

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
October 21, 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, October 21, 1996 at the hour of 7:30 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Bakken, Hafner, Hagness - 11; absent: Council Members Ellingson, Klave, Babinchak - 3.

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.

Mayor Owens introduced Rick Duquette, assistant to the mayor, who will be starting his new duties November 1, 1996.

VIDEO PRESENTATION ON HOUSING PROGRAM

John O'Leary, executive director of the Urban Development Office, stated that the Housing Authority's Family Self-Sufficiency and Community Learning Centers are receiving nation-wide attention, particularly the successful one started by the Housing Authority in Grand Forks; that the Secretary of Housing & Urban Development knows about Grand Forks, ND and the success we are having with this program. He stated that HUD wanted to share the good news with the Housing Authority and with the Regional Offices all over the country and asked the City to make a video explaining our Family Self-Sufficiency Program, how it is working and highlights of the program so others could learn from us. He reported they had a video made and that 22 copies went out to HUD today. Mr. Manske, Housing Authority, made the video presentation to the council.

APPROVE MINUTES AUGUST 19, 1996

Typewritten copies of the minutes of the adjourned meeting of the city council held on Monday, August 19, 1996, were presented and read. It was moved by Council Member Hanson and seconded by Council Member Sande that these minutes be approved as read. Carried 11 votes affirmative.

**EXTEND CURRENT CABLE TV FRANCHISE AGREEMENT
TO DECEMBER 15, 1996, REFER MATTER OF CABLE
BURIAL TO FINANCE COMMITTEE AND CONTINUE
SECOND READING OF ORDINANCE**

An ordinance entitled "An ordinance

which had been introduced and passed on its first reading on September 4, 1996, and upon which public hearing had been continued until this evening, was presented and read for consideration.

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

Council Member Hamerlik reported that at the committee hearing there was some discussion relating to burial of cable and to what depth, and perhaps should be in the franchise or if not, then in the Code. He said that in talking with the city attorney it is not in the franchise ordinance, and is concerned that when cable not put into ground properly and is consistently being broken and property owner receives charge for repair.

Howard Swanson, city attorney, reported he has met with TCI and discussed the

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issue and has spoken with engineering, that there is no standard that has been included in the franchise agreement; that he has consulted with the State and talked in terms of the one-call system and what impact that may have in cable locations, that he is not aware of any city in the state of North Dakota or otherwise that has a standard for either the timeliness or depth of cable burial. He reported that in his conversations with TCI they believe that the location and the one-call system will be of great benefit and reduce some of those cuts or splices, does not believe that there is basis for homeowner to be charged for that repair if cut in the course of normal lawn maintenance. He stated that if the council is of the opinion that a standard should be included, it should be included in the franchise agreement and not attempt to adopt at a later time; cable is different than the electrical code, that our other franchise agreements don't have similar standards of burial of this nature so would be drawing one up if that is council's intent.

Jerry Hovet, TCI, reported that in the older sections of town most cable buried between 6 and 10 inches, they try to be above Northwestern Bell as well as gas and power services. He stated some of the problems happening relate to new construction in new areas when landscaping done after cable burial. He stated that if someone comes in and cuts their cable, they should be able to recover those costs (\$43.00 and not \$60.00 as stated). He reported that the one-call system requires that anyone doing any digging gives a call.

Mr. Grasser, asst. city engineer, reported this has become more of a problem lately, always been problem with depth of burial, etc. but in last six months to year have been getting calls where property owner being charged for repair of the cable when cut during landscaping, yard maintenance, etc. maintenance work. He stated they would like to see something adopted in the franchise ordinance or in the Code and to see this problem resolved.

Mayor Owens closed the public hearing.

It was moved by Council Member Glassheim and seconded by Council Member Beyer that we refer the matter of cable burial to the finance committee and extend current franchise agreement to December 15, 1996 and continue second reading of the ordinance. Carried 11 votes affirmative.

ADOPT ORDINANCE NO. 3615 TO PROVIDE PARTIAL

EXEMPTION FROM SALES TAX FOR COIN-OPERATED
AMUSEMENT DEVICES

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 had been introduced and passed on its first reading on October 7, 1996, was presented and read for consideration on second reading and final passage.

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

COUNCIL MEMBER HANSON EXCUSED

ADOPT ORDINANCE NO. 3616, RELATING TO EMPLOYEE
CONDUCT AND DISCIPLINE

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 had been introduced and passed on first reading on October 7, 1996, was presented and read for consideration on second reading and final

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passage.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Glassheim, Carpenter, Sande, Beyer, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the ordinance adopted.

COUNCIL MEMBER HANSON REPORTED BACK

APPROVE ASSESSMENTS, SEWER PROJECT NO.
4242.1, DISTRICT NO. 355.1

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4242.1, Sewer District No. 355.1, assessment of tapping fees in the amount of \$7,841.00. and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities.

Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO.
4319, DISTRICT NO. 360

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4319, Sewer District No. 360, in the amount of \$47,700.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO. 4337,
DISTRICT NO. 372

The city auditor presented and read the assessments as made by the Special Assessment Commission and approval and confirmation of these assessments by the Commission on Project No. 4337, Sewer District No. 372, in the amount of \$52,200.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make

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on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO. 4364,
DISTRICT NO. 362

The city auditor presented and read the assessments as made by the Special Assessment Commission and approval and confirmation of these

assessments by the Commission on Project No. 4364, Sewer District No. 362, in the amount of \$79,600.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO. 4321,
DISTRICT NO. 361

The city auditor presented and read the assessments as made by the Special Assessment Commission and approval and confirmation of these assessments by the Commission on Project No. 4321, Sewer District No. 361, in the amount of \$86,300.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO. 4374,
DISTRICT NO. 364

The city auditor presented and read the assessments as made by the Special Assessment Commission and approval and confirmation of these assessments by the Commission on Project No. 4374, Sewer District No. 364, in the amount of \$38,300.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

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

Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO. 4314,
DISTRICT NO. 358

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4314, Sewer District No. 358, in the amount of \$320,000.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER PROJECT NO. 4386,
DISTRICT NO. 366

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4386, Sewer District No. 366, in the amount of \$34,700.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO. 4044,
DISTRICT NO. 530

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4044, Paving District No. 530, in the amount of \$200,794.00, and reported that the legal notice to the public that these assessments would be presented to the city council

at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

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

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that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4266, DISTRICT NO. 536

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4266, Paving District No. 536, in the amount of \$469,300.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4292, DISTRICT NO. 537

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4292, Paving District No. 537, in the amount of \$154,200.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual

installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4316, DISTRICT NO. 534

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4316, Paving District No. 534, in the amount of \$123,000.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.
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be levied against the property benefitted in 19 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4363, DISTRICT NO. 538

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4363, Paving District No. 538, in the amount of \$192,100.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4255, DISTRICT NO. 531

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4255, Paving District No. 531, in the amount of \$215,600.00, and reported that the legal notice to the public that these assessments would be presented to the city council

at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4286, DISTRICT NO. 532

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4286, Paving District No. 532, in the amount of \$261,100.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of prin-

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cipal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4312, DISTRICT NO. 533

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4312, Paving District No. 533, in the amount of \$235,200.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual

installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4366, DISTRICT NO. 539

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4366, Paving District No. 539, in the amount of \$139,300.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4341, DISTRICT NO. 535

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4341, Paving District No. 535, in the amount of \$449,600.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 19 annual installments of principal together with interest on the unpaid balance yearly, to be collected

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with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4475, DISTRICT NO. 540

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4475, Paving District No.

540, in the amount of \$172,500.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, PAVING PROJECT NO.
4483, DISTRICT NO. 541

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4483, Paving District No. 541, in the amount of \$135,400.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 20 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, STREET LIGHTING PROJECT
NO. 4308, DISTRICT NO. 103

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4308, Street Lighting District No. 103, in the amount of \$11,500.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 10 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes

affirmative.

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APPROVE ASSESSMENTS, STREET LIGHTING PROJECT
NO. 4311, DISTRICT NO. 106

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4311, Street Lighting District No. 106, in the amount of \$4,500.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 10 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, STREET LIGHTING PROJECT
NO. 4329, DISTRICT NO. 107

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4329, Street Lighting District No. 107, in the amount of \$15,675.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 10 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, WATERMAIN PROJECT NO.
4320, DISTRICT NO. 239

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4320, Watermain District No. 239, in the amount of \$73,900.00, and reported that the legal notice to

the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

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APPROVE ASSESSMENTS, WATERMAIN PROJECT NO.
4365, DISTRICT NO. 240

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4365, Watermain District No. 240, in the amount of \$53,800.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, WATERMAIN PROJECT NO.
4340, DISTRICT NO. 243

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4340, Watermain District No. 243, in the amount of \$463,750.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal together with interest on the unpaid balance

yearly, to be collected with other taxes by the proper authorities.
Carried 11 votes affirmative.

APPROVE ASSESSMENTS, WATERMAIN PROJECT NO.
4368, DISTRICT NO. 241

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4368, Watermain District No. 241, in the amount of \$87,600.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

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APPROVE ASSESSMENTS, WATERMAIN PROJECT NO.
4417, DISTRICT NO. 245

The city auditor presented and read the assessments as made by the Special Assessment Commission and the approval and confirmation of these assessments by the Commission on Project No. 4417, Watermain District No. 245, in the amount of \$60,500.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 15 annual installments of principal together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, SEWER CONNECTION FEES,
PROJECT NO. 1096.0

The city auditor presented and read the assessments as made by the city

engineer and the approval and confirmation of these assessments by the engineer on Project No. 1096.0, sewer connection fees, in the amount of \$9,584.25, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 13 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, 1995 SIDEWALK PROJECT
NO. 4261.1

The city auditor presented and read the assessments as certified by the city engineer, and approval and confirmation of these assessments by the city engineer on Sidewalk Project No. 4261.1, 1995 sidewalk construction, in the amount of \$3,679.95, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 4 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

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APPROVE ASSESSMENTS, 1996 SIDEWALK PROJECT
NO. 4426

The city auditor presented and read the assessments as certified by the city engineer, and approval and confirmation of these assessments by the city engineer on Sidewalk Project No. 4426, in the amount of \$113,036.77, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in 5 annual installments of principal, together with interest on the unpaid balance yearly, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, WEED CUTTING PROJECT
NO. 4465

The city auditor presented and read the assessments as made by the city health department and/or city engineer, and the approval and confirmation of these assessments by the supervising sanitarian and/or city engineer on Project No. 4465, weed cutting for 1996, in the amount of \$5,517.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in one annual installment of principal, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

APPROVE ASSESSMENTS, DELINQUENT WATER
BILLING, PROJECT NO. 9001.3

The city auditor presented and read the assessments as made by the city auditor and the approval and confirmation of these assessments by the auditor on Project No. 9001.3, delinquent water billings, in the amount of \$9,181.92, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the city auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in one annual installment of principal, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

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APPROVE ASSESSMENTS, MALL OPERATIONS PROJECT
NO. 2695.1

The city auditor presented and read the assessments as made by the city auditor and the approval and confirmation of these assessments by the auditor on Project No. 2695.1, Mall Operations, in the amount of \$159,772.00, and reported that the legal notice to the public that these assessments would be presented to the city council at this meeting had been published as required, and further that no protests or grievances had been filed with the city auditor's office.

Mayor Owens asked if there was anyone in the audience who had comments to make on these assessments. There were none.

It was moved by Council Member Hafner and seconded by Council Member Beyer that these assessments be and are hereby accepted and confirmed, and that they be levied against the property benefitted in one annual installment of principal, to be collected with other taxes by the proper authorities. Carried 11 votes affirmative.

ADOPT RESOLUTION VACATING ALL OF THE N/S ALLEY AND ALL OF THE E/W UNNAMED STREET AS PLATTED AND DEDICATED ON THE PLAT OF ANDERSON'S SUBDIVISION EXTENSION OF BLOCKS 1, 2 AND 3

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate all of the 15-foot wide N/S alley 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, the required legal notice had been published calling for a public hearing to be held this evening and further that no protests or grievances had been filed with his office.

Mayor 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 Hanson and seconded by Council Member Beyer that we do hereby find and determine an insufficiency of protest on the request for vacation. Carried 11 votes affirmative.

Council Member Hagness introduced the following resolution which was presented and read: Document No. 7170 - Resolution.

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

CONTINUE PUBLIC HEARING ON ANNEXATION OF PART OF AURORA PLAZA ADDITION TO NOVEMBER 4, 1996

The city auditor reported that because of a change in the publication dates of the notice in the official newspaper of the resolution of annexation passed on September 16, 1996, annexing the southerly 140 feet of Lot 4, Block 1 and all of Lot 1, Block 2, Aurora Plaza Addition, which called for a public hearing to be held this evening for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation, that the public hearing be continued until the next council 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 Beyer and seconded by Council Member Hamerlik
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that the public hearing on the proposed annexation be continued until Monday, November 4, 1996. Carried 11 votes affirmative.

REFER CONSENT AGENDA ITEMS TO COMMITTEE

It was moved by Council Member Sande and seconded by Council Member Hamerlik that the consent agenda items be referred to committee as noted for their consideration. Carried 11 votes affirmative.

Finance Committee:

1) request from Community Violence Intervention Center, Inc. for waiver of rental for location in City Center Mall.

Planning and Zoning Commission:

1) matter of setting public hearing on petition to vacate N/S utility easement in Block 5, White Clover Subdivision (located east of South 10th Street between 24th and 25th Avenues South). It was moved by Council Member Hagness and seconded by Council Member Beyer that the public hearing be scheduled for December 2, 1996, that the petition be filed with the city auditor and that a notice of public hearing be published as required. Carried 11 votes affirmative.

REPORTS OF OFFICERS

The city auditor's statement of changes in cash balances as of September 30, 1996 was presented and read. It was moved by Council Member Beyer and seconded by Council Member Hanson that this report be and is hereby received and filed. Carried 11 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 Thursday, October 10, 1996, that notice had been published as required and that the following appeals were heard: 1) Jerome and Grace Bergman, 315 Hamline Street, request for variance to the zone regulations to erect a detached garage, and variance approved allowing 2.5 ft. of setback in front of the overhead door, 1152 sq.ft. of accessory building to construct a new detached garage; 2) Gary Robertson, 1923 South 20th Street, request for variance to the sideyard setback requirements to erect an addition to the garage, and variance approved allowing a 1 ft. sideyard setback to construct an addition to the detached garage; 3) Shirley Bjelde, 1801 9th Avenue North, request for variance to second front yard requirements to erect a shed, and variance approved allowing second front yard setback of 3 ft. 7 in. to construct a utility shed; 4) James Struckness, Dacotah Building, Inc., 112 North 3rd Street, request for variance to the parking lot setback requirements to pave the parking lot, and variance approved allowing no setback to the

parking lot to pave the parking lot; 5) Stuart and Marilyn Lundberg, 1506 Robertson Court, request for variance to the side and rear yard setbacks, impervious surface area, and accessory building size requirements to erect an addition to the garage, and variance approved allowing a 2 ft. sideyard setback, forty percent impervious surface and an accessory building size of 1056 sq.ft. to construct an addition to a detached garage.

It was moved by Council Member Hafner and seconded by Council Member Glassheim that this report be and is hereby received and filed. Carried 11 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 96-18, dated October 21, 1996, and totaling

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\$2,211,781.84, 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 Hanson and seconded by Council Member Bakken 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, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

APPROVE MEMBERSHIP DUES FOR CLEAN CITIES PROGRAM

Committee No. 1, Finance, reported having considered the matter of membership dues for Clean Cities Program, and recommended that we approve the membership in the amount of \$1,000.00 for 1996 and 1997 to be taken from the general fund miscellaneous contingency.

It was moved by Council Member Carpenter and seconded by Council Member Sande that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

APPROVE APPLICATIONS FOR CANCELLATION OF SIDEWALK ASSESSMENTS

Committee No. 1, Finance, reported having considered the applications for five-year cancellation of sidewalks at 2532 8th Avenue North and 515 North 4th Street, and recommended that we approve the applications for five-year cancellation for 2532 8th Avenue North and 515 North 4th Street.

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

votes affirmative.

APPROVE AGREEMENT WITH SPRINGSTED, INC.
FOR CONTINUING DISCLOSURE REQUIREMENTS

Committee No. 1, Finance, reported having considered the agreement with Springsted, Inc. for continuing disclosure and/or arbitrage and rebate monitoring, and recommended that we approve the agreement subject to review and approval by the city attorney.

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

APPROVE BUDGET AMENDMENTS

A request for amendment in Aurora Administration budget in the amount of \$71,679.00 to reflect increase in the budget for 1996 was presented and read. It was moved by Council Member Carpenter and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 11 votes affirmative.

A request for amendment in the Aurora Administration budget in the amount of \$119,500.00 to reflect increase in the marketing budget for 1996 was presented and read. It was moved by Council Member Carpenter and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 11 votes affirmative.

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ACCEPT BIDS FOR RENOVATION OF HEALTH
DEPARTMENT OFFICES IN POLICE BUILDING

Committee No. 2, Public Safety, reported having considered the matter of bids for health department renovation, and recommended approval of bids to all low bidders: Central Construction, \$7,950.00; Wm. K. Sullivan Electric Co., \$2,100.00; J.M.L. Plumbing, \$1,220.50; and Floorcovering for Families, \$19,327.74, for a total of \$30,598.24.

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

AUTHORIZE INSTALLATION OF "NO TRUCK TRAFFIC"
SIGNS ON PORTION OF 11TH AVENUE NORTH

Committee No. 2, Public Safety, reported having considered the matter of installing "no truck traffic" signs on 11th Avenue North from North 20th Street to North Washington Street, and recommended that this matter be approved.

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

votes affirmative.

AUTHORIZE INSTALLATION OF YIELD SIGN ON
6TH AVENUE NORTH AT NORTH 6TH STREET

Committee No. 2, Public Safety, reported having considered request from Daryl Hovland for review of intersection at North 6th Street and 6th Avenue North, and recommended that we install yield sign on 6th Avenue North at North 6th Street.

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

AUTHORIZE INSTALLATION OF YIELD SIGNS ON
SOUTH 36TH STREET AT 20TH AND 24TH AVENUES SOUTH

Committee No. 2, Public Safety, reported having considered request for traffic control at South 36th Street at 20th Avenue South and South 36th Street at 24th Avenue South, and recommended that yield signs be installed on South 36th Street at 20th and 24th Avenues South.

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

APPROVE DRIVEWAY VARIANCE AT 1203 NORTH
51ST STREET

Committee No. 3, Public Service, reported having considered the matter of driveway approach variance at 1203 North 51st Street, Craig Johnson, and recommended approval of the variance.

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

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DENY REQUEST FOR ENCROACHMENT AT 924
COTTONWOOD STREET

Committee No. 3, Public Service, reported having considered request by Karen Sicard for encroachment agreement at 924 Cottonwood Street to allow placement of playground equipment on right of way, and recommended that the request be denied.

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

APPROVE QUIT CLAIM DEED FOR VACATED EAST
10 FT. OF WALL STREET IN HOLES CENTRAL
ADDITION (608 CHESTNUT STREET)

Committee No. 3, Public Service, reported having considered quit claim deed from the City of Grand Forks to LaVonne J. Haugen, for the vacated east 10 feet of Wall Street lying adjacent to Lots 3 and 4, Block 3, Resubdivision of Blocks 1 through 4, Holes Central Addition, 608 Chestnut Street, for and in consideration of the sum of \$1.00, and recommended that the proper City officials execute the quit claim deed from the City of Grand Forks to LaVonne S. Haugen as requested by letter from Attorney Grant Shaft dated September 25, 1996.

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

ADOPT RESOLUTION ON LOAN APPLICATION FOR
WASTEWATER TREATMENT FACILITY, PROJECT NO. 4371

Committee No. 3, Public Service, reported having considered the matter of resolution on North Dakota State Revolving Fund Program loan application, Wastewater Treatment Facility, Project No. 4371, and recommended that we approve the request to have the director of finance and administrative services (city auditor) sign the loan application.

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

APPROVE TEMPORARY AGREEMENTS FOR SOIL TESTING,
LANDFILL SITING, PROJECT NO. 4306

Committee No. 3, Public Service, reported having considered the temporary agreement for soil testing, landfill siting, Project No. 4306, (Frances Gerszewski, Dave Sandell, and Victor Kukowski) and recommended approval of agreements at \$10.00 each.

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

ACCEPT BID FOR PHASE II LANDFILL CLOSURE,
PROJECT NO. 4186

Committee No. 3, Public Service, reported having considered bids for Project No. 4186, Phase II Landfill Closure, and recommended that the bid

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to low bidder, ICS (Industrial Contract Services), in the amount of \$296,782.00.

It was moved by Council Member Hafner and seconded by Council Member Hagness that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz,

Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Bakken, Hafner, Hagness - 11; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE BUDGET AMENDMENTS

A request for amendment to the Central Garage budget in the amount of \$45,600.00 to reflect unanticipated revenues for 1996 was presented and read. It was moved by Council Member Hafner and seconded by Council Member Hagness that this budget amendment be and is hereby approved. Carried 11 votes affirmative.

A request for amendment to the Wastewater Department budget in the amount of \$25,000.00 to reflect transfer from cash carryover for parts and engineering to rehab PS 29 from electrical fire damage, was presented and read. It was moved by Council Member Hafner and seconded by Council Member Hagness that this budget amendment be and is hereby approved. Carried 11 votes affirmative.

APPROVE CHANGE ORDER, WATER TREATMENT PLANT IMPROVEMENTS, PROJECT NO. 4045

Committee No. 3, Public Service, reported having considered the matter of Project No. 4045, water treatment plant modifications, change order, and recommended approval of the change order in the amount of \$19,100.00.

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

REFER MATTER OF REQUEST FROM U.S. WEST COMMUNICATIONS FOR EASEMENT BACK TO COMMITTEE

Committee No. 3, Public Service, reported having considered request from U.S. West Communications for easement, and recommended approval of the easement and to authorize proper City officials to sign.

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

Howard Swanson, city attorney, reported he reviewed easement and found that U.S. West proposing a very limited arbitration provision in the easement and recommended not to accept that type of limitation in the easement documents and either to approve easement with the deletion of the arbitration requirement or send back to committee.

It was moved by Council Member Hagness and seconded by Council Member Beyer to send the matter back to committee. Carried 11 votes affirmative.

CONTINUE PUBLIC HEARING ON APPLICATION TO MOVE BUILDING (STORAGE SHED) FROM 1111 WALNUT STREET TO 2310 BELMONT ROAD

Committee No. 3, Public Service, reported having considered application for

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moving permit by Brian Johnson to move building (storage shed) from 1111 Walnut Street to 2310 Belmont Road, and recommended approval of the application.

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

The city auditor reported that the proper notice to the public had not been published as required on this application.

Council Member Sande expressed concern re. buildings being moved prior to application for permit being made and being considered by committee, and asked if there was some way to make public aware of the regulations.

Ken Vein, city engineer, reported that some get missed, and that committee had suggested that information re. requirements for permit fees, etc. be placed in trash manual and they are investigating that. He reported that there is doubling of some fees when come in late, but the risk they take is if not approved, they would have to move building off the property. He reported that they have not issued a building permit for the repair of the building.

Mr. Swanson advised that all moving permits have a publication requirement, and theory behind public hearing on a moving permit is to determine whether the building is compatible with the existing neighborhood, that he has concern that they have no review process for home or shed that's being built on site, and if all they are looking at are aesthetics has concern whether council can implement decision, but if looking at building codes and determining whether code requirements are met, that's legitimate and building department provides public service committee with detailed checklist of what Code requirements are. He stated those are things that can be done administratively if the council were to choose to do so. He stated that penalty would be double the price on building permit and contractor could be cited for construction without permit with fine up to \$500. He suggested that if there is concern about moving permits, the committee should review whether they wish to continue public hearings in consideration of moving permits, could be made administrative issue; however, if moving permits continue to be of a concern council's prerogative is to maintain public hearing, but could perhaps require one publication. He stated that current regulations require two publications once a week for two consecutive weeks.

After further discussion it was moved by Council Member Hafner and seconded by Council Member Polovitz to continue the public hearing to November 4, 1996. Carried 11 votes affirmative.

AUTHORIZE LETTING BIDS FOR DEMOLITION OF
BUILDING AT 705 4TH AVENUE SOUTH

Committee No. 4, Urban Development, reported having considered the matter of demolition of buildings at 705 4th Avenue South, and recommended that authorization be given to let bids for the demolition of 705 4th Avenue South.

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

APPROVE CHANGE ORDERS FOR CIRRUS BUILDING

Committee No. 4, Urban Development, reported having considered matter of change orders for Cirrus building, and recommended that the change orders for the Cirrus building be approved (CO #MC-01 for D & D Heating & Sheetmetal in the amount of \$13,882.00 deduct and CO #GC-01 for Community Contractors in the 14698 October 21, 1996

amount of \$31,900.00 deduct).

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

APPROVE RENTAL REHAB APPLICATIONS

Committee No. 4, Urban Development, reported having considered the matter of rental rehab. applications: 1) Marvin and Debra Hodny, 908 North 4th Street, \$6,000; 2) Wilmer Van Dellen, 526 Cambridge, \$6,500; 3) Wilmer Van Dellen, 216 Cottonwood Street, \$7,500; 4) Frank Lewis, 1513 University Avenue, \$4,790; 5) Terry Farder and Orville Farder, 1902-1904 15th Avenue South, \$8,890; 6) Terry Farder and Virgil Stenberg, 1708, 1802, 1812 24th Avenue South and 1811 Continental Drive, \$67,675; 7) William Schoen and James Kobetsky, 910 Cottonwood Street, \$83,000; 8) Daniel and Julie Heinz, 1217 Oak Street, \$7,500; 9) Norval Meagher, 1923 12th Avenue North, \$25,000; and recommended that we allocate each applicant 38% of his request; that the balance of funds be allocated to the Schoen & Kobetsky project at 910 Cottonwood Street; and any residual monies also be allocated to the Roosevelt Center project, all contingent upon taxes being current, and contingent upon contract being signed by January 3, 1997.

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

Council Member Beach asked to be excused from voting on the matter. It was so moved by Council Member Hagness and seconded by Council Member Beyer. Carried 10 votes affirmative.

Upon call for the question and upon roll call vote, the following voted "aye" Council Members Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Beyer, Bakken, Hafner, Hagness - 10; voting "nay": none; Council

Member Beach abstaining. Mayor Owens declared the motion carried.

SET PUBLIC HEARING ON FY 1997 FTA GRANT
FOR DECEMBER 16, 1996

The Bus Committee reported having considered the matter of setting public hearing date for the FY 1997 FTA grant, and recommended that the public hearing for the grant be set for regular city council meeting on Monday, December 16, 1996.

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

APPROVE FINAL JOB DESCRIPTIONS AND ALLOCATION
OF POSITIONS

The Joint Committee on Wage Study considered the matter of final job descriptions and allocation of positions, and recommended approval of final job descriptions and allocation list.

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

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REPORT FROM CIVIL SERVICE COMMISSION ON
POINT FACTOR SYSTEM AND FUTURE MAINTENANCE
OF RECLASSIFICATIONS

Dan Gordon, Human Resources director, reported that the Civil Service Commission met last Thursday and made a motion to accept the classification system pending approval by council of the job descriptions.

APPROVE SIX-YEAR CAPITAL IMPROVEMENTS PLAN

The city auditor presented the matter of the six-year Capital Improvements Plan, 1997-2002, to the council; that the council had approved the CIP for 1997 during the current budget process. It was moved by Council Member Hanson and seconded by Council Member Hagness to approve the Capital Improvements Plan as presented. Carried 11 votes affirmative.

APPROVE APPOINTMENT TO CIVIL SERVICE COMMISSION

Mayor Owens announced the appointment of James Johnson to the Civil Service Commission for a three-year term expiring December 8, 1999. It was moved by Council Member Hagness and seconded by Council Member Bakken that this appointment be and is hereby approved. Carried 11 votes affirmative.

APPROVE APPOINTMENT TO GRAND FORKS AIRPORT
AUTHORITY

Mayor Owens announced the appointment of Council Member Sande as an advisory member of the Grand Forks Airport Authority to replace Council Member Babinchak. It was moved by Council Member Beyer and seconded by Council Member Beach that this appointment be and is hereby approved. Carried 11 votes affirmative.

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Member Hanson reported he had received communication from resident concerned about youth having beer parties in his neighborhood, and the matter was referred to Chief Paschke for response to the complainant.
- 2) Council Member Polovitz reported having received complaints re. odor (fresh asphalt) from Cenex plant; the matter was referred to the health department.
- 3) a communication from Sherman Associates, Inc. re. financing low/moderate income rental housing was presented to the council. It was moved by Council Member Hagness and seconded by Council Member Glassheim that this matter be referred to the finance committee and the urban development committee for consideration. Carried 11 votes affirmative.
- 4) Council Member Hafner presented matter of review of moving permit application procedures; the matter was referred to the public service committee for consideration.
- 5) Council Member Beyer presented request for handicapped child sign on corner east of Belmont Road on Plain Hills Drive and moved to refer the matter to the public safety committee, the motion was seconded by Council Member Beach; upon voice vote the motion carried 11 votes affirmative.

ADJOURN

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that we do now adjourn. Carried 11 votes affirmative.

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Respectfully submitted,

John M. Schmisek
City Auditor