

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
November 4, 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, November 4, 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, Hafner, Hagness - 14; absent: none.

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

APPROVE MINUTES SEPTEMBER 3 AND 16, 1996

Typewritten copies of the minutes of the regular and adjourned meetings of the city council held on September 3 and 16, 1996, were presented and read. It was moved by Council Member Hanson and seconded by Council Member Beyer that these minutes be approved as read. Carried 14 votes affirmative.

ADOPT ORDINANCE NO. 3617, GRANTING NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO TCI OF NORTH DAKOTA, INC.

An ordinance entitled "An ordinance granting a cable television franchise agreement to TCI North Dakota, Inc.", which had been introduced and passed on its first reading on September 3, 1996, and upon which public hearing had been continued until this evening, was presented and read for consideration on second reading and final passage.

Mayor Owens called for the public hearing.

Howard Swanson, City Attorney, reported that the finance committee at its last meeting considered a requirement on the burying of drop lines, all other matters in the franchise have now been addressed and in position to give final approval. He stated the only question he had was in respect to an effective date, and advised that most reasonable alternative would be either be December 1 or January 11, but would need motion as to an effective date of the ordinance.

It was moved by Council Member Hagness and seconded by Council Member Hamerlik to set an effective date of December 1, 1996 and rescind prior extension to December 15, 1996. Carried 14 votes affirmative.

Mayor Owens closed the public hearing.

Committee No. 1, Finance, reported having considered the matter of cable burial provisions under cable television franchise agreement, and recommended that we include language in the franchise agreement as proposed by TCI re. establishing a standard of a 6" burial level at the initial burial of any cable drop.

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

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

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Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the ordinance adopted.

HOLD PUBLIC HEARING ON RESOLUTION OF ANNEXATION
OF SRLY. 140 FT. OF LOT 4, BLOCK 1, ALL OF LOT 1,
BLOCK 2, AURORA PLAZA ADDITION; DETERMINE
INSUFFICIENCY OF PROTEST AND DIRECT RESOLUTION OF
ANNEXATION BE FILED AND ANNEXATION ACCOMPLISHED

The city auditor reported that proper notice had been placed in the official newspaper publishing the resolution of annexation passed on September 16, 1996 relative to the annexation of the southerly 140 feet of Lot 4, Block 1 and all of Lot 1, Block 2, Aurora Plaza Addition to the city of Grand Forks, North Dakota, and that the notice called for a hearing this evening for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation; and that no protests had been.

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

It was moved by Council Member Beyer and seconded by Council Member Klave that a finding of insufficiency of protest to the annexation be entered. Carried 14 votes affirmative.

It was then moved by Council Member Ellingson and seconded by Council Member Hanson that the city auditor be and is hereby directed to file with the Grand Forks County Register of Deeds the resolution of annexation, with appropriate map. Carried 14 votes affirmative.

APPROVE APPLICATION FOR PERMIT TO MOVE
BUILDING TO 2310 BELMONT ROAD FOLLOWING
PUBLIC HEARING

The city auditor reported that the notice of public hearing on the application by Brian Johnson to move building from 1111 Walnut Street to 2310 Belmont Road to be used as storage shed had been published and posted as required.

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

Committee No. 3, Public Service, reported having considered the application for moving permit by Brian Johnson to move building from 1111 Walnut Street to 2310 Belmont Road (storage shed), and recommended

approval of the application.

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

APPROVE CHANGE IN INSPECTOR FOR GENERAL
ELECTION ON NOVEMBER 5, 1996

The city auditor reported a change in the inspector for Ward 7, Precinct 2 for the General Election on November 5, 1996; Sheryl Eisenbeis to replace Zona Swanson. It was moved by Council Member Babinchak and seconded by Council Member Hafner that this change in inspectors be approved. Carried 14 votes affirmative.

REPORTS OF OFFICERS

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The city auditor's report on investment activities for period ending October 31, 1996 was presented and read. It was moved by Council Member Hanson and seconded by Council Member Ellingson that this report be and is hereby received and filed. Carried 14 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 96-19, dated November 4, 1996, and totaling \$1,130,282.28, 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 Sande and seconded by Council Member Hafner that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

AUTHORIZE FUNDING FOR FEASIBILITY STUDY
FOR DEVELOPMENT OF INTERNATIONAL CARGO
HUB PROJECT AT GRAND FORKS AIRPORT

Committee No. 1, Finance, reported having considered the matter of feasibility study re. development of international cargo hub project at Grand Forks Airport, and recommended that we approve up to \$15,000 from excess sales tax to be spent on the study limited by a match by the County.

It was moved by Council Member Hamerlik 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, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

INTRODUCE ORDINANCE TO AMEND CIVIL SERVICE
CODE TO EXTEND PROBATIONARY PERIOD FOR
COMMUNICATIONS TECHNICIANS

Committee No. 1, Finance, reported having considered the matter of extension of probationary period for communications technicians, and recommended to amend the Civil Service Code to extend probationary period from six months to one year.

Committee No. 2, Public Safety, reported having considered the matter of extension of probationary period for communications technicians, and recommended to revise the Civil Service Code to extend the probationary period to one year for communications technicians.

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

Council Member Hagness introduced an ordinance entitled "An ordinance amending Section 6-0521(3) of the Grand Forks City Code relating to probationary appointments", which was presented, read and passed on first reading.

APPROVE TRANSFER OF FUNDS FOR RIVERBANK
MAINTENANCE

Committee No. 1, Finance, reported having considered the matter of transfer of funds for riverbank maintenance, and recommended to approve transferring
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\$22,000 out of the Nuisance Abatement Fund to fund the riverbank maintenance project.

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

APPROVE MODIFICATION OF AIR BASE WATER
RATE CONTRACT

Committee No. 1, Finance, reported having considered the matter of modification of Air Base water rate contract re. new Air Base waterline, (\$1.04 to pay for line and \$0.11 for operation and maintenance of the pumping station), and recommended to approve contract subject to approval by the city attorney.

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

Howard Swanson, city attorney, reported that following the finance committee, the United States Air Force contacted the City and requested one change in the contract, they requested that in the event the line is tapped into by any major user between the city limits and the Airport the Air Force would reserve the right to renegotiate the rates.

There was some discussion as to definition of "major user", which was not defined in the contract and does not include the Airport but would entail a new user at the Airport if there was an additional tap into the line, but does not contemplate any existing taps. Ken Vein read statement to be included in the contract, "Any large water user put on the city water line being newly constructed between the Grand Forks city and the Grand Forks City Airport will require renegotiation of the Government's repayment schedule." Mr. Vein stated that if new large user, Air Base would want to renegotiate rate so that entity would be paying for portion of that, Air Base is paying for majority of this line and City taking over and paying maintenance on the line. He stated he could foresee problem in the future without having strict definition. It was noted that the bids were for 60-day period which would end today, and contractors have not been asked if willing to extend their bids. Mr. Vein stated that he felt that the Air Base has exceptionally good price and that present agreement would suffice without them getting reimbursed for any major users.

Mr. Swanson reported that this contract normally go to Pentagon for review and approval and if approve without inclusion of that language, would not have an agreement. He also noted that there is nothing in the proposed language that requires a change in the fee, it only requires renegotiation, if they could establish that the City did not negotiate in good faith perhaps they could challenge the existence of the underlined contract, however, without that type of approach the underlined contract would still be enforceable.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner, Hagness - 13; voting "nay": Council Member Bakken - 1. Mayor Owens declared the motion carried.

RECEIVE AND FILE REQUEST TO REMOVE FOUR-WAY
STOP AT BARON BOULEVARD AND SOUTH 34TH STREET

Committee No. 2, Public Safety, reported having considered the request to remove stop sign at Baron Blvd. and South 34th Street, and recommended to retain the four-way stop and to receive and file the request.

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

APPROVE CHANGES IN TRAFFIC CONTROL IN AREA
FROM 17TH AVENUE SOUTH TO 4TH AVENUE SOUTH
AND WASHINGTON STREET TO THE RED RIVER

Committee No. 2, Public Safety, reported having considered the matter of review of intersection control in area of city from 17th Avenue South to 4th Avenue South and Washington Street to the Red River, and recommended the following: a) convert two-way stop on 8th Avenue South at South 12th

Street to a two-way stop on South 12th Street at 8th Avenue South; b) change the stop signs on 15th Avenue South and Cottonwood Street to yield signs; c) meet with neighborhood groups and MPO re. reversal of two-way stops on 8th and 13th Avenues South at Chestnut and Walnut Streets and discuss future needs for a one-way pair for north/south traffic; and d) install a stop sign on 12th Avenue South at Walnut Street.

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

RECEIVE AND FILE REQUEST FOR YIELD SIGN
AT 1ST AVENUE NORTH AND NORTH 12TH STREET

Committee No. 2, Public Safety, reported having considered the matter of yield sign at 1st Avenue North and North 12th Street, and recommended to receive and file.

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

APPROVE GRANT AGREEMENT WITH ND STATE
DEPARTMENT OF HEALTH FOR COMMUNITY PARTNERS
FOR HEALTHY FARMING PROJECT

Committee No. 2, Public Safety, reported having considered the matter of grant agreement with ND State Department of Health, Community Partners for Healthy Farming Project, and recommended to approve the grant agreement.

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

APPROVE BUDGET AMENDMENTS

A request to amend Mosquito Control budget in the amount of \$6,700 to cover current and anticipated expenditures for remainder of year, was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this amendment be and is hereby approved. Carried 14 votes affirmative.

A request to amend Communicable Disease budget in the amount of \$1,391.00 to reflect unanticipated income (insurance claim payment and insurance deductible for vaccine replacement) was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this amendment be and is hereby approved. Carried 14 votes affirmative.

A request to amend Human Resources budget in the amount of \$1,500.00 to 14706
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participate in cost of microprocessor for Health Department, was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this amendment be and is hereby approved. Carried 14 votes affirmative.

A request to amend Health Department budget in the amount of \$1,305.00 to cover additional expenses for advertising and to purchase furniture needed for office renovation, was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this amendment be and is hereby approved. Carried 14 votes affirmative.

A request to amend Police Department budget in the amount of \$1,350.00 to install safety edge on existing garage doors to meet required specifications, was presented and read. It was moved by Council Member Glassheim and seconded by Council Member Ellingson that this amendment be and is hereby approved. Carried 14 votes affirmative.

RECEIVE AND FILE MATTER OF TRUCK TRAFFIC
ON 12TH AVENUE NORTH

Committee No. 2, Public Safety, reported having considered the matter of heavy truck traffic on 12th Avenue North, and recommended to receive and file.

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

Council Member Hanson questioned if committee had considered possibility of turning this street into a one-way street, all residents live on south side of the street. Council Member Hagness stated that as long as mix of residential and business and if trucks could not use 12th Avenue North, would have to back across 20th Street and would be another safety concern; that residents and businesses have to work together to make as safe as possible.

Upon call for the question and upon voice vote, the motion carried 14 votes affirmative.

ACCEPT BID FOR MODIFICATION OF HVAC SYSTEM
AT NORTHSIDE FIRE STATION

Committee No. 2, Public Safety, reported having considered bids for fire department, modification of HVAC (heating, ventilation and air-conditioning) system at northside fire station, and recommended to waive the minor irregularity in the bid and to open the bid (bid received late).

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

Chief Aulich reported that they had worked with City's mechanical inspector in drawing specs. because this is a very complex system, four separate heating and three separate cooling systems, and to simplify and eliminate couple heating systems and one cooling system it is staged process because will be redoing dorm.; that they mailed out eighteen bids but only received the one bid from Vilandre, which was 30 minutes late, and would to go ahead with the project, assuming the bid is a reasonable figure. He stated other bidders had ample opportunity to bid the project, and recommended to waive irregularity and open the bid.

There was considerable discussion re. City's bidding policy and

timelines.

Council Member Beach voiced his opposition to the motion, and moved to amend the motion to read not to waive the irregularity and re-advertise for bids.

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After further comment Council Member Beach withdrew his motion.

A representative of Vilandre's stated their bid was late because didn't get bidder's bond in time.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Bakken - 7; voting "nay": Council Members Beach, Polovitz, Klave, Beyer, Babinchak, Hafner, Hagness - 7. Mayor Owens voted to break the tie vote and voted in favor of the motion.

COUNCIL MEMBER HAMERLIK EXCUSED

The deputy city auditor opened and read the bid of Vilandre Fuel & Heating as follows: base bid of \$6,825.00 with alternate in the amount of \$570.00 (for 3 energy-saving programmable thermostats). It was noted that the City's estimate was \$7,000 for base bid and \$500 for alternate bid.

It was moved by Council Member Polovitz and seconded by Council Member Ellingson to award the bid to Vilandre Fuel & Heating. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

COUNCIL MEMBER HAMERLIK REPORTED BACK

ACCEPT BID FOR CURBSIDE RECYCLING

Committee No. 3, Public Service, reported having considered the matter of bids for curbside recycling, and recommended to accept the bids from Vern's Refuse as follows: at a unit price of \$2.10 per residence for approximately 11,300 residences, \$15.00 per set for containers and \$5.00 for container replacement; and no charge for delivery of containers, pending receipt of information requested from Vern's Refuse.

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

ACCEPT BID FOR MULTI-FAMILY RECYCLING

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

bids for multi-family recycling, and recommended to accept the bid from Vern's Refuse Service, Inc. as follows: unit price (per apartment unit), \$1.05, pending receipt of further information requested from Vern's Refuse.

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

CONSIDER BIDS FOR PROJECT NO. 4435, WATER
INTAKE IMPROVEMENTS

Committee No. 3, Public Service, reported having considered the matter of bids for raw water intake improvements, Project No. 4435, and recommended to return late bid (received from Construction Engineers, Ltd.) unopened stating our policy of timelines and bid policy procedures.

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

Committee No. 3, Public Service, reported having considered the matter of bids for raw water intake improvements, Project No. 4435, and recommended to accept the low bid of United Crane & Excavating, Inc. for Contract No. 1A, Mechanical Construction, in the amount of \$174,730.00, and to accept the bid of Samson Electric for Contract No. 1B, Electrical Construction, in the amount of \$454,987.00, with electrical contractor responsible for scheduling of the project construction.

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

APPROVE EASEMENT FOR U.S. WEST COMMUNICATIONS
SUBJECT TO REVISION OF EASEMENT RE. BINDING
ARBITRATION

Committee No. 3, Public Service, reported having considered the request from U.S. West Communications for easement, and recommended approval subject to deletion of language re. binding arbitration.

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

Council Member Ellingson asked to be excused from voting on this matter; and it was so moved by Council Members Beyer and Sande. Carried 13 votes affirmative.

Upon call for the question and upon voice vote, the motion carried 13

votes affirmative; Council Member Ellingson abstaining.

AUTHORIZE ENTERING INTO THREE-WAY AGREEMENT
FOR PRIVATE INSTALLATION OF UTILITIES IN
COUNTRY VIEW ESTATES SUBDIVISION

Committee No. 3, Public Service, reported having considered the matter of three-way agreement for private installation of utilities in Country View Estates Subdivision, and recommended to authorize City to enter into three-way agreement with the developer and engineer for private installation of underground utilities.

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

AUTHORIZE ENTERING INTO THREE-WAY AGREEMENT
FOR PRIVATE INSTALLATION OF UTILITIES IN
SHADYRIDGE ESTATES 3RD ADDITION

Committee No. 3, Public Service, reported having considered the matter of three-way agreement for private installation of utilities in Shadyridge Estates 3rd Addition, and recommended to authorize City to enter into three-way agreement with the developers and engineer for private installation of underground utilities.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4560, STORM SEWER IN GARDEN VIEW ESTATES

Committee No. 3, Public Service, reported having considered the matter of approving plans and specifications for Project No. 4560, storm sewer in Garden View Estates, and recommended to approve plans and specifications contingent upon engineer's approval.

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

Council Member Babinchak asked to be excused from voting on this matter; it was so moved by Council Members Hamerlik and Ellingson. Carried 13 votes affirmative.

Upon call for the question on the motion, and upon voice vote, the motion carried 13 votes affirmative; Council Member Babinchak abstaining.

AUTHORIZE PURCHASE OF PLAYGROUND EQUIPMENT

Committee No. 4, Urban Development, reported having considered the matter of playground equipment, and recommended to approve agreement with the Park District to bid large units for Continental Homes at a cost of \$6,200.00 and swing sets at a cost of \$6,009.50 for the three parking locations (Central, Midtown and Richard's West).

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, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

REPORT FROM EVENTS CENTER COMMITTEE

Council Member Carpenter reported that memo had been sent out re. open houses and fact sheet re. The Aurora, and that the core committee would be meeting this coming Wednesday.

Council Member Beach noted the passing of Architect Gary Johnson, a member of the Aurora project team.

APPROVE APPOINTMENTS TO MAYOR'S COMMITTEE
ON EMPLOYMENT OF PEOPLE W/DISABILITIES

Mayor Owens announced the appointment of Randy Morin and Ray Ganyo to the Mayor's Committee on Employment of People w/Disabilities, and asked for concurrence in these appointments. It was moved by Council Member Hanson and seconded by Council Member Babinchak that these appointments be and are hereby approved. Carried 14 votes affirmative.

ACKNOWLEDGE COUNCIL MEMBER KLAVE WHO WAS
NAMED GRAND FORKS BUILDER OF THE YEAR

Mayor Owens announced that Council Member Klave was named as Grand Forks Builder of the Year.

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APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 290, dated October 31, 1996, and totaling \$1,586,753.73, was presented and read.

It was moved by Council Member Hanson and seconded by Council Member Carpenter 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 Members Beyer and Klave. Carried 13 votes affirmative.

Upon call for the question and upon roll call vote, the following voted

"aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak (except those estimates from Duckstad Contracting, Inc.), Bakken, Hafner, Hagness - 14; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CERTIFICATES OF COMPLETION

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Project No. 4260, Mill Road structure replacement; Paving Project No. 4292, District No. 537; Street Lighting Project No. 4310, District No. 105; Sewer Project No. 4337, District No. 372; Paving Project No. 4341, District No. 535; Paving Project No. 4363, District No. 533; Project No. 4426, 1996 Sidewalk Project; Watermain Replacement Project No. 4436.1; Watermain Replacement Project No. 4436.6; Watermain Replacement Project No. 4436.8; Paving Project No. 4479, District No. 543; Street Lighting Project No. 4484, District No. 113; Street Lighting Project No. 4505, District No. 114; Street Lighting Project No. 4507, District No. 116; and Watermain Project No. 4524, District No. 250.

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

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Member Carpenter reported he had received call from resident re. concern of vehicles speeding in area of Lincoln Drive and Pakenham; the matter was referred to the public safety committee for consideration.
- 2) Council Member Beyer presented the matter of speeding vehicles in area of Red River High School and in area of mobile home court; the matter was referred to the police department.
- 3) Council Member Sande presented the matter of setback requirements for fences (fences built up to sidewalk), which was referred to the engineering department.

AUTHORIZE AMENDMENT TO AIR BASE WATER RATE CONTRACT

Council Member Hamerlik expressed concern about Air Base water line; and questioned whether they should have Memorandum of Understanding as to change in the agreement as requested by the Air Force, and asked that this matter either be referred to committee or ask attorney to have Memo of Understanding

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drawn up to clarify so no problems in the future. He recommended that the city attorney seek Memorandum of Understanding of what that interpretation might mean. Hafner seconded the motion.

Howard Swanson, city attorney, stated it may be appropriate considering the action the council took, to communicate to the Air Force that while the agreement has been approved, we have some concerns re. the definition of major user, and in that light, specifically seek to amend the agreement again to define major user. He stated he would not be particularly inclined to have a separate document because the way the Air Force writes their contracts, it specifically excludes any other written memorandums, so in order to get into Memo of Understanding would have to renegotiate or include that language in the base contract anyway, so would probably prefer to handle it that way; that would allow engineering department to move forward with the project, and secondly thinks we can resolve to satisfaction of both parties, what is a major user.

Council Member Hafner stated that he would think that in addition to definition of what is a major user, would be exactly what would be negotiated; that he thinks their intent that someone would pay portion of the cost and not go beyond that in negotiations so might want to stipulate some kind of time frame and a depreciated schedule.

After further discussion it was moved by Council Member Beyer to amend motion to authorize the city attorney's office to amend the contract to include language, "Any large water user put on the city water line being newly constructed between the Grand Forks city and the Grand Forks City Airport will require renegotiation of the Government's repayment schedule." Council Member Hamerlik seconded the motion.

Upon call for the question on the amendment and upon voice vote, the motion carried 14 votes affirmative.

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

ADJOURN

It was moved by Council Member Ellingson and seconded by Council Member Hagness that we do now adjourn until Monday, November 18, 1996, at 7:30 o'clock p.m. Carried 14 votes affirmative.

Respectfully submitted,

Saroj Jerath
Deputy City Auditor