

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

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

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, March 3, 1997 at the hour of 7:30 o'clock p.m. with President Hagness presiding. Present at roll call were Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; absent: Council Members Beach, Polovitz, Glassheim, Carpenter - 4.

President Hagness 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 FEBRUARY 18, 1997

Typewritten copies of the minutes of the adjourned meeting of the city council held on Tuesday, February 18, 1997 were presented and read. It was moved by Council Member Hanson and seconded by Council Member Ellingson that these minutes be approved as read. Carried 10 votes affirmative.

ADOPT ORDINANCE NO. 3634, RELATING TO
MOVING A FRAMED BUILDING

An ordinance entitled "An ordinance amending Section 19-0112 of the Grand Forks City Code relating to moving a framed building", which had been introduced and passed on its first reading on February 18, 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 Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the ordinance adopted.

HOLD PUBLIC HEARING, DETERMINE INSUFFICIENCY
OF PROTEST, AND ADOPT RESOLUTION AUTHORIZING
ISSUANCE OF SEWER RESERVE REVENUE BOND, SERIES
1997B TO FINANCE THE UNDERTAKING OF AN EXPANSION
AND IMPROVEMENT OF THE MUNICIPAL SEWERAGE UTILITY

The acting deputy auditor reported that the notice to the public that the City proposes to construct a sewer system improvement (design and construction of activated sludge mechanical wastewater treatment plant, including screening, grit removal basins for phosphorus reduction, nitrification and denitrification and BOD reduction, clarification and sludge storage, and including a pilot study for the ultimate goal of co-composting sludge with organic solid wastes), that the estimated cost of the improvement is \$13,700,000, and that the City proposes to issue bonds to defray the estimated cost by adoption of a resolution authorizing the issuance of bonds and including a provision for a reserve fund, and that written protests against the issuance of such bonds must be filed in the office of the city auditor within twenty days after the publication of the notice and determination of sufficiency or insufficiency of protest

would be made at its March 3, 1997 meeting, had been published as required; and further that no protests had been filed with the city auditor's office.

President Hagness called for the public hearing; there were no comments and President Hagness declared the hearing closed.

It was moved by Council Member Babinchak and seconded by Council Member Hafner that we declare an insufficiency of protest against the issuance of said

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bonds. Carried 10 votes affirmative.

Committee No. 1, Finance, reported having considered the matter of the resolution authorizing issuance of \$13,700,000 Sewer Utility Revenue Bonds, Series 1997B, and recommended adoption of the resolution.

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

Council Member Hafner introduced the following resolution and moved its adoption, which motion was seconded by Council Member Hanson: Document No. 7239 - Resolution.

Upon vote being taken thereon, the following voted in favor thereof: Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; and the following voted against the same: none; whereupon the resolution was declared duly passed and adopted.

HOLD PUBLIC HEARING, DETERMINE INSUFFICIENCY
OF PROTEST AND POSTPONE ACTION ON RESOLUTION
AUTHORIZING ISSUANCE OF WATER RESERVE REVENUE
BOND, SERIES 1997C, TO FINANCE THE IMPROVEMENT OF
THE MUNICIPAL WATER UTILITY, UNTIL APRIL 7, 1997

The acting deputy auditor reported that the notice to the public that the City proposes to construct a water system improvement (design and construction of waterline and lift station to serve the Grand Forks Air Force Base), that the estimated cost of the improvement is \$2,027,650, and that the City proposes to issue bonds to defray the estimated cost by adoption of a resolution authorizing the issuance of bonds and including a provision for a reserve fund, and that written protests against the issuance of such bonds must be filed in the office of the city auditor within twenty days after the publication of the notice and determination of sufficiency or insufficiency of protest would be made at its March 3, 1997 meeting, had been published as required; and further that no protests had been filed with the city auditor's office.

President Hagness called for the public hearing; there were no comments and President Hagness declared the hearing closed.

It was moved by Council Member Babinchak and seconded by Council Member Ellingson that we declare an insufficiency of protest against the issuance of said bonds. Carried 10 votes affirmative.

It was moved by Council Member Hafner and seconded by Council Member Sande to continue action on the resolution authorizing issuance of the bonds until April 7, 1997. Carried 10 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 97-03, dated March 3, 1997 and totaling \$562,206.68, all having been audited by the city auditor for payment in accordance with Regulation No. 2, was presented and read.

It was moved by Council Member Hanson and seconded by Council Member Klave 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 Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the bills ordered paid.

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AUTHORIZE ENTERING INTO LEASE FOR
PROPERTY
AT 24 SOUTH 3RD STREET

Committee No. 1, Finance, reported having considered the matter of lease of City-owned building in City Center Mall, and recommended that we authorize entering into a lease with Clayton Zeller for property at 24 South 3rd Street at \$610.00/month based on a three-year lease.

It was moved by Council Member Bakken and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

APPROVE BUDGET AMENDMENT

A request for budget amendment to fund prior year's encumbrances in the amount of \$2,769,973.09, was presented to the council. It was moved by Council Member Bakken and seconded by Council Member Babinchak that this budget amendment be approved. Carried 10 votes affirmative.

REFER MATTER OF PROPOSED ORDINANCE RE.
TRAFFIC SIGNAL PREEMPTION SYSTEM BACK TO
COMMITTEE

Committee No. 2, Public Safety, reported having considered the request from United Hospital Ambulance Service for use of opticom system city-wide, and recommended an amendment to the ordinance to permit various entities to use opticom system city-wide and to introduce for first reading.

It was moved by Council Member Ellingson and seconded by Sande that this

recommendation be and is hereby approved.

Council Members Sande and Ellingson requested that this matter be referred back to committee for further consideration.

AUTHORIZE INSTALLATION OF YIELD SIGNS
ON CHESTNUT STREET AND 49TH AVENUE SOUTH

Committee No. 2, Public Safety, reported having considered the matter of yield signs at 49th Avenue South and Chestnut Street, and recommended installation of yield signs on Chestnut Street for westbound traffic and on 49th Avenue South for eastbound traffic.

It was moved by Council Member Ellingson and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 10 votes affirmative.

ACCEPT BIDS FOR MOSQUITO CONTROL CHEMICALS
AND EQUIPMENT

Committee No. 2, Public Safety, reported having considered the matter of bids for mosquito control chemicals and equipment, and recommended acceptance of chemical bids from Cornbelt Chemical Company for various chemicals used in mosquito control program with the exception of mineral oil which will be purchased locally, and that the bids are in line with an average increase of 2-5%; to lease two used pickups (1990 or newer) from Rydell Chevrolet for \$410/mo.; to negotiate with Rydell's to purchase 1994 or newer four-wheel drive pickup with budget range of \$15,500; and to lease a Kawasaki Mule from Acme Electric at \$450/mo. for 3 1/2 months during the 1997 season.

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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 Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

APPROVE AGREEMENT WITH ND DEPARTMENT OF HEALTH
FOR GRANT AMENDMENT, RYAN WHITE COMPREHENSIVE
AIDS RESOURCES (CARE) CASE MANAGEMENT

Committee No. 2, Public Safety, reported having considered the matter of agreement with ND Department of Health: Ryan White Comprehensive AIDS Resources (CARE) Case Management grant amendment, \$3,000, and recommended approval of the amendment to the grant agreement.

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 Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

AUTHORIZE SALE OF SURPLUS FIRE TRUCKS

Committee No. 2, Public Safety, reported having considered the matter of disposition of surplus fire trucks, and recommended to authorize sale of the two fire trucks for \$1.00 per unit and to enter into agreements with the Thompson and Manvel fire departments.

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 Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

APPROVE BUDGET AMENDMENTS

A request for amendment to the police department budget in the amount of \$4,000.00 to reflect increase in revenues from Traffic Safety Grant, was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be approved. Carried 10 votes affirmative.

A request for amendment to the police department budget in the amount of \$8,000.00 to reflect unanticipated revenue from Narcotics Task Force Grant was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be approved. Carried 10 votes affirmative.

A request for amendment to the police department budget in the amount of \$250.00 to reflect contribution to gang suppression was presented and read. It was moved by Council Member Ellingson and seconded by Council Member Sande that this amendment be approved. Carried 10 votes affirmative.

AUTHORIZE ENCROACHMENT AGREEMENT WITH UNIVERSITY OF NORTH DAKOTA FOR SKYWALK ACROSS UNIVERSITY AVENUE, EAST OF PRINCETON STREET

Committee No. 3, Public Service, reported having considered the request for permission to construct skywalk across University Avenue, east of Princeton Street, and recommended approval of the request contingent upon encroachment agreement and approval by the city engineer and city attorney.

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It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

AWARD CONTRACT FOR SIDEWALK PROJECT NO. 4571

The acting deputy auditor reported that bids had been received for Sidewalk project No. 4571, construction of concrete sidewalks and sidewalk replacement for the year 1997, and presented the city engineer's tabulation of bids, indicating that Rogers Construction was low bidder based on estimated quantities per unit price.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4571, 1997 sidewalk construction and repair, and recommended that we accept the bid of Rogers Construction Company in the amount of \$136,215.00 based on estimated quantities on unit price basis.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the contract awarded.

AWARD CONTRACT FOR PROJECT NO. 4572, 1997
CONCRETE STREET REPAIR

Committee No. 3, Public Service, reported having considered the bids for Project No. 4572, 1997 concrete street repair, and recommended that we accept the low bid of Opp Construction in the amount of \$192,570.00.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the contract awarded.

AWARD CONTRACT FOR PROJECT NO. 4573, 1997
ASPHALT STREET REPAIR

Committee No. 3, Public Service, reported having considered the bids for Project No. 4573, 1997 asphalt street repair, and recommended that we accept the low bid of Valley Contracting Company in the amount of \$26,250.00.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the contract awarded.

RECEIVE TABULATION OF BIDS, ESTIMATE OF
TOTAL COST, AND AWARD CONTRACT, SEWER PROJECT
NO. 4562, DISTRICT NO. 379

The city auditor presented and read tabulation of bids which had been received and opened on Monday, February 24, 1997 for Sewer Project No. 4562, District No. 379, installation of storm sewer on 11th Avenue South from Duke Drive to South 34th Street, indicating that Duckstad Contracting, Inc. was low bidder based upon their bid in the amount of \$87,875.00: Document No. 7240 - Bid Tabulation.

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The city engineer's estimate of total cost on Sewer Project No. 4562,

District No. 379, in the amount of \$112,000.00, was presented and read.

Committee No. 3, Public Service, reported having considered the bids for Project No. 4562, District No. 379, storm sewer on 11th Avenue South from Duke Drive to South 34th Street, and recommended that we accept the low bid of Duckstad Contracting, Inc. in the amount of \$87,875.00.

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

Council Member Babinchak asked to be excused from voting on this matter. It was moved by Council Members Beyer and Ellingson that Council Member Babinchak be excused from voting. Carried 10 votes affirmative.

Upon call for the question, the motion carried 9 votes affirmative; Council Member Babinchak abstaining.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7241 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution awarding the contract for Sewer Project No. 4562, District No. 379, to Duckstad Contracting, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Bakken, Hafner, Hagness - 9; voting "nay": none; Council Member Babinchak abstaining. President Hagness declared the motion carried and the resolution adopted.

REJECT BIDS FOR SIDEWALK PROJECT NO. 4468,
DISTRICT NO. 12; RECEIVE TABULATION OF BIDS,
ESTIMATES OF TOTAL COST AND REFER BIDS FOR
SIDEWALK PROJECTS NOS. 4593, 4617 AND 4612
BACK TO COMMITTEE WITH POWER TO ACT

The city auditor presented and read tabulation of bids which had been received and opened on February 24, 1997 for Sidewalk Project No. 4593, District No. 15, sidewalks in Sunland West; Sidewalk Project No. 4617, District No. 16, sidewalks in Landeco and Washington Estates; and Pedestrian Route Project No. 4612, District No. 14, pedestrian route in Garden View; indicating that S. M. Kalenze Construction was low bidder based upon their bids in the amounts of \$2,915.00, \$1,635.00 and \$15,833.75, respectively, for a total bid of \$20,383.75: Document No. 7242 - Bid Tabulation.

The city engineer's estimates of total cost for Sidewalk Project No. 4593, District No. 15, Sidewalk Project No. 4617, District No. 16, and Sidewalk Project No. 4612, District No. 14, in the amounts of \$3,800.00, \$2,100.00, and \$20,200.00, respectively, were presented and read.

Committee No. 3, Public Service, reported having considered the bids for sidewalk projects, and recommended that the bids of Cameo Homes for Sidewalk Projects Nos. 4468, 4617, 4612 and 4593 not be opened and be returned to the bidder.

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

Committee No. 3, Public Service, reported having considered the combined bids for Sidewalk Project No. 4468, District No. 12, sidewalks in Landeco 2nd Addition; Sidewalk Project No. 4593, District No. 15, sidewalks in Sunland West; Sidewalk project No. 4617, District No. 16, sidewalks in Landeco and

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Washington Estates; and Pedestrian Route Project No. 4612, District No. 14, pedestrian route in Garden View; and recommended that we reject the bids for Project No. 4468 and accept the low bid of S. M. Kalenze Construction in the amounts of \$2,915.00, \$1,635.00, and \$15,833.75, respectively, for a total bid of \$20,383.75.

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

Michael E. Hart, president, Cameo Homes, Inc., stated that this is the first project he has bid, that he put his contractor's license with bid rather than in bid bond envelope, and asked council to open and consider his bid.

It was moved by Council Member Hanson and seconded by Council Member Ellingson to waive minor irregularities and to open the bid.

After some discussion City Attorney Swanson advised that if council wishes further guidance he would research and that they could refer this matter to the public service committee with power to act.

Council Members Hanson and Ellingson withdrew their motion and second.

It was moved by Council Member Hanson and seconded by Council Member Ellingson to refer these matters back to committee for further information from the city attorney, and with power to act.

It was moved by Council Member Klave and seconded by Council Member Hafner that action be taken on bids for Project No. 4468, District 12, and to reject the bids. Carried 10 votes affirmative.

Upon call for the question on motion to refer to committee with power to act, the motion carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4578, DISTRICT NO. 544

The city engineer's estimate of total cost of the construction of overlay in Medvue Addition, in the amount of \$242,311.12, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Paving Project No. 4578, District No. 544, overlay in Medvue Addition, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7243 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, SEWER PROJECT NO. 4461, DISTRICT NO. 370

The city engineer's estimate of total cost of the construction of sanitary
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sewer on South 42nd Street in the amount of \$280,302.75, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Sewer Project No. 4461, District No. 370, sanitary sewer on South 42nd 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7244 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, WATERMAIN PROJECT NO. 4462, DISTRICT NO. 247

The city engineer's estimate of total cost of the construction of watermain on South 42nd Street in the amount of \$391,146.00, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Watermain Project No. 4462, District No. 247, watermain on South 42nd 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 Klave and seconded by Council Member

Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7245 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4561, DISTRICT NO. 545

The city engineer's estimate of total cost of the construction of paving in Garden View Estates 1st Addition in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Paving Project No. 4561, District No. 545, paving in Garden View Estates 1st Addition, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

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Council Member Klave introduced the following resolution which was presented and read: Document No. 7246 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, SEWER PROJECT NO. 4440, DISTRICT NO. 386, PHASE 1A

The city engineer's estimate of total cost of the construction of storm sewer drainway in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Sewer Project No. 4440, District No. 386, storm sewer drainway, 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 Klave and seconded by Council Member

Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7247 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, WATERMAIN PROJECT NO. 4603, DISTRICT NO. 251

The city engineer's estimate of total cost of the construction of watermain on 11th Avenue South in the amount of \$27,669.60, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Watermain Project No. 4603, District No. 251, watermain on 11th Avenue South, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7248 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4517, DISTRICT NO. 546

The city engineer's estimate of total cost of the construction of paving in Birkholz's 5th Addition in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of 14830
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plans and specifications for Paving Project No. 4517, District No. 546, paving in Birkholz's 5th Addition, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7249 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, SEWER PROJECT NO. 4620, DISTRICT NO. 384

The city engineer's estimate of total cost of the construction of storm sewer on 24th Avenue South in the amount of \$, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Sewer Project No. 4620, District No. 384, storm sewer on 24th Avenue South, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7250 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4526, DISTRICT NO. 547

The city engineer's estimate of total cost of the construction of paving in English Coulee Center in the amount of \$94,049.55, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Paving Project No. 4526, District No. 547, paving in English Coulee Center, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution which was presented and read: Document No. 7251 - Resolution.

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

Hafner that this resolution be and is hereby adopted. Carried 10 votes affirmative.

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APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4616.1, UNINTERRUPTED POWER SOURCE SYSTEM

Committee No. 3, Public Service, reported having considered the matter of approving plans and specifications for Project No. 4616.1, Uninterrupted Power Source System, for DeMers and Washington intersection, and recommended that we approve 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
PAVING PROJECT NO. 4557, DISTRICT NO. 551

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Paving Project No. 4557, District No. 551, paving Rivers Edge, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 7252 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, PAVING PROJECT
NO. 4557, DISTRICT NO. 551

The acting deputy city auditor presented and read the engineer's report on Paving Project No. 4557, District No. 551: Document No. 7253 - Report.

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

Hafner that this report be and is hereby approved. Carried 10 votes affirmative.

ADOPT RESOLUTION OF NECESSITY, PAVING PROJECT
NO. 4557, DISTRICT NO. 551

Council Member Klave introduced the following resolution of necessity, which was presented and read: Document No. 7254 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4625, DISTRICT NO. 385
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Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Sewer Project No. 4625, District No. 385, sanitary sewer to serve Longview site on 32nd Avenue South from South 48th Street to South 55th Street, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 7255 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SEWER PROJECT
NO. 4625, DISTRICT NO. 385

The acting deputy city auditor presented and read the engineer's report on Sewer Project No. 4625, District No. 385: Document No. 7256 - Report.

It was moved by Council Member Klave and seconded by Council Member Hafner that this report be and is hereby approved. Carried 10 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND

SPECIFICATIONS, SEWER PROJECT NO. 4625,
DISTRICT NO. 385

Council Member Klave introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7257 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
WATERMAIN PROJECT NO. 4626, DISTRICT NO. 254

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district for Watermain Project No. 4626, District No. 254, watermain to serve Longview site on 32nd Avenue South from South 48th Street to South 55th Street, 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 Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes

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affirmative.

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 7258 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, WATERMAIN PROJECT
NO. 4626, DISTRICT NO. 254

The acting deputy city auditor presented and read the engineer's report on Watermain Project No. 4626, District No. 254: Document No. 7259 - Report.

It was moved by Council Member Klave and seconded by Council Member Hafner that this report be and is hereby approved. Carried 10 votes

affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, WATERMAIN PROJECT NO. 4626,
DISTRICT NO. 254

Council Member Klave introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7260 - Resolution.

It was moved by Council Member Klave and seconded by Council Member Hafner that this resolution be and is hereby adopted. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

AUTHORIZE NEGOTIATION OF CONTRACT FOR
ENGINEERING SERVICES FOR STORM SEWER DESIGN
ON SOUTH WASHINGTON STREET PROJECT NO. 4225

Committee No. 3, Public Service, reported having considered the matter of negotiating engineering services for storm sewer design on South Washington Street, and recommended to authorize staff to negotiate with Houston Engineering for engineering services for this project.

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

Mr. Vein, city engineer, reported that this project has been bid and that they would negotiate with contractor for increased size in pipe, and that City would be liable for increase cost.

Upon call for the question and upon voice vote, the motion carried 10 votes affirmative.

DECLARE REFUSE CONTAINERS AS SURPLUS AND
OFFER FOR SALE

Committee No. 3, Public Service, reported having considered the matter of surplus rear-load refuse containers, and recommended to declare containers as surplus and offer for sale.

It was moved by Council Member Klave and seconded by Council Member Hafner
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that this recommendation be and is hereby approved. Carried 10 votes affirmative.

ACCEPT BIDS FOR HEAVY-DUTY TRUCK AND
COMPACTOR FOR SANITATION DEPARTMENT

Committee No. 3, Public Service, reported having considered the matter of bids for heavy-duty truck, and recommended to accept the bid of Rydell Truck Center in the amount of \$86,621.00.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

Committee No. 3, Public Service, reported having considered the matter of bid for compactor, and recommended that we return the bid of ABM Equipment & Supply, Inc., Hopkins, MN with explanation from city attorney.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Committee No. 3, Public Service, reported having considered the matter of bids for front-load compactor, and recommended to accept the bid of Sanitation Products in the amount of \$56,133.00, less trade-in of \$24,000 for the truck and compactor unit, for a net price of \$32,133.00.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

MATTER OF HIGHWAY USERS' BUDGET SUMMARY

Committee No. 3, Public Service, reported having considered the matter of amended Highway Users' budget summary, and recommended that we recommend to the CIP to hold bridge replacement project on 27th Avenue North indefinitely.

It was moved by Council Member Klave and seconded by Council Member Hafner that this recommendation be and is hereby approved. Carried 10 votes affirmative.

APPROVE FLEXIBLE FUNDING ARRANGEMENT UNDER AETNA GROUP ANNUITY CONTRACT

The Pension and Insurance Committee reported having considered the matter of Aetna Group Annuity Contract GA-3001 Flexible Funding Arrangement, and recommended that the council authorize Aetna to proceed with any necessary paperwork which needs to be done to allow the future transfer of funds into a flexible funding arrangement.

It was moved by Council Member Babinchak and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 10 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 294, dated February 28, 1997, and totaling \$713,851.32,

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was presented and read.

It was moved by Council Member Hanson and seconded by Council Member Babinchak 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 the following voted "aye": Council Members Ellingson, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. President Hagness declared the motion carried.

CONFIRM AND EXTEND DECLARATION OF EMERGENCY
AND NATURAL DISASTER

Howard Swanson, city attorney, reported that this evening President Hagness, as acting mayor, executed a declaration of emergency and natural disaster based upon projected flood stages; that under our City Code that declaration will last for a period of seven days unless extended by the council. He stated that matter is before the council if they wish to extend that declaration. He stated that if the declaration expires by Code, it would have to be re-issued by the mayor or acting mayor; and that in his discussions with Mr. Campbell, Emergency Management, it is his impression that the flood is going to be longer term. President Hagness stated that they would like the council to give an indefinite extension for the length of the 1997 flood preparation and rehab afterwards.

It was moved by Council Member Beyer and seconded by Council Member Sande to extend the declaration for an indefinite period, for the term of the 1997 flood preparation and rehab.

President Hagness reported that there is purchase of some equipment that needs to be started (pumps, etc.) He also reported that engineering staff has put together extensive plan and council will be getting reports from them during the flood emergency.

Mr. Vein reported that they have some of the old plastic bags but do not plan to use them, will be getting all new burlap bags, that they are doing some projections on the number of bags needed, that the engineering department is reviewing contour maps from Corps of Engineers in flood study, and are evaluating what a 49 ft. with freeboard would require. He stated that they will work with Corps of Engineers re. number of bags and amount of clay needed and will put together a total plan and then make determination. It was noted that they will be sharing use of the automatic sandbagging machine with East Grand Forks.

Upon call for the question and upon voice vote, the motion carried 10 votes affirmative.

ESTABLISH POLICY FOR INCREASE IN HOURLY
RATE FOR PROVIDING POLICE SERVICES FOR
SPECIAL EVENTS

Committee No. 2, Public Safety, reported having considered the request from police department for increase in hourly rate for providing police

services for special events, and recommended to establish policy to base contract rate on a lieutenant's pay rounded up to the nearest dollar for the overtime rate.

It was moved by Council Member Ellingson and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 10 votes affirmative.

ADOPT RESOLUTION OF SPONSORSHIP PRIOR TO
APPLICATION FOR FUNDING OF FLOOD RELIEF PROJECT
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Committee No. 1, Finance, reported having considered the matter of State CDBG flood resolution, and recommended adoption of resolution of sponsorship for a project for the Grand Forks City Mission Flood Relief Project for period April 1, through August 30, 1997 (through Office of Intergovernmental Affairs, and subject to final grant agreement being reviewed by the city attorney).

It was moved by Council Member Bakken and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Council Member Bakken introduced the following resolution which was presented and read: Document No. 7261 - Resolution.

It was moved by Council Member Bakken and seconded by Council Member Hamerlik that this resolution be and is hereby adopted. Carried 10 votes affirmative.

GRANT FINANCE COMMITTEE POWER TO ACT ON
FLOOD INSURANCE MATTERS

Committee No. 1, Finance, reported having considered the matter of flood insurance, and recommended that the council grant the finance committee power to act on flood insurance matters.

It was moved by Council Member Hamerlik and seconded by Council Member Bakken that this recommendation be and is hereby approved. Carried 10 votes affirmative.

REFER VARIOUS ITEMS TO COMMITTEE/DEPARTMENT

Various items were presented to council for referral to committee and/or department for consideration.

- 1) Council Member Sande presented the matter of widening (snow removal) Belmont Road from 4th Avenue South to 13th Avenue South. The matter was referred to the public works department.
- 2) Council Member Hanson presented the matter of removing parking for one car length on the south side of 11th Avenue North at 20th Street. The matter was referred to the public safety committee for consideration.

ADJOURN

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

Hamerlik that we do now adjourn until Monday, March 17, 1997 at 7:30 o'clock p.m. Carried 10 votes affirmative.

Respectfully submitted,

Candi Stjern
Acting Deputy City Auditor

Approved:

Thomas M. Hagness, President of Council
and Acting Mayor