was presented and read. It was moved by Council Member Hanson and seconded by Council Member Beach that this amendment be and is hereby approved. Carried 13 votes affirmative.

A request to amend the Urban Development budget in the amount of \$15,664 to reflect increase in budget by unexpended project funded with flood grant from HUD (Richard's West Flood Mitigation) was presented and read. It was moved by Council Member Hanson and seconded by Council Member Beach that this amendment be and is hereby approved. Carried 13 votes affirmative.

APPROVE FINAL PLAT OF REPLAT OF LOT H,
BLOCK 2 OF REPLAT OF LOTS 4 THROUGH 9,
BLOCK 2 AND REPLAT OF LOTS I AND J, BLOCK
2 OF REPLAT OF LOTS 10 THROUGH 13, BLOCK 2,
TOLLESON'S SUBDIVISION NO. 1

The Planning and Zoning Commission reported having considered the request from city engineering department on behalf of the NDDOT and the Community National Bank for final approval of a Replat of Lot H, Block 2 of the Replat of Lots 4 through 9, Block 2 and a Replat of Lots I and J, Block 2 of the Replat of Lots 10 through 13, Block 2, Tolleson's Subdivision No. 1, Grand Forks, ND (located north of 17th Avenue South between South Washington Street and South 14th Street), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

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APPROVE FINAL PLAT OF REPLAT OF LOTS 3, 4,
5 AND 6, BLOCK 1, SHADYRIDGE ESTATES SECOND
ADDITION

The Planning and Zoning Commission reported having considered the request from CPS, Ltd. on behalf of Lavonne Adams for final approval (fast track) of a Replat of Lots 3, 4, 5 and 6, Block 1, Shadyridge Estates Second Addition to the city of Grand Forks, North Dakota (located east of Adams Drive and within the interior of Adams Court), and recommended final approval subject to special conditions shown on or attached to the review copy, including approval of a variance to the limited right of way access regulation to collector streets.

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

APPROVE FINAL PLAT OF REPLAT OF ALL OF BLOCK D OF REPLAT OF ALL OF BLOCK 1, COLUMBIA PARK 15TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of IRET for final approval (fast track) of the Replat of all of Block D of the Replat of all of Block 1, Columbia Park 15th Addition to the city of Grand Forks, North Dakota (located between Sara Lynn Drive and South 34th Street and between 24th and 29th Avenues South), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE BFM PUD, DETAILED DEVELOPMENT PLAN, BANK AND RETAIL SALES COMPLEX, LOTS 1-7, BLOCK A, BFM ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from John and Gale Satrom on behalf of Satrom Real Estate Partnership for final approval (fast track) of BFM PUD (Planned Unit Development), Detailed Development Plan, Bank and Retail Sales Complex, Lots 1 through 7, Block A, BFM Addition (located west of South 20th Street between 31st and 32nd Avenues South), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE PRELIMINARY PLAT OF REPLAT OF ALL OF BLOCK C OF REPLAT OF ALL OF BLOCK 1, COLUMBIA PARK 15TH ADDITION

The Planning and Zoning Commission reported having considered the matter of request from Larry McLain for preliminary approval of a Replat of all of Block C of the Replat of all of Block 1, Columbia Park 15th Addition to the city of Grand Forks, North Dakota (located between South 35th Street, Sara Lyn Drive and 28th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

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INTRODUCE ORDINANCE AMENDING CHAPTER XVIII,
LAND DEVELOPMENT CODE, ARTICLE 3, RULES AND
REGULATIONS, SECTION 18-0302, OFF-STREET PARKING
AND LOADING, HIGHWAY ORIENTED COMMERCIAL USES AS
THEY RELATE TO CONVENIENCE, GROCERY AND GAS/SERVICE

The Planning and Zoning Commission reported having considered the matter of the request from Sid Olson on behalf of Orton's Service Station for consideration in lowering the parking requirements and including preliminary approval of an ordinance to amend the text of the Land Development Code, Section 18-0302 Off-Street Parking and Loading, Subsection (14) (E) as it relates to Highway Oriented Commercial Uses and more specifically for convenience, grocery, gas and service uses, the existing requirement is one space per 100 sq.ft. of floor area; and recommended preliminary approval of the ordinance to amend the text of the Land Development Code as it relates to off-street parking requirements, to introduce the ordinance and to set the date of the public hearing for November 18, 1996.

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

Council Member Hagness introduced an ordinance entitled "An ordinance amending the Grand Forks City Code of 1987 as amended; Chapter XVIII, Land Development Code; Article 3, Rules and Regulations; Section 18-0302. Off-Street Parking and Loading; Subsection (14) Off-Street Parking; paragraph (E) Highway Oriented Commercial Uses as they relate to convenience, grocery and gas/ service", which was presented, read and passed on first reading.

INTRODUCE ORDINANCE AMENDING ZONING MAP
TO INCLUDE WITHIN B-3 (GENERAL BUSINESS)
DISTRICT LOTS 17-21, BLOCK 67, ALEXANDER &
IVES' ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from the finance committee on behalf of Bob Mutcher, Sr. for studying the possibility of rezoning and of preliminary approval of an ordinance to amend the Zoning Map to exclude from the B-1 (Limited Business) District and to include within the B-3 (General Business) District, Lots 17, 18, 19, 20 and 21, Block 67, Alexander and Ives' Addition to the city of Grand Forks, ND (located at 1310 and 1314 8th Avenue North), 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 November 18, 1996.

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

Council Member Hagness 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 B-1 (Limited Business) and the R-2 (One and Two Family Residence) Districts and to include within the R-3 (Multiple Family Residence, Medium Density) and the B-3 (General Business)

Districts, portions of Blocks 66, 67, 68, 69 and 74, Alexander and Ives' Addition to Grand Forks, North Dakota", which was presented, read and passed on first reading.

INTRODUCE ORDINANCE AMENDING ZONING MAP TO
INCLUDE WITHIN THE B-3 (GENERAL BUSINESS)
DISTRICT LOT 1, BLOCK 1, DREES PLACE ADDITION

The Planning and Zoning Commission reported having considered the matter of
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the request from Attorney Al Warcup on behalf of Orton Oil Company for preliminary approval of an ordinance to amend the Zoning Map to exclude from the B-2 (Shopping Center) District and to include within the B-3 (General Business) District all of Lot 1, Block 1, Drees Place Addition to Grand Forks, North Dakota (located at 2002 South Washington Street), 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 November 18, 1996.

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

Council Member Hagness 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 B-2 (Shopping Center) District, and to include within the B-3 (General Business) District, all of Lot 1, Block 1, Drees Place Addition, Grand Forks, North Dakota", which was presented, read and passed on first reading.

APPROVE MODIFIED PLAN FOR THE AURORA

The Events Center Core Committee reported having considered the matter of a modified plan for The Aurora, and recommended that we endorse the staff recommendations regarding the criteria for the prioritization of features and agree with including categories one, two and three, as well as the second floor meeting rooms from category four as a part of the base bid for the facility, and we bid the other listed items as alternatives but do not prioritize or rank them at this time.

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

Council Member Klave stated that he felt that the standing seam roof under Category 5 is a priority to that building because when discussed what is intended to be used for the roof now with life expectancy of 8-10 years, could in 10 years pay as much as \$300,000 in repairs for that roof, that additional \$450,000 for standing seam roof should be moved into a very high priority or somehow addressed, as standing seam roof will sustain that building for perhaps 35 years before having to be looked at. He suggested that if do buildout for second floor but not do meeting rooms themselves, could probably save est. cost of about \$400,000, and then down the road that could be finished when needed. He stated that this

isn't something that can't be changed in future, but major expense and is one of the options would like to see addressed as high priority.

Dan Mehls, construction manager, reported that the reason items placed in categories was because doing finishes as alternate, and reason that standing seam roof was proposed as alternate was because may want to bid roof as alternate for reasons other than priority but has to be with availability of materials and cost of steel, etc. and would encourage bidding standing seam roof as an alternate but can also bid finishes as alternate.

Council Member Beach stated that they don't have to reach final decision tonight, but would be good to agree with the six criteria established and defining what they are looking for in each category, and that if they can confirm categories 1, 2 and 3 and remaining categories can be left as alternates for the time being.

Council Member Carpenter stated that as they move closer to bond sale committee will keep comments in mind.

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After further discussion and upon call for the question and upon voice vote, the motion carried 12 votes affirmative; Council Member Bakken voted against the matter.

APPROVE MODIFICATION OF ARCHITECT'S CONTRACT
FOR THE AURORA

The Events Center Core Committee reported having considered the matter of the architect's contract, and recommended that we authorize the staff to modify the contract with the architects based on what they're designing.

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

RECEIVE RECOMMENDATIONS FROM JOINT COMMITTEE
ON WAGE STUDY

The Joint Committee on Wage Study considered the final job descriptions and recommended to refer the final job description approval and allocation list to the city council;

The Joint Committee on Wage Study considered the matter of point factor system and recommended to refer the point factor system and future maintenance and reclassification to the Civil Service Commission; and

The Joint Committee on Wage Study considered the matter of implementation cost material and recommended to refer the implementation cost material and pay band structure to the finance committee.

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

that these recommendations be and are hereby approved.

It was noted by Council Member Beyer that the window of opportunity for any glaring mistakes is still open, but window of opportunity for employees to come forward to protest their job description is not, that this is final step.

Council Member Carpenter stated that the Joint Committee's recommendation is for approval of job descriptions and any obvious errors or mistakes would go through normal process for change in job description. Council Member Hagness agreed that only glaring errors would be considered, with a two-year moratorium on any changes in job descriptions.

It was moved by Council Member Hamerlik to table item re. final job descriptions until next meeting, Council Member Babinchak seconded the motion. Upon roll call the following voted "aye": Council Members Polovitz, Hamerlik, Hanson, Klave, Babinchak, Bakken, Hagness, Beach - 8; voting "nay": Council Members Ellingson, Glassheim, Carpenter, Sande, Beyer - 5. Mayor Owens declared the motion carried and the matter tabled.

Upon call for the question on the balance of the motion to refer to Civil Service and to the finance committee, and upon voice vote the motion carried.

APPOINTMENTS TO VARIOUS COMMITTEES

Mayor Owens announced the following appointments and asked for concurrence in these appointments:

- 1) Dial-a-Ride Committee: Paul Olson
- 2) Mayor's Committee on Employment of People/w Disabilities: Helen Bechold, Mark Hauk, Rhonda Anderson, Gary Bornson.
- 3) Bikeway Committee: Arline Schubert

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It was moved by Council Member Hagness and seconded by Council Member Ellingson that these appointments be and are hereby approved. Carried 13 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 289, dated September 30, 1996, and totaling \$1,780,682.24, was presented and read.

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

Council Member Babinchak asked that she be allowed to abstain from voting on any payments to Duckstad Contracting. It was so moved by Council Member Klave and seconded by Council Member Hagness. Carried 12 votes affirmative.

Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande,

Klave, Beyer, Babinchak (except any estimates from Duckstad Contracting, Inc.), Bakken, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CERTIFICATES OF COMPLETION, VARIOUS PROJECTS

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Paving Project No. 4366, District No. 539; Watermain Replacement Project No. 4436.2; Watermain Project No. 4436.3; Watermain Project Replacement No. 4436.4; Watermain Replacement Project No. 4436.5; Watermain Replacement Project No. 4436.7; 1996 ADA Curb Ramp Construction Project No. 4442; Project No. 4444, overlay of Minnesota Avenue; Paving Project No. 4479, District No. 543; and Paving Project No. 4483, District No. 541.

It was moved by Council Member Ellingson and seconded by Council Member Hanson that these recommendations be and are hereby approved. Carried 13 votes affirmative.

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Glassheim reported having received complaint re. heavy truck traffic on 12th Avenue North; the matter was referred to the public safety committee for consideration.
- 2) Council Member Hamerlik presented the matter of five-year special assessment cancellation for streets, sidewalks, etc.; the matter was referred to the finance committee.

DECLARE EMERGENCY AND APPROVE QUOTE FOR MOVING OF SLUDGE AT LAGOON

Committee No. 3, Public Service, reported having considered the matter of declaring an emergency for moving of sludge at lagoon, and recommended that the council declare an emergency and to accept quote of Mini-Dredge in an amount not to exceed \$40,000.

It was moved by Council Member Klave and seconded by Council Member Beyer that this recommendation be and is hereby approved. Upon roll call the following

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

ADJOURN

It was moved by Council Member Beyer and seconded by Council Member Hagness that we do now adjourn until Monday, October 21, 1996 at 7:30 o'clock p.m. Carried 13 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor