

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
February 3, 1997**

**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, February 3, 1997 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, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; absent: Council Member Glassheim - 1.

Mayor Owens welcomed Boy Scout Troop 12 from Sharon Lutheran Church, and Scout Master Don Schempp and Leader Andy Hoffarth.

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

PRESENTATION OF CERTIFICATE TO FINANCE DEPARTMENT

Mayor Owens presented a Certificate of Achievement for Excellence in Financial Reporting from Government Finance Officers Association and a plaque to the finance department staff for year ending December 31, 1995, and stated this is the tenth consecutive year that the department has received recognition.

COUNCIL MEMBER ELLINGSON REPORTED PRESENT

**APPROVE MINUTES DECEMBER 23, 1996 AND
JANUARY 6 AND 21, 1997**

Typewritten copies of the minutes of the special meeting of the council held on December 23, 1996 and of the regular and adjourned meetings of the council held on January 6 and 21, respectively, were presented and read.

Council Member Hamerlik stated that on page 14777 of the minutes of January 21, 1997 relative to the matter of once a week garbage pickup, his motion to table until the next meeting was to include language that before doing anything they should have a more definite plan and that the minutes should be changed so that the plan is made available prior to taking off the table.

The city auditor read the transcript of the minutes relative to the motion.

It was moved by Council Member Ellingson and seconded by Council Member Hanson that the minutes of January 21, 1997 be amended to include as a part of Council Member Hamerlik's motion to table until the next meeting the matter of once a week garbage pickup to include "...to see if we can get more definite plans before that time." Carried 13 votes affirmative.

It was moved by Council Member Ellingson and seconded by Council Member Hanson that the minutes of December 23, 1996, January 6, 1997 and amended minutes of January 21, 1997, be approved. Carried 13 votes affirmative.

ADOPT ORDINANCE NO. 3632, RE. SALARY STEP
INCREASES BASED UPON PERFORMANCE EVALUATIONS

An ordinance entitled "An ordinance amending Grand Forks City Code Sections 6-0407 and 6-0408 relating to pay", 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.

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

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Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the ordinance adopted.

APPROVE BILLS

Vendor Payment Listing No. 97-01, dated February 3, 1997 and totaling \$640,937.43, all having been audited by the city auditor for payment in accordance with Regulation No. 2, was presented and read.

It was moved by Council Member Babinchak and seconded by Council Member Sande 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, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

AUTHORIZE PAYMENT OF INFRASTRUCTURE ON
32ND AVENUE SOUTH FOR PROPOSED FACILITY
FOR LONGVIEW FIBRE COMPANY

Committee No. 1, Finance, reported having considered the matter of infrastructures on 32nd Avenue South (area west of I-29 and east of RR tracks for proposed facility for Longview Fibre Company), and recommended to authorize City payment through infrastructure sales tax dollars and that tapping fees will be waived if it's primary sector business which purchases and locates on the property.

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

AUTHORIZE PURCHASE OF TAX DELINQUENT
PROPERTY FROM THE COUNTY

Committee No. 1, Finance, reported having considered the matter of purchase of tax delinquent property from the County: Lot B, Harty's Second Addition, and recommended to authorize purchase of this from the County for \$20.00.

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

APPROVE CHANGE IN JOB DESCRIPTION LICENSING
REQUIREMENTS FOR WATER PLANT EMPLOYEES

Committee No. 1, Finance, reported having considered the matter of job description licensing requirements (water plant operator IV) and water plant supervisor, and recommended to delete the CDL (commercial drivers license) licensing requirement from the job descriptions.

It was moved by Council Members Babinchak and Bakken that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE COMMITMENTS FOR FINANCIAL GUARANTY
INSURANCE POLICY AND DEBT SERVICE RESERVE
FUND SURETY BOND FOR SALES TAX REVENUE BONDS
FOR AURORA PROJECT, SERIES 1997A

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Committee No. 1, Finance, reported having considered the matter of commitment for financial guaranty insurance policy, and recommended to approve agreement with MBIA for commitment to issue a financial guaranty insurance policy at 22 1/2 basis points, authorize the property City officials to execute the agreement, subject to final review by the city attorney.

Committee No. 1, Finance, reported having considered the matter of commitment for debt service reserve fund surety bond, and recommended to approve agreement with MBIA for commitment to issue a debt service reserve fund surety bond at premium payment of 1.95% of the total surety bond amount, authorize proper City officials to execute the agreement, subject to final review by the city attorney.

The Events Center Core Committee reported having considered the matter of bond sale, and recommended to endorse the action of the finance committee relative to the sale of the revenue bonds and the debt service reserve fund.

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

INTRODUCE ORDINANCE RELATING TO VARIOUS

FEES, CHARGES AND RATES FOR UTILITIES

Committee No. 1, Finance, reported having considered the matter of correction to Ordinance No. 3628, relating to various fees, charges and rates (for utilities), and recommended to introduce the ordinance for first reading.

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

Council Member Carpenter introduced an ordinance entitled "An ordinance amending Sections 13-0408 and 13-0502 of the Grand Forks City Code relating to various fees, charges and rates", which was presented, read and passed on first reading.

REFER MATTER OF APPLICATION FROM LONGVIEW
FIBRE COMPANY FOR FIVE-YEAR PROPERTY TAX
EXEMPTION BACK TO COMMITTEE

Committee No. 1, Finance, reported having considered the matter of tax exemption for Longview Fibre Company, and recommended to approve the 60% five-year exemption, subject to public hearing on march 17, 1997 and approval of annexation; and further recommended that we deem that there are no competitors to Longview Fibre Company and waive publication and notifications requirements.

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

The city auditor reported that since this property is outside the city limits at the present time, the council wouldn't be able to take action it, that the Development Foundation has informed him that the County is going to take action and grant the 60% five-year exemption, which would carry forward as that property comes into the city.

Howard Swanson, city attorney, recommended that the committee take this matter back for further process.

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Council Member Carpenter and Council Member Hamerlik asked that this matter be returned to committee.

APPROVE CHANGE IN CORPORATE NAME FOR JOHN
BARLEY-CORNE, 2800 SOUTH COLUMBIA ROAD

Committee No. 2, Public Safety, reported having considered the matter of 1997 alcoholic beverage license renewals, John Barley-corne, and recommended approval of the change in the corporate name from The Cattle Company, inc. to John Barley-corne, Inc.

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

Sande that this recommendation be and is hereby approved. Carried 13 votes affirmative.

REFER MATTER OF CHANGE IN STOP SIGNS ON 8TH AVENUE SOUTH AT WALNUT AND CHESTNUT STREETS BACK TO COMMITTEE

Committee No. 2, Public Safety, reported having considered the matter of opinion poll concerning stop sign changes on 8th Avenue South and 13th Avenue South at Walnut and Chestnut Streets, and recommended to approve switching stop signs at 8th and Walnut and 8th and Chestnut but not to make that change until the first of June, and to hold on any change in signing on 13th Avenue South intersections until a public meeting is held.

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

Council Member Sande and Council Member Ellingson asked that this item be returned to committee for further consideration.

DIRECT POLICE DEPARTMENT TO APPROACH PARK DISTRICT RE. PILOT PROGRAM RE. SNOWMOBILE RANGER

Committee No. 2, Public Safety, reported having considered the matter of enforcement of snowmobiling on city streets, and recommended that the police department approach the Park District with regard to a pilot program relative to a snowmobile ranger.

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

AUTHORIZE POLICE DEPARTMENT TO PROCEED WITH FIRING RANGE RETROFIT

Committee No. 2, Public Safety, reported having considered the matter of police department firing range retrofit (new air filtration system), and recommended to proceed with hiring Detroit Armor Corporation (sole source) and its representatives to proceed with the project.

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

AUTHORIZE RFQ FOR ARCHITECT FOR NEW FIRE STATION

Committee No. 2, Public Safety, reported having considered the matter of 14784
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request for RFQ for architect for new fire station at Columbia Road and 36th Avenue South.

It was moved by Council Member Ellingson and seconded by Council Member Sande affirmative.

APPROVE 1997 VEHICLE PURCHASE

Committee No. 3, Public Service, reported having considered the matter of bids for 1997 vehicle purchase, and recommended to accept bids as follows: Rydell Chevrolet: a) Engineering Department for compact pickup with extended cab in the amount of \$14,296.00, less trade of \$900.00, for net bid of \$13,396.00; b) Street Department for heavy-duty half ton pickup in the amount of \$14,888.00, less trade of \$600.00, for net bid of \$14,288.00; c) Water Department for heavy-duty half ton pickup in the amount of \$14,888.00, less \$3,200.00 for net bid of \$11,688.00; and Hansen Ford: a) Water Department for mid-size automobile in the amount of \$15,096.00, less trade of \$2,000.00 for net bid of \$13,096.00.

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, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

DECLARE ITEMS AT WATER TREATMENT PLANT
AS SURPLUS AND AUTHORIZE OFFERING FOR SALE

Committee No. 3, Public Service, reported having considered the matter of potassium permanganate resale from inventory at water treatment plant, and recommended to declare as surplus and to offer for sale.

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

AUTHORIZE CONTINUATION OF CONTRACT WITH RED
RIVER REGIONAL COUNCIL FOR SERVICES FOR 1997

Committee No. 3, Public Service, reported having considered the request from Red River Regional Council (District IV Solid Waste Management Board) for continuation of contract for services for 1997, and recommended to approve continuation of the contract until the siting process for the landfill is complete, and authorize funding for 1997 as follows: \$30,000 for contractual services and \$30,000 for projects with funding from excess carry-over in the sanitation department.

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, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CONTRACT NEGOTIATIONS AND AUTHORIZE
ENTERING INTO CONTRACT FOR ENGINEERING SERVICES

FOR MULTIPLE INTEGRATED MEMBRANE SYSTEM STUDY
AT WATER TREATMENT PLANT; AND AUTHORIZE HIRING
OF RESEARCH ASSISTANT

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

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contract negotiations with Advanced Engineering for membrane treatment study, and recommended that we authorize entering into agreement with Advanced Engineering & Environmental Services, Inc., in association with Malcolm Pirnie, Inc., for engineering services in connection with Phase I of the Multiple Integrated Membrane System Study at the Grand Forks Water Treatment Plant, for a lump sum amount of \$100,000.

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, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness -13; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered proposal to hire UND graduate student/research assistant to coordinate data, report preparation and for expendable supplies in conjunction with the Multiple Integrated Membrane System Pilot Study, Phase I, at the water treatment plant during the 1997 summer and fall terms, for the sum of \$15,000, and recommended to approve the proposal.

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

AUTHORIZE ENTERING INTO COST PARTICIPATION AND
MAINTENANCE AGREEMENT WITH NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION FOR LIGHTING PROJECT ON DEMERS
AVENUE, CITY PROJECT NO. 4531, STATE PROJECT NO.
SU-6-297(005)001, CONTINGENT UPON REVIEW OF CITY
ENGINEER AND CITY ATTORNEY

Committee No. 3, Public Service, reported having considered the matter of cost participation and maintenance agreement for Project No. 4531, street light modifications on DeMers Avenue from South 34th street to South 30th Street, North Dakota Department of Transportation Project No. SU-6-297(005)001 for luminaire lighting, est. cost of project \$8,745.00 with City's share estimated to be \$1,749.00, and recommended that we authorize proper City officials to enter into the agreement, contingent upon review and approval by the city engineer and the city attorney.

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, Ellingson, Hamerlik,

Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness

13; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT APPRAISAL AND AUTHORIZE PURCHASE OF
PROPERTY ON SOUTH WASHINGTON STREET FOR
PEDESTRIAN UNDERPASS WALKWAY

Committee No. 3, Public Service, reported having considered the matter of appraisal report for property acquisition for pedestrian underpass walkway between South Washington Street and South 12th Street, and South Washington Street and 23rd Avenue South extended, Freeberg and Uglen property at 2211 and 2301 South Washington Street, for and in consideration of the sum of \$7,950.00, and other good and valuable considerations, and recommended to accept appraisal and authorize purchase of the property for \$7,950.00.

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

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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,

Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness

13; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION APPROVING PLANS AND
SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS,
PROJECT NO. 4468, SIDEWALK DISTRICT NO. 12

The city engineer's estimate of total cost of the construction of sidewalks in Landeco 2nd Resubdivision in the amount of \$5,257.87, was presented and read.

Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4468, Sidewalk District No. 12, sidewalks in

Landeco 2nd Resubdivision, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7192 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Hagness that this resolution be and is hereby adopted. Carried 13 votes

affirmative.

ADOPT RESOLUTION APPROVING PLANS AND
SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS,
PROJECT NO. 4612, PEDESTRIAN ROUTE DISTRICT
NO. 14

The city engineer's estimate of total cost of the construction of a pedestrian route walkway in Garden View Estates in the amount of \$17,252.81, was presented and read.

Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4612, Pedestrian Route District No. 14, pedestrian route walkways in Garden View Estates, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7193 - Resolution.

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

ADOPT RESOLUTION APPROVING PLANS AND
SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS,
PROJECT NO. 4593, SIDEWALK DISTRICT NO. 15

The city engineer's estimate of total cost of the construction of sidewalks in Sun Land West 1st Resubdivision in the amount of \$3,825.93, was presented and read.

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Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4593, Sidewalk District No. 15, sidewalks in Sun Land West 1st Resubdivision, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7194 - Resolution.

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

Hagness that this resolution be and is hereby adopted. Carried 13 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS, PROJECT NO. 4617, SIDEWALK DISTRICT NO. 16

The city engineer's estimate of total cost of the construction of sidewalks in Landeco Addition and Washington Estates Resubdivision in the amount of \$2,247.00 was presented and read.

Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4617, Sidewalk District No. 16, sidewalks in Landeco Addition and Washington Estates Resubdivision, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7195 - Resolution.

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

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND ADVERTISEMENT FOR BIDS, PROJECT NO. 4562, SEWER DISTRICT NO. 379

The city engineer's estimate of total cost of the construction of storm sewer on 11th Avenue South from Duke Drive to South 34th Street in the amount of \$88,055.00, was presented and read.

Committee No. 3, Public Service, reported having considered the plans and specifications for Project No. 4562, Sewer District No. 379, storm sewer on 11th Avenue South from Duke Drive to South 34th Street, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

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

Council Member Hafner introduced the following resolution which was presented
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and read: Document No. 7196 - Resolution.

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

Hagness that this resolution be and is hereby adopted. Carried 13 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS FOR
PROJECT NO. 4575, 1997 ADA CURB RAMPS

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4575, 1997 ADA curb ramps, and recommended to approve plans and specifications and to authorize call for bids.

It was moved by Council Members Hafner and Hagness that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS FOR
WATERMAIN REPLACEMENT PROJECT NO. 4576

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4576, watermain replacement, and recommended to approve plans and specifications and to authorize call for bids.

It was moved by Council Members Hafner and Hagness that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE EASEMENT FOR STORM SEWER PROJECT
NO. 4560

Committee No. 3, Public Service, reported having considered the storm sewer easement and temporary construction easement for storm sewer, Storm Sewer Project No. 4560, to serve a portion of Garden View Estates Additions and others, located along 11th Avenue South between South 36th street and the English Coulee, for and in consideration of the sum of \$1.00 and other good and valuable considerations, grantor: The United Hospital, and recommended to approve the easement and that the proper City officials sign the easements.

It was moved by Council Members Hafner and Hagness that this recommendation be and is hereby approved. Carried 13 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
PAVING PROJECT NO. 4537, DISTRICT NO. 548

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Project No. 4537, District No. 548, paving 15th Avenue South, 3700 block, 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; that installed underground utilities be accepted in lieu of up-front monies; that we declare intent to sell bonds to finance these improvements; and further that the developer be allowed to install sidewalk at his cost in the easement (lying between Lots 19 and 20, Block 1, Johnson's 2nd Addition) contingent upon installation by July 15.

It was moved by Council Members Hafner and Hagness that this

recommendation be and is hereby approved. Carried 13 votes affirmative.

Council Member Hafner introduced the following resolution creating the assessment district, which was presented and read: Document No. 7197 -

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Resolution.

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

ACCEPT ENGINEER'S REPORT, PAVING PROJECT
NO. 4537, DISTRICT NO. 548

The city auditor presented and read the engineer's report for Sewer Project No. 4537, District No. 548: Document No. 7198 - Report.

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

ADOPT RESOLUTION OF NECESSITY, PAVING
PROJECT NO. 4537, DISTRICT NO. 548

Council Member Hafner introduced the following resolution of necessity, which was presented and read: Document No. 7199 - Resolution.

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

AUTHORIZE BEGINNING NEGOTIATIONS FOR
ACQUISITION OF LAND FOR SOUTHEND DRAINWAY
PHASES II AND III ALTERNATE ROUTING

Committee No. 3, Public Service, reported having considered the matter of Southend Drainway Phases II and III alternate routing, and recommended to authorize staff to begin negotiations for acquisition of the land for this routing.

It was moved by Council Members Hafner and Hagness that this recommendation be and is hereby approved. Carried 13 votes affirmative.

AUTHORIZE PURCHASE OF ADDITIONAL SALT
AND SAND

Committee No. 3, Public Service, reported having considered the matter of purchase of additional salt and sand, and recommended that we authorize expenditure of funds from the Emergency Fund for purchase of additional salt and sand.

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, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness
13; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE ENTERING INTO COST PARTICIPATION AND
MAINTENANCE AGREEMENT WITH NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION FOR BIKEWAY IMPROVEMENTS ALONG
SOUTH WASHINGTON STREET, CITY PROJECT NO. 4225.1,
STATE PROJECT NO. SU-6-081(036)942, CONTINGENT
UPON REVIEW OF CITY ENGINEER AND CITY ATTORNEY
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Committee No. 3, Public Service, reported having considered the matter of cost participation and maintenance agreement with the North Dakota State Department of Transportation for bikeway improvements along South Washington Street from Hammerling to 24th Avenue South, State Project No. SU-6-081(036)942, with estimated cost of asphalt surfacing of \$42,859 with City's estimated share of \$4,286.00, and total estimated cost for concrete surfacing of \$92,652.00, with City's estimated share of \$54,078.00; and recommended that we authorize proper City officials to enter into the agreement, contingent upon review and approval by the city engineer and city attorney.

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

Council Member Hagness reported that the City needs to enter into agreements with the State Highway Department on the South Washington Street project before the State will contribute money for these projects, that the strings attached are that the City takes over maintenance of all these projects, as well as DeMers Avenue and Gateway Drive, but the biggest concern with this project is the drainage area of the project, that City feels there should be larger system than the State has approved. He stated that they are calling for alternative bids to find out costs as the State has stated that they will not participate in cost in other than what they have designed (they have upgrade that by one size pipe) but there's no way that system can drain that area properly, that they have documented that (had second and third outside opinions) and State still won't participate. He stated there are other things in the project City has concern with - asphalt rather than concrete service roads and City taking alternative bids and City is committed to paying initial cost for the asphalt but any additional costs for concrete which the City feels is necessary would be picked up by assessments in that area.

Mr. Swanson stated he has number of concerns with regard to the proposed agreements by the North Dakota DOT, that Mr. Hagness alluded to some of those concerns; that there are two provisions in particular that are troublesome: the first one requires the City to indemnify the State for any negligent acts or omissions unless the State is more than 51% responsible for any damage, in which case the City still has indemnification requirements but not complete indemnification. He stated that given the apparent concern regarding drainage and the potential for a claim that the design is inadequate and council needs to be aware of that, that indemnification would not be covered under the City's coverage with the ND Insurance Reserve Fund unless we obtain a separate rider. He stated that in addition, the second provision in those agreements (and these agreements have changed in the last few months) requires the City to name the State as an additional insured under its coverage with the North Dakota Insurance Reserve Fund, the NDIRF will not do that without payment of additional premium. He stated that the City does not have a quote as to what those additional premium cost might be nor does it have quote as to what that additional costs on the rider might be. He stated he has drafted a memo to the engineering department raising some other issues with the agreement, but those are two issues that are of particular concern on this project in light of the facts that have led up to it; that in other projects less concern.

Council Member Hanson questioned whether the council should be taking action this evening. Council Member Hagness stated that this isn't new area and they have been aware of for some time on a lot of these particulars, and especially the size of the drainage pipe, that they have worked with the State to a point where there is no place else to go, that they need to take alternate bids and make decision at that time, that bid opening is February 21 and that we don't have any other options; that these protection clauses the State includes to hold them harmless as City does, but gets very frustrating on part of staff to justify need for change and then State doesn't agree. He stated to hold up this project any further could jeopardize funding or project.

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After further discussion and upon call for the question and upon roll call the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness
13; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE ENTERING INTO COST PARTICIPATION AND
MAINTENANCE AGREEMENT WITH NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION FOR SERVICE ROAD IMPROVEMENTS ON
SOUTH WASHINGTON STREET, PROJECT NO. 4225.1, STATE
PROJECT NO. SU-6-081(035)942, CONTINGENT UPON
REVIEW OF CITY ENGINEER AND CITY ATTORNEY

Committee No. 3, Public Service, reported having considered the matter of cost participation and maintenance agreement with the North Dakota State Department of Transportation for service road improvements on South

Washington Street from Hammerling to 24th Avenue South, State Project No. SU-6-081(035)942, with total cost of the project estimated at \$1,186,300 for asphalt surfacing, City's share \$237,260.00; and total cost of the project estimated at \$1,598,946 for concrete surfacing, City's share \$649,906.00, and recommended that we authorize proper City officials to enter into the agreement contingent upon review and approval by the city engineer and city attorney.

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, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness 13; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE ENTERING INTO COST PARTICIPATION AND MAINTENANCE AGREEMENT WITH NORTH DAKOTA DEPARTMENT OF TRANSPORTATION FOR RECONSTRUCTION OF SOUTH WASHINGTON STREET, CITY PROJECT NO. 4225.1, STATE PROJECT NO. SU-6-081(032)942, CONTINGENT UPON REVIEW AND APPROVAL BY CITY ENGINEER AND CITY ATTORNEY

Committee No. 3, Public Service, reported having considered the matter of cost participation and maintenance agreement with North Dakota Department of Transportation for Project No. 4225.1, paving (reconstruction) of South Washington Street from Hammerling to 24th Avenue South, State Project No. SU-6-081(032)942, with total cost of the project estimated to be \$5,234,889, with City's share estimated to be \$550,724, and recommended that we authorize proper City officials to enter into the agreement contingent upon review and approval by the city engineer and city attorney.

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, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE ONCE A WEEK GARBAGE COLLECTION

Committee No. 3, Public Service, reported having considered the matter of once a week garbage collection, 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 Hafner and seconded by Council Member Hagness that this recommendation be and is hereby approved.

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Council Member Hagness reviewed background history of this items, and stated that there are recognized savings (est. savings of \$205,000/yr.); that by implementing once a week garbage pickup the department could downsize from 8.5 trucks to 6.5 and from 17 employees to 13 employees, that rates just went to \$8.90/mo. and could go back to the \$8.00/mo. rate, and this also is way to start better recycling program. He stated that if the City goes to side-load pickup, savings would double on another step in the future. He stated that garbage pickup would be made on same date of the week for all residential pickups. He stated other benefits would be less wear and tear on vehicles, less part-time help and benefits, better recycling program for the citizens of the city, state and country. He stated that with all the EPA regulations, it's only going to get more difficult to comply unless have program that starts it now.

Several of the council members questioned whether this should be a pilot program, questioned whether this would increase recycling.

Christi Stonecipher, recycling coordinator, reported that in any research or studies she has seen there has not been any correlation between recycling rate and number of pickups, that usually when a city implements once a week garbage pickup it is because at the same time they are implementing volume based or unit based garbage fees and that usually does have an impact. She stated that in EPA report she read there is usually 8-13% increase by weight in recycling or composting when unit based pricing implemented.

Council Member Carpenter stated he was not convinced city should go to once a week pickup, should look at unit pricing and recycling methods first that would justify once week pickup; concern about budget savings, need to let residents see impact. He stated that several questions came up re. pickup at daycare centers re. diaper disposal, number of condo assns. that are opposed and that these issues should be addressed. He stated they need to look at unit base pricing, that curbside recycling is extremely inefficient and costly, and doesn't think this will increase recycling.

Council Member Ellingson also opposed change in pickup, that city is growing and didn't see how they could reduce number of employees or vehicles.

Council Member Hamerlik stated that the minutes now reflect that we have to have a plan, and we don't have one; shouldn't implement and then try to figure out what savings are going to be. He stated that he would like to raise the question since they had motion last time to have plan in front of them and don't have that plan for this meeting, and there wouldn't be a vote. Council Member Hagness stated that this board sets policy, and staff would then set plan and do management of that plan.

Charles Grotte, asst. director of public works, stated they are tentatively looking at an effective date of May 1, which would coincide with start of yard waste pickup. He reported that through current vacancies, transfers and potential retirements the four positions could very well be vacant by the end of the year. He noted that there would be some savings by the first of May because of the two vacancies which would not be filled, and other two employees used for yardwaste collection through October and possibly have positions open because of retirements.

After further discussion Council Member Hamerlik asked for point of order and that he was referring to the minutes of the last meeting that were corrected earlier this evening where they deferred action to this meeting that they have a plan in front of them, the meeting is here and the plan is not, therefore, not sure they were even able to vote on it at this particular time.

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Mr. Swanson, city attorney, stated he was not sure he was able to address it because his motion, as amended, or at least the minutes technically should be treated as a motion to table indefinitely, not as a motion to table to a certain date or your next meeting; if the body wishes to decide whether you are going to act on it tonight, his recommendation is to that they pass a motion tonight to remove it from the table to clarify any ambiguities that the original motion had, if that motion passes it is before council to act on it. He stated that given the fact that the original motion is inconsistent, he didn't think he could rule that it was out of order on this agenda.

It was moved by Council Member Hagness and seconded by Council Member Beyer to remove this matter from the table. Carried 11 votes affirmative; Council Members Hamerlik and Carpenter voted against the motion.

It was then moved by Council Member Hamerlik that the council pass a motion that we intend to go to once week pickup providing that an agreeable plan is submitted to us by the city administration. Council Member Carpenter seconded the motion.

Council Member Sande asked Council Member Hamerlik to define an agreeable plan. Council Member Hamerlik stated that an agreeable plan would be one that passed the council 8 to 6 or better, he stated he didn't intend that council draw it up but send back to them for a plan. He stated he has a problem voting on something where they don't know where the savings is, when start, etc.

Upon call for the question on the amendment and upon voice vote, the motion was defeated.

Upon call for the question on the original motion and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hanson, Carpenter, Sande, Klave, Beyer, Bakken, Hafner, Hagness - 10; voting "nay": Council Members Ellingson, Hamerlik, Babinchak - 3. Mayor Owens declared the motion carried.

APPROVE ALLOCATION OF FUNDING FOR 1997
BEAUTIFICATION PROGRAM BUDGET

Committee No. 4, Urban Development, reported having considered the matter of allocation of funding and approval of 1997 Beautification Program budget, and recommended that we allocate funding as follows: #1 City

Planning Office, Box Elder tree removal, \$2,500; #2 UND Plant Services, tree planting-DeMers Ave./I-29), with project confined to area along I-29, \$8,742; #3 North Valley Arts Council, Beautification of alleyway between Empire Arts Center and Lander Building, \$15,000; #4 GF Central Business Dist. Assn., Celebrate the Season, \$-0-; #5 GF Development Corporation, Industrial Park trees, \$3,500; #6, GF Senior Citizens Center, landscaping, \$1,000; #7 GF Central Business Dist. Assn., avenue banners, \$3,000; #8 GF Central Business Dist. Assn., bridge lot parking monument, \$-0-; #9 GF Street Department, 7th Avenue South screening, \$3,615.00; #10 GF Park District, Adopt an Area Program, \$7,500; #11 GF Park District, S. 34th Street tree planting, \$-0-; #12 GF Park District, Gateway Drive West tree planting, \$8,760; #13 GF Park District, West 32nd Avenue South tree planting, \$3,000; #14 GF Central Business Dist. Assn., City Hall art, \$2,500; #15 GF Historic Preservation Commission, historic pavers/downtown sidewalks (that \$500 be allocated towards the Charles Thurber plaque, that there be appropriate coordination with the students of Central High School, and with the Historic Preservation Commission and River Forks Commission to review the wording of the plaque), \$3,833; #16 ND Museum of Art, public art, \$-0-; #17 Grand Forks Homes, Inc., elderly park, \$1,500; #18 GF Beautification Committee, Spring Clean-up Day, \$800; and #19 Office of Urban Development, Sorlie Bridge flags, \$2,000; for a total of \$67,250.

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

Mrs. Audra Kutz-Behl, English instructor at Central High School of sophomore English and public speaking; and three students: Katie Welsh, 15 years old; Miranda Spoor, 16 years old; and Jason Newton, 17, each made statement relative to their proposed project which relates to an event in the history of Grand Forks and which took place in 1882 - to erect plaque near the railroad bridge to memorialize Charles Thurber, a black man who was accused of rape and lynched without due process of law.

Council Member Beyer stated that she had been on the Chamber Beautification Committee that reviews applications, that the Park District used to be major recipient of funds for tree planting, etc. and that it's time to get more artwork in the city; that she likes the idea of monument and would like to see them look at more things like that in the future. Council Member Polovitz stated that the committee agrees that they need more systematic approach to art, and discussed forming of a committee to look at public art, but that he is not sure beautification funds meant for art, perhaps should include in city budget. He also noted that \$500 of the Historic Preservation Commission allocation had been ear-marked for the Charles Thurber project.

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

REPORT FROM EVENTS CENTER CORE COMMITTEE

Council Member Carpenter reported that the committee will be meeting on this week looking at final costs, time frames, etc., and that there will

be special meetings of the council on February 11 and 13 relating to sale of bonds and approval of bids for Phase I and plans and specifications for Phase II.

APPROVE RFP FOR TESTING AND INSPECTION
SERVICES FOR EVENTS CENTER PROJECT

The Events Center Core Committee reported having considered the matter of issuing a Request for Proposals for testing and inspection services, and recommended approval of the matter of issuing a Request for Proposals for testing and inspection services.

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

APPROVE ELIMINATION OF LIQUIDATED DAMAGES
CLAUSE FROM ALL CONTRACTS FOR THE AURORA

The Events Center Core Committee reported having considered the matter of liquidated damages, and recommended that liquidated damages be eliminated from all contracts for The Aurora.

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

APPROVE APPOINTMENT TO CENTRAL BUSINESS
DISTRICT AUTHORITY

Mayor Owens announced the appointment of Council Member Hafner to the Grand

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Forks Central Business District Authority for a three-year term which will expire in February of the year 2000, and asked for concurrence in this appointment.

It was moved by Council Member Hagness and seconded by Council Member Ellingson that we do hereby approve this appointment. Carried 13 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 293, dated February 3, 1997, and totaling \$540,682.01, was presented and read.

It was moved by Council Member Carpenter and seconded by Council Member Beyer that these estimates be and are hereby approved and that the city auditor be and is hereby authorized to issue warrants in payment of the same. Upon roll call vote the following voted "aye": Council Members Beach, Polovitz, Ellingson, Hamerlik, Hanson, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to the council and/or referred to committee for consideration.

- 1) Council Member Carpenter presented the matter of volume-based pricing for garbage pickup, and the matter was referred to the public service committee.
- 2) Council Member Carpenter presented the matter of consideration of curbside recycling or other methods encouraging recycling, which was referred to the public service committee.
- 3) Council Member Carpenter presented the matter of budget amendments to reflect decision for once a week garbage pickup for the sanitation budget, which was referred to the finance committee.
- 4) Council Member Carpenter presented the matter of sanitation rates, which was referred to the finance committee.
- 5) Council Member Polovitz presented the matter of exploring the establishment of art commission, which was referred to the urban development committee.
- 6) City Attorney Swanson reported that council adopted ordinance this evening which implemented performance evaluations rather than step increases based upon an anniversary date; however, it is not clear how those performance evaluations will be utilized as it relates to salary, when and how implemented; and that the council, in one of its committees, is going to have to establish implementation policies and procedures appropriate to implement and put into effect the performance evaluations. He stated they eliminated the automatic step increase and replaced with performance evaluations. The matter was referred to the budget committee which is comprised of the four committee chairs.
- 7) Council Member Klave presented the matter of complaints re. airport security ticketing vehicles parked in loading/unloading zones while driver picking up luggage; the matter was referred to the mayor's office.

AUTHORIZE ENTERING INTO AGREEMENT WITH MAXIM TECHNOLOGIES, INC. FOR GEOTECHNICAL SERVICES FOR WATER RECLAMATION FACILITY EXPANSION, PROJECT NO. 4377

Committee No. 3, Public Service, considered the matter of negotiation of scope of services and fees for geotechnical services for Water Reclamation Facility Expansion Project No. 4377 with Maxim Technologies, Inc., and recommended that 14796
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we accept negotiations with Maxim Technologies, Inc. and authorize entering into agreement in the amount of \$41,833.00.

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

ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Beach that we do now adjourn until Tuesday, February 18, 1997 at 7:30 o'clock p.m. Carried 13 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor
Approved:

Patricia A. Owens, Mayor