

**THE CITY COUNCIL  
GRAND FORKS, NORTH DAKOTA  
January 21, 1997**

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

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Tuesday, January 21, 1997 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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; absent: Council Members Hanson, Glassheim, Klave, Bakken, Hagness - 5.

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 DECEMBER 4 AND 16, 1996

Typewritten copies of the minutes of the adjourned meetings of the city council held on December 4 and 16, 1996 were presented and read. It was moved by Council Member Hafner and seconded by Council Member Sande that these minutes be approved as read. Carried 9 votes affirmative.

ADOPT ORDINANCE NO. 3629, RELATING TO LAND DEVELOPMENT CODE, CHAPTER XVIII, AS AMENDED, AMENDING ARTICLE 2, ZONING, SECTION 18-0223 PUD, SUBSECTION (4) ADMINISTRATIVE PROCEDURES

An ordinance entitled "An ordinance relating to the Land Development Code, Chapter XVIII of the Grand Forks City Code of 1987, as amended, amending Article 2. Zoning; Section 18-0223 P.U.D. (Planned Unit Development) District, subsection (4) Administrative Procedure by reducing the time needed to approve a Detailed Development Plan (D.D.P.)", which had been introduced and passed on first reading on December 16, 1996, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

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

The city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from the Planning Office for final approval of an ordinance to amend the text of the Land Development Code, Section 18-0223, PUD (Planned Unit Development) pertaining to the procedure used in reviewing and approving detailed development plans, and recommended final approval and passage of the amended ordinance, said amended ordinance reflects changes made in the section pertaining to the "appeal process" for detailed development plans; and concurred with the city council amendment to include a two-

year sunset clause ending the effective date of the ordinance on January 1, 1999. It was moved by Council Member Polovitz and seconded by Council Member Beyer that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the ordinance adopted.

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ADOPT ORDINANCE NO. 3630, AMENDING BY-LAWS  
OF GREATER GRAND FORKS CONVENTION & VISITORS  
BUREAU

An ordinance entitled "An ordinance

which had been introduced and passed on first reading on January 6, 1997, 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, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the ordinance adopted.

TABLE ORDINANCE AMENDING CIVIL SERVICE CODE  
RE. PERFORMANCE MEASURES RELATING TO STEP  
INCREASES TO FEBRUARY 3, 1997

An ordinance entitled "An ordinance

which had been introduced and passed on its first reading on December 16, 1996, was presented and read for consideration on second reading and final passage.

It was moved by Council Member Sande and seconded by Council Member Beach that this ordinance be tabled until February 3, 1997. Carried 9 votes affirmative.

ADOPT ORDINANCE NO. 3631, AUTHORIZING  
ISSUANCE OF REVENUE BONDS PAYABLE FROM SALES  
TAX PROCEEDS TO FINANCE THE COST OF AN EVENTS  
CENTER AND ESTABLISHING PROCEDURES THEREFOR

An ordinance entitled "An ordinance authorizing the issuance of revenue bonds payable from sales tax proceeds to finance the costs of an events center and establishing procedures therefor", which had been introduced and passed on first reading on January 6, 1997, 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, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the ordinance adopted.

HOLD PUBLIC HEARING, DETERMINE INSUFFICIENCY OF PROTEST, AND DIRECT THAT RESOLUTION OF ANNEXATION OF PORTIONS OF JOHNSON'S 2ND AND 4TH ADDITIONS AND UNPLATTED TRACT LYING IN SW QUARTER SW QUARTER, SECTION 8, T151N, R50W OF 5TH PM BE FILED AND ANNEXATION ACCOMPLISHED

The city auditor reported that the proper notice had been placed in the Grand Forks Herald publishing the resolution of annexation passed on December 16, 1996, annexing all of Lots 24 through 30, Block 1, Johnson's 2nd Addition, all that portion of the Southwest Quarter of the Southwest Quarter of Section 8, Township 151 North of Range 50 West of the 5th Principal Meridian, and all that portion of Lot 18, Block 1, Johnson's 4th Addition not previously annexed by Ordinance No. 3378, which was filed in the Office of the Register of Deeds, Grand Forks County, North Dakota on June 7, 1994, and recorded as Document No. 502768, and all of Lots 19 through 25 and Lot 34, Block 1, Johnson's 4th

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Addition to the city of Grand Forks, North Dakota, said tract including public rights of way adjacent thereto, not previously annexed, contains 6.38 acres, more or less and is as shown on the map which is, by reference, made a part thereof; and further that the published resolution called for a hearing this evening for the purpose of hearing and determination of the sufficiency of any protests to the proposed annexation.

The city auditor exhibited the affidavit of publication indicating publication on December 21 and 28, 1996. The city auditor further reported that no written protests 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 Beyer and seconded by Council Member Hafner that a finding of insufficiency of protest to the annexation be entered. Carried 9 votes affirmative.

It was moved by Council Member Ellingson and seconded by Council Member Beyer 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, as was presented on December 16, 1996. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the annexation accomplished.

ADOPT RESOLUTION VACATING PORTION OF NORTH 9TH STREET

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate the northeasterly one foot of the southwesterly 16 feet of North 9th Street as platted and dedicated on the plat of McKelvey and Holcomb's Addition, the plat of Griggs Addition, the plat of Budget and Eshelman's Addition and the plat of Budge and Eshelman's Second Addition, and that portions of the above described additions are presently a part of the plat of Kobetsky and Schoen's First Resubdivision, 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 Babinchak and seconded by Council Member Sande that we do hereby find an determine an insufficiency of protest on the petition for vacation. Carried 9 votes affirmative.

Council Member Beyer introduced the following resolution, which was presented and read: Document No. 7175 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Carried 9 votes affirmative.

#### REPORTS OF OFFICERS

The city auditor's report on investment activity and portfolio master summary for period ending December 31, 1996 was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Carpenter that this report be and is hereby received and filed. Carried 9 votes affirmative.

The city auditor's statement of changes in cash balances as of December 31,  
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1996, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Polovitz that this report be and is hereby received and filed. Carried 9 votes affirmative.

#### APPROVE BILL LISTING

Vendor Payment Listing No. 96-24, dated January 21, 1997, and totaling \$1,340,927.75, all having been audited by the city auditor for payment in accordance with Regulation No. 2, was presented and read.

It was moved by Council Member Hafner and seconded by Council Member Carpenter 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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

#### ACCEPT QUOTE FOR INCREASED LIABILITY

INSURANCE UNDER NDIRF

Committee No. 1, Finance, reported having considered the matter of increased liability insurance under NDIRF (North Dakota Insurance Reserve Fund), and recommended to accept quote in the amount of \$299,285.00 for \$2 Million liability coverage.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE APPLICATION FOR EXEMPTION OF IMPROVEMENTS TO PROPERTY AT 716 SOUTH 4TH STREET

Committee No. 1, Finance, reported having considered the application for remodeling exemption from Larry and Barbara Nelson, 716 South 4th Street (Lot 9, Block 4, Hubert's Addition), and recommended to approve the exemption for 1997 and 1998 because date of application falls under previous rules.

It was moved by Council Members Hamerlik and Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

SET PUBLIC HEARING ON REQUEST FOR TAX EXEMPTION FOR FORMER POST OFFICE PROPERTY AT 311 SOUTH 4TH STREET, AND REFER TO PLANNING AND ZONING COMMISSION FOR DETERMINATION OF SLUM AND BLIGHT

Committee No. 1, Finance, reported having considered the matter of TIF/exemption for former post office property at 311 South 4th Street by Postal Investors, and recommended that we set public hearing and refer to Planning and Zoning Commission for determination of slum and blight.

It was moved by Council Members Hamerlik and Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

ADOPT RESOLUTION AUTHORIZING FILING OF APPLICATION WITH ND STATE DEPARTMENT OF HEALTH FOR FUNDING UNDER STATE REVOLVING FUND PROGRAM FOR SOUTHEND DRAINWAY, PROJECT NO. 4440

Committee No. 1, Finance, reported having considered the matter of application  
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to North Dakota State Revolving Fund Program for Southend Drainway Project No. 4440, and recommended to adopt resolution authorizing filing of the application with the North Dakota State Department of Health and Consolidated Laboratories for a loan under the Clean Water Act, and authorize proper City officials to execute the documents.

It was moved by Council Members Hamerlik and Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Hamerlik introduced the following resolution which was presented and read: Document No. 7176 - Resolution.

It was moved by Council Members Hamerlik and Babinchak that this resolution be and is hereby adopted. Carried 9 votes affirmative.

GRANT LEGISLATIVE COMMITTEE POWER TO ACT  
ON LEGISLATIVE MATTERS

Committee No. 1, Finance, reported having considered the matter of legislative committee - power to act, and recommended that the legislative committee be given the authority and power to act on legislative matters.

It was moved by Council Members Hamerlik and Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

ADOPT FINDINGS IN MEMOS SET FORTH BY CITY ATTORNEY  
AND CITY AUDITOR AND CONCLUDE THAT PETITIONS TO  
AMEND THE HOME RULE CHARTER ARE INCOMPLETE, INVALID  
AND HAVE INSUFFICIENT SIGNATURES

Committee No. 1, Finance, reported having considered the matter of petitions to amend Home Rule Charter, and recommended adoption of the findings in memos set forth by the city attorney dated January 13, 1997 and city auditor dated January 16, 1997 before the committee and conclude that the petitions are incomplete, invalid and have insufficient signatures: Document No. 7176.1 - Memos.

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

Gene Schneeweis, 1004 University Avenue, stated he wished to address couple issues he found in letter dated January 16 from the city auditor outlining a number of inconsistencies and problems with the citizens' petitions that he turned in to repeal the sales tax on the Aurora, and that he felt they were not properly presented to the finance committee or the city council. He stated there were some signatures from people from out of town but that's technicality and has nothing to do with the legality of the petitions. He stated that everything in the petition is as outlined in Mr. Schmisek's letter. He stated that he followed the Home Rule Charter to a tee and petitions should be accepted and if not accepted, go to court. He stated that nothing written anywhere that petitions have to contain full text. He also stated that he included notary and others did also; he stated he has not had opportunity to look at petitions which they have stated are wrong. He asked council to take better look at the petitions and have second opinion because seems biased as he has had petitions turned down three times.

Mr. Swanson reviewed various inconsistencies in the petitions which Mr. Schneeweis turned in; ie., variations in wording for amendment to repeal 3/4% tax containing sections that refer to the 1% sales tax; that some petitions contained no heading, some signatures lack dates, some signatures do not have addresses, some are not residents of the city, no identification of a

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committee for petitioners amending the Home Rule Charter. Mr. Schneeweis stated if improper, he should be given opportunity to amend the petitions and also stated that circulators of petitions turned in affidavits. Mr. Swanson asked to see copies of affidavits of circulators, Mr. Schneeweis stated he turned in 4 to 6 different affidavits and stated he didn't keep copies of his petitions (does not have a complete set). Mr. Schneeweis could only locate and identify two affidavits. He also stated that some petitions did not contain heading but were in booklets, and that none of the petitions contained full detail of the Home Rule Charter amendment.

Upon call for the question and upon voice vote, the motion carried 9 votes affirmative.

#### APPROVE APPLICATION FOR COPS FAST FUNDING

Committee No. 2, Public Safety, reported having considered the matter of application for COPS FAST funding, and recommended to approve application for COPS FAST funding for three officers.

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

Council Member Sande stated she wished to clarify the motion; she reported that last Monday was the deadline for filing of the application, that committee voted in favor of that application to permit the police department to submit the grant application, however, City is not obligated to take funds or hire officers; hiring of three officers will be taken up at budget time.

Upon call for the question and upon voice vote, the motion carried 9 votes affirmative.

#### APPROVE RENEWAL OF 1997 TAXI LICENSES

Committee No. 2, Public Safety, reported having considered applications for renewal of taxi licenses for 1997 (Nodak Radio Cab Company and Grand Forks Taxi), and recommended to approve the applications.

It was moved by Council Members Ellingson and Sande that this recommendation be and is hereby approved. Carried 9 votes affirmative.

#### ACCEPT BIDS FOR POLICE VEHICLES

Committee No. 2, Public Safety, reported having considered the bids for police vehicles: 6 1997 police cars and 1 4x4 vehicle, and recommended to accept bids as follows: 6 police cars from Hansen Ford Sales & Leasing in the amount of \$118,530.00 less trade-in allowance of \$36,000 for a net bid of \$82,530; and 1 4x4 from Rydell Chevrolet in the amount of \$24,290 less trade-in allowance of \$10,800 for a net bid of \$13,490.00, and a total bid of \$96,020.00.

It was moved by Council Member Ellingson 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, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay":

none. Mayor Owens declared the motion carried.

RECEIVE AND FILE REQUEST FOR CITY TO ERECT  
FENCE ON LECLERC PROPERTY

Committee No. 3, Public Service, reported having considered the request for City to erect fence on (Warren) LeClerc property re. Davis junkyard problem, and recommended to receive and file.

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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 9 votes affirmative.

ACCEPT LOW BID FOR CHEMICALS (POLYPHOSPHATE)  
FOR WATER TREATMENT PLANT

Committee No. 3, Public Service, reported having considered the matter of chemical bids for 1997 for polyphosphate, and recommended acceptance of the low bid of Pristine Hydrochemical for 30 tons polyphosphate at \$1,255/ton.

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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BIDS FOR RECYCLING CONTAINERS

Committee No. 3, Public Service, reported having considered the matter of bids for recycling containers, and recommended not to open the bid submitted by Sanitation Products, Inc. which was submitted without required non-returnable sample container.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Committee No. 3, Public Service, reported having considered the bids for recycling containers, and recommended to accept the bid of Ameri-Kart Corp. in the amount of \$44.50 each for a total of \$17,800.00 for 400 recycling containers.

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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE LAND ACQUISITION FOR LIFT STATIONS  
#33 AND #38

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

southend wastewater pumping report (submitted December, 1996) and site acquisition for lift stations, and recommended to authorize land acquisition for site and access and to approve soil borings for Lift Stations #33 and 38, Project No. 4439.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

APPROVE ENGINEERING CONTRACTS FOR VARIOUS LIFT STATION REHAB PROJECTS

Committee No. 3, Public Service, reported having considered the matter of proposed engineering contract for rehab of lift stations, Lift Stations Nos.

33 and 38, Project No. 4439, and recommended to authorize entering into an agreement with Webster, Foster & Weston for engineering services for the design and bidding phases in an amount not to exceed \$105,742.00.

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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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the proposed engineering contract for rehab of Pump Station #29, 900 block of 7th Avenue South, Project No. 4591, and recommended to authorize entering into an agreement with Webster, Foster & Weston for engineering services for the design and bidding phases in an amount not to exceed \$19,274.00.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the proposed engineering contract for rehab of lift station, valve replacement at Washington and 17th Avenue south, and recommended to authorize entering into an agreement with Webster, Foster & Weston for engineering services for the design and bidding phases in an amount not to exceed \$17,424.00.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the matter of proposed engineering contract for rehab of Lift Station 7, Project No. 4332, and recommended to authorize entering into an agreement with Webster, Foster & Weston for engineering services for the design and bidding phases in an amount not to exceed \$19,174.00.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE ENGINEERING AGREEMENT FOR PROJECT  
NO. 4377, WATER RECLAMATION FACILITY EXPANSION

Committee No. 3, Public Service, reported having considered the matter of engineering agreement for Water Reclamation Facility Expansion, design and construction phases, Project No. 4377, and recommended to approve engineering agreement with Advanced Engineering & Environmental Services, Inc. in an amount not to exceed \$1,005,406.15.

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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT PROPOSAL FOR GEOTECHNICAL SERVICES  
FOR WATER RECLAMATION FACILITY EXPANSION  
PROJECT NO. 4377

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Committee No. 3, Public Service, reported having considered the matter of geotechnical services for Water Reclamation Facility Expansion Project No. 4377, and recommended that we accept proposal of Maxim Technology, St. Paul, MN, open the fee proposal and authorize negotiation of scope of services and fees.

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, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE  
CALL FOR BIDS, SIDEWALK PROJECT NO. 4571

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4571, 1997 sidewalk repair, and recommended approval of plans and specifications for sidewalk repair and authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE

CALL FOR BIDS, PROJECT NO. 4572, 1997 CONCRETE  
STREET REPAIR

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4572, 1997 concrete street repair, and recommended approval of plans and specifications and authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE  
CALL FOR BIDS, PROJECT NO. 4573, 1997 ASPHALT  
STREET REPAIR

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4573, 1997 asphalt street repair, and recommended that we approve plans and specifications, and authorize call for bids.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS, PROJECT  
NO. 4556, STORM SEWER IN RIVERS EDGE  
SUBDIVISION UNDER PRIVATE CONTRACT

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4556, storm sewer in Rivers Edge Subdivision, installation under private contract, and recommended to approve plans and specifications, contingent upon engineer's review.

It was moved by Council Members Beyer and Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

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ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
SIDEWALK PROJECT NO. 4468, DISTRICT NO. 12

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4468, District No. 12, sidewalks in Landeco 2nd Resubdivision, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Beyer introduced the following resolution creating the

assessment district, which was presented and read: Document No. 7177 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SIDEWALK PROJECT  
NO. 4468, DISTRICT NO. 12

The city auditor presented and read the engineer's report on Sidewalk Project No. 4468, District No. 12: Document No. 7178 - Report.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this report be and is hereby approved. Carried 9 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS,  
SIDEWALK PROJECT NO. 4468, DISTRICT NO 12

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7179 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 9 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
SIDEWALK PROJECT NO. 4617, DISTRICT NO. 16

Committee No. 3, Public Service, reported having considered the matter of creating assessment district for Sidewalk Project No. 4617, Sidewalk District No. 16, in easement in Landeco Addition, Block D and Washington Estates Resubdivision, Block 1) from 38th Avenue South east to existing sidewalk, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Members Beyer and Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Beyer introduced the following resolution creating the assess-

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ment district, which was presented and read: Document No. 7180 -

Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SIDEWALK PROJECT NO.  
4617, DISTRICT NO. 16

The city auditor presented and read the engineer's report on Sidewalk Project No. 4617, District No. 16: Document No. 7181 - Report.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this report be and is hereby approved. Carried 9 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS,  
SIDEWALK PROJECT NO. 4617, DISTRICT NO. 16

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7182 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 9 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
SIDEWALK PROJECT NO. 4593, DISTRICT NO. 15

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4593, District No. 15, sidewalks in Sun Land West 1st Resubdivision, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 7183 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SIDEWALK PROJECT  
NO. 4593, DISTRICT NO. 15

The city auditor presented and read the engineer's report for Sidewalk Project No. 4593, District No. 15: Document No. 7184 - Report.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this report be and is hereby approved. Carried 9 votes affirmative.

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ADOPT RESOLUTION TO PREPARE PLANS AND  
SPECIFICATIONS, SIDEWALK PROJECT NO. 4593,  
DISTRICT NO. 15

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7185 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 9 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,  
SIDEWALK PROJECT NO. 4612, DISTRICT NO. 14

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4612, District 14, sidewalks in Garden View Estates, and recommended that we adopt resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 7186 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SIDEWALK PROJECT  
NO. 4612, DISTRICT NO. 14

The city auditor presented and read the engineer's report for Sidewalk Project No. 4612, District No. 14: Document No. 7187 - Report.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this report be and is hereby approved. Carried 9 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS, SIDEWALK PROJECT NO. 4612, DISTRICT NO. 14

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7188 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 9 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT, SEWER PROJECT NO. 4562, DISTRICT NO. 379

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4562, District No. 379, storm sewer on 11th Avenue South from Duke Drive to South 34th Street, and recommended that we adopt a resolution creating the assessment district,

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approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Beyer introduced the following resolution creating the assessment district, which was presented and read: Document No. 7189 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SEWER PROJECT NO. 4562, DISTRICT NO. 379

The city auditor presented and read the engineer's report for Sewer Project No. 4562, District No. 379: Document No. 7190 - Report.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this report be and is hereby approved. Carried 9 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND SPECIFICATIONS,  
SEWER PROJECT NO. 4562, DISTRICT NO. 379

Council Member Beyer introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7191 - Resolution.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 9 votes affirmative.

AUTHORIZE ENTERING INTO AGREEMENT TO  
ALLOW ENCROACHMENT INTO CITY R/W ON NORTH  
42ND STREET FOR UND PEDESTRIAN SKYWAY

Committee No. 3, Public Service, reported having considered the request to encroach into City right of way on North 42nd Street for UND pedestrian skyway, and recommended to authorize entering into agreement with the University of North Dakota contingent upon city engineer's and city attorney's review.

It was moved by Council Member Beyer and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 9 votes affirmative.

AUTHORIZE FINAL PAYMENT FOR CITY'S SHARE OF  
UND AREA STORM WATER STUDY

Committee No. 3, Public Service, reported having considered the matter of billing for City's share of UND area storm water study, and recommended to authorize final payment in the amount of \$4,804.51 to the University of North Dakota.

It was moved by Council Member Beyer and seconded by Council Member Hafner  
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that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

REJECT BIDS FOR PAYLOADER, AND AUTHORIZE  
REBIDDING OF THE EQUIPMENT

Committee No. 3, Public Service, reported having considered the matter of bids for payloader, and recommended to reject all bids, rewrite specs. and rebid the equipment.

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

Hafner that this recommendation be and is hereby approved.

Council Member Beyer reported to the committee that this recommendation was coming from the committee with a 2-2 split vote, that other members of the committee felt that the low bid could not service equipment as well as second low bidder; however, this equipment used primarily for snow removal, wouldn't receive delivery until mid-March at the earliest, and best thing to do is rebid. She also stated that service and life cycle of equipment not in the specs.; and that in the future there will be one individual in the public works department who will be writing all equipment specs. Council Member Hafner agreed, that committee shouldn't have to listen to sales pitch, that should be done by department heads.

Mr. Swanson advised that on purchase of product City has discretion to determine lowest and best bid, City could interpret issues such as service, downtime, etc. but cannot discriminate because bidder within city limits but on rational basis.

Paul Sandstrom, RDO Equipment, second low bidder of the equipment, felt that to rebid would cause delay, opens City up to price increase, that their equipment has higher resale price, and offer better service of equipment, and asked council to reconsider bid.

Harry Anderson, Krider Equipment, stated he helped write specs., that he took SAE test forms, which are impartial and show production numbers, horsepower, etc. on every loader, that follow those won't have anyone who can't bid, that the City did that, and that is why there is statement in cover specs. that if bidder has to take exceptions, to put in writing. He stated that if they are going to spec. out bidders from out of town, will end up with only one bidder, no competition. He also stated that if rebid, no changes in his bid.

Jim Eck, Butler Machinery, 5512 Belmont Road, stated that specs. poorly written, and City shouldn't buy anything until bid straightened out.

After further discussion, upon call for the question and upon voice vote, the motion carried 9 votes affirmative.

TABLE MATTER OF ONCE A WEEK GARBAGE COLLECTION  
UNTIL FEBRUARY 3, 1997

Committee No. 3, Public Service, reported having considered the matter of once a week garbage collection (winter only), and recommended that the City move to once a week garbage collection, look at four ten hour days for employees, and implement as soon as reasonably possible.

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

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Council Member Ellingson reported he had received number of calls relative to this item, that he believes going to once week garbage collection is a

mistake, especially since not going to be charging the citizens less for less service, that the city has grown steadily and have not added additional employees, that they tend to give lot of money to other things, economic development which is very important but if not going to supply essential services, it's a mistake. He has concern about injuries, both to employees and to residents who have to carry garbage to berm if don't have alley. He stated he thought there would be more garbage blowing around if go to once week pickup. He urged council to keep service as is.

Council Member Carpenter stated not sure this is beneficial to the city, that this is saving money by cutting service, not by becoming more efficient, nor more effective. He stated that there is something that if they want to become more efficient and reduce sanitation rates, would be to eliminate curbside recycling which is an extremely inefficient way of doing recycling. He stated he has concerns that if they do this, won't see savings, as well as concerns re. cutting employees; sees lot of negatives.

Council Member Beyer spoke in favor of the motion, that residents won't see savings on their bill, but when looked at overall picture, save \$224,000, which is cost of a payloader or 3 full time salaried employees with benefits eliminate employees through attrition; that with growth of city are going to have to increase even with once week pickup. She stated that once week pickup can be done, residents would have same pickup day each week, and Vern's Refuse stated they could probably coordinate recycling with pickup day; and suggested doing as pilot program and if problem go back.

Council Member Hamerlik stated that before doing should have more definite plan, when need more equipment, when have attrition, when need more people, etc. and was moved by Council Member Hamerlik and seconded by Council Member Hafner that we table this matter until the next meeting (February 3, 1997). Council Member Hafner seconded the motion.

Susan Dahl, Springbrook Court, spoke in favor of once a week garbage collection.

Upon call for the question the motion carried 8 votes affirmative; Council Member Polovitz voting against the motion to table.

#### AUTHORIZE ALLOCATION OF 1996 HOME FUNDS

Committee No. 4, Urban Development, reported having considered the matter of 1996 HOME funds, and recommended allocation of \$356,227.00 to the following projects: Phase A (Cherry Heights) Project, \$65,000; Continental Homes Renovation, \$150,000; and Affordable rental housing, \$141,227.

It was moved by Council Member Polovitz and seconded by Council Member Ellingson that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Carpenter, Sande, Beyer, Babinchak, Hafner - 9; voting "nay": none. Mayor Owens declared the motion carried.

COUNCIL MEMBER HAMERLIK EXCUSED

INTRODUCE ORDINANCE TO AMEND ZONING MAP  
TO INCLUDE WITHIN B-3 (GENERAL BUSINESS)  
DISTRICT PORTION OF BLOCK N, BUDGE &  
ESHELMAN'S 2ND ADDITION

The Planning and Zoning Commission reported having considered the matter  
of  
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the request from Cliff Coss for preliminary approval of an ordinance to  
amend the Zoning Map to exclude from the R-4 (Multiple-Family Residence,  
High Density) District and to include within the B-3 (General Business)  
District, Lots 1, 3, 5, 7, 9, 10, 11 and 12, Block N, Budge and  
Eshelman's 2nd Addition to the city of Grand Forks, North Dakota (located  
between University Avenue and 2nd Avenue North and between North 12th  
Street and North Washington Street), and recommended preliminary approval  
of the ordinance amending the zoning map, to introduce the ordinance and  
to set the date of the public hearing for February 18, 1997.

It was moved by Council Members Polovitz and Ellingson that this  
recommendation be and is hereby approved. Carried 8 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to  
amend the Zoning Map of the city of Grand Forks, North Dakota, to rezone  
and exclude from the R-4 (Multi-Family Residence, High Density) District  
and to include within the B-3 (General Business) District, Block N, Lots  
1, 3, 5, 7, 9, 10, 11 and 12, Budge and Eshelman's 2nd Addition, Grand  
Forks, North Dakota", which was presented, read and passed on its first  
reading.

GRANT PRELIMINARY APPROVAL TO DANKS PUD,  
DETAILED DEVELOPMENT PLAN, AUROA, LOTS 4,  
11 AND 12, BLOCK 1, DANKS SECOND RESUBDIVISION

The Planning and Zoning Commission reported having considered the matter  
of request from CPS, Ltd. on behalf of the Grand Forks City Events Center  
Core Committee for preliminary approval of Danks PUD (Planned Unit  
Development), Detailed Development Plan, Aurora, Lots 4, 11 and 12, Block  
1, Danks Second Resubdivision, Grand Forks, North Dakota (located between  
South 42nd Street and I-29 and between DeMers Avenue and 17th Avenue  
South), and recommended preliminary approval subject to special  
conditions shown on or attached to the review copy.

It was moved by Council Members Polovitz and Ellingson that this  
recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE PLANNING AND ZONING COMMISSION'S  
APPOINTMENT TO GRAND FORKS/EAST GRAND FORKS  
METROPOLITAN PLANNING ORGANIZATION

The Planning and Zoning Commission reported having considered the matter  
of appointment of Planning and Zoning representative to the Grand Forks-  
East Grand Forks Metropolitan Planning Organization (GF-EGF MPO), and  
recommended the reappointment of Clarence Nikle for the years 1997-98.

It was moved by Council Members Polovitz and Ellingson that this

recommendation be and is hereby approved. Carried 8 votes affirmative.

APPROVE SELECTION OF MONEY MANAGER FOR  
CITY'S DEFINED CONTRIBUTION PLAN

The Pension and Insurance Committee reported having considered the matter of Defined Contribution Plan Money Manager selection, and recommended that the council contract with Merrill Lynch to serve as the money manager for the Defined Contribution Pension Plan subject to review of the contract terms by Howard Swanson, city attorney, and that the City pay the external operating expenses of the plan for the next five years.

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

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Carpenter, Sande, Beyer, Babinchak, Hafner - 8; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE APPOINTMENT TO BUS COMMITTEE

Mayor Owens announced the appointment of Victoria Machovsky as driver representative to the Bus Committee for a one year term and asked for concurrence in this appointment. It was moved by Council Member Ellingson and seconded by Council Member Hafner that this appointment be and is hereby approved. Carried 8 votes affirmative.

COUNCIL MEMBER HAMERLIK REPORTED BACK

INFORMATION RE. EMERGENCY AND NATURAL DISASTER  
DECLARATION

Mayor Owens stated as a matter of information for the council that a declaration of emergency and natural disaster had been signed pursuant to provisions of the Grand Forks City Code Section 2-0104 and that a local emergency and natural disaster exists as a result of the severe winter weather. She also stated that President Clinton has declared the State of North Dakota as a disaster area in view of snow storms, etc. and this would be in line with County, and will be applying for the funding.

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to council for referral to committee as required.

- 1) Council Member Sande reported that the public safety committee would be meeting on the Saturday following the council meeting during the legislative session, at 8:00 a.m.
- 2) Council Member Beach commented on parking situation around public

schools, that council responsive to concerns of parents, that police department has done good job of enforcing speed limits, that along most of the street adj. to elementary school, there is no parking on one side of the street, however, cars are being parked along both sides of street when children being picked up and that parents should also be responsive. It was suggested that the police department and mayor's office handle this matter.

3) Council Member Beyer suggest that crosswalk areas at schools should be cleared of snow; the public works department will look at this.

4) City Engineer Ken Vein reported that Corps of Engineers will be holding an open house relative to phase 3 of the flood study, that this is a 5 phase process. He stated that notices sent out to everyone in 100-year flood plain; that a ring dike around city has been proposed as best option and urged citizen participation; and that any protests should be put in writing.

ADJOURN

It was moved by Council Member Ellingson and seconded by Council Member Hamerlik that we do now adjourn. Carried 9 votes affirmative.

Respectfully submitted,

John M. Schmisek  
City Auditor

Approved:

Patricia A. Owens, Mayor