

**THE CITY COUNCIL OF THE
FORKS, NORTH DAKOTA
1997**

**PROCEEDINGS OF
CITY OF GRAND
Monday, June 23,**

The city council of the city of Grand Forks, North Dakota met in its adjourned meeting in the council chambers in City Hall on Monday, June 23, 1997 at the hour of 7:00 o'clock p.m. with President Hagness presiding. Present at roll call were Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; absent: none; 1 seat vacant.

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.

President Hagness introduced General Murray Sagsveen, who is representing Governor Schafer. General Sagsveen reported that he had participated in the North Dakota State Hazard Mitigation Team this afternoon in Bismarck when the applications from Fargo and Grand Forks were considered for the acquisition of properties and the Team approved the proposal submitted by the City of Grand Forks which involves 289 properties and the adjusted net buyout, \$13,946,940. He reported that the application was then delivered to FEMA and within next several days the FEMA allocation will be approved for the City so that the City can begin the acquisition process. It was noted that the federal share is 75% of the total program with balance to be funded by local/State share which is negotiated.

General Sagsveen also reported that they have been in contact with representa-tive of National FEMA Office who will be meeting here on Wednesday with reps. of City, County, School and Park District re. an operational loan that would take care of any decrease in property tax revenue for the four political subdivisions if they wish to participate in that program.

General Sagsveen reported that the Industrial Commission (Governor, Attorney General and Comm. of Agriculture) approved a line of credit for the City of Grand Forks last week for \$25 million, concept is that if a grant or loan has been approved by the federal agency and actual check won't get here soon enough, the City can draw up to \$25 million from the Bank of North Dakota under that line of credit arrangement, concept is to get money to the City as fast as possible.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE RELATING TO GENERAL SIGN
PROVISIONS, AREA ENHANCEMENT SIGNS, TO
JUNE 30, 1997

An ordinance entitled "An ordinance relating to Chapter XVIII of the Grand Forks Land Development Code of 1987, as amended, Article 3, Rules and Regulations; Section 18-0301 Signs, Subsection (2) General Sign Provisions, reinstating paragraph (x) Area Enhancement Signs", which had been introduced and passed on its first reading on June 9, 1997 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

The deputy city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening, that no protests or grievances had been filed with the auditor's office; however the notice did not meet publication requirements.

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

The deputy city auditor presented and read the report from the Planning and

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Zoning Commission that they had considered the matter of final approval of an ordinance to amend the Land Development Code, Section 18-0301 (2)(X) relating to general sign provisions for area enhancement signs and more specifically the deletion of the 1991 sunset clause therein, and recommended final passage and approval of the ordinance amending the text of the Land Development Code. The recommendation had been moved and seconded by Council Members Polovitz and Beyer.

It was moved by Council Member Hamerlik and seconded by Council Member Polovitz that the public hearing and second reading of the ordinance be continued to June 30, 1997. Carried 13 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE RELATING TO LAND DEVELOPMENT
CODE, CONDITIONAL USE PERMIT, TO JUNE 30, 1997

An ordinance entitled "An ordinance amending Section 18-0209(3) of the Grand Forks City Code relating to the Land Development Code", which had been introduced and passed on first reading on June 9, 1997 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

The deputy city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening, that no protests or grievances had been filed with the auditor's office; however the notice did not meet publication requirements.

President Hagness called for the public hearing.

Roger Sannes, 1020 Cottonwood Street, stated he wants to open antique shop in his garage and move their business from 119 DeMers Avenue; he stated that the shop has to be accessible, has to be certain size, etc. and trying to do that; that they have looked but unable to find anything suitable which fits his needs and is affordable. He also stated he has registered with City for relocation back downtown and that's where he wants to be. He stated he needs five-year guarantee as required by his lender, but that doesn't mean he would be there that long, if finds proper place he would relocate. He stated he has cut back on what he needs; and that he doesn't want to get into dispute with neighbors.

Dennis Johnson, 1017 Cottonwood Street, stated that this ordinance opposes all Planning and Zoning actions to now, that he realizes we are in special situation, and that his objection is to the extended length of time being

requested and what appears is going to be permanent situation in the neighborhood, that this is still residential neighborhood and would like to keep it that way.

Tammy Jo Bertsch, 1024 Cottonwood Street, spoke in favor of allowing the conditional use permit for Mr. Sannes to locate his antique business at his residence.

President Hagness closed the public hearing.

The deputy city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from Roger Sannes on behalf of Sannes Antiques for final approval of an ordinance to amend the text of the Land Development Code, Section 18-0209, R-2 (One and Two-Family Residence) District, subsection (3) conditional uses, by adding paragraph E, retail sales of antique furniture and collectibles, and recommended final passage and approval of the ordinance amending the text of the Land Development Code. The recommendation had been moved and seconded by Council Members Polovitz and Beyer.

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

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the public hearing and second reading of the ordinance be continued to June 30, 1997. Carried 13 votes affirmative.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE TO AMEND ZONING MAP TO INCLUDE
WITHIN B-3 (GENERAL BUSINESS) DISTRICT ALL
OF NE QUARTER NE QUARTER OF SECTION 5, T151N,
R50W OF 5TH P.M. TO JUNE 30, 1997

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the U-D (University) District and to include within the B-3 (General Business) District all of the Northeast Quarter of the Northeast Quarter of Section 5, Township 151 North, Range 50 West of the 5th Principal Meridian which includes a portion of Columbia Addition to the City of Grand Forks, North Dakota", which had been introduced and passed on its first reading on June 9, 1997 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading.

The deputy city auditor reported that the required legal notice had been published calling for a public hearing to be held on this matter this evening, that no protests or grievances had been filed with the auditor's office; however the notice did not meet publication requirements.

President Hagness called for the public hearing.

Council Member Hamerlik asked whether there could be some problems for neighborhood if something isn't done for traffic study and traffic lights to access North Columbia Road. Ray LeClerc, acting city planner, reported that there are access controls on arterials streets (access points, one every 660 ft.) and would have to abide by current Code, that there is divided roadway on portion of that area. Council Member Hamerlik stated

that between University and Gateway there are lights only at 6th Avenue North; Mr. LeClerc stated they would have to submit site plan and master plan, with service road. Mr. LeClerc stated that if property lease, would become taxable; and noted that University wanted to have everything in place so that if opportunity arises they can move forward.

After further discussion President Hagness closed the public hearing.

The deputy city auditor presented and read the report from the Planning and Zoning Commission that they had considered the matter of the request from Al Hoffarth on behalf of the University of North Dakota for final approval of an ordinance to amend the Zoning Map to exclude from the U-D (University) District and to include within the B-3 (General Business) District all of the Northeast Quarter of the Northeast Quarter of Section 5, Township 151 North, Range 50 West of the 5th Principal Meridian which includes a portion of Columbia Addition to the city of Grand Forks, ND (located west of North Columbia Road between Gateway Drive and 10th Avenue North), and recommended final passage and approval of the ordinance amending the zoning map subsequent to platting of entire property within the area to be rezoned. The recommendation had been approved and seconded by Council Members Polovitz and Beyer.

It was moved by Council Member Beyer and seconded by Council Member Hafner that the public hearing and second reading of the ordinance be continued to June 30, 1997. Carried 13 votes affirmative.

CONTINUE PUBLIC HEARING ON MATTER OF FINAL
PLAT OF PERKINS FOURTH ADDITION, AND SECOND
READING OF ORDINANCE TO AMEND STREET AND
HIGHWAY PLAN TO JULY 7, 1997

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An ordinance entitled "An ordinance to amend the Street and Highway Plan of the city of Grand Forks, North Dakota, to include the public rights of way shown as dedicated on the plat of Perkins Fourth Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on March 17, 1997, and upon which public hearing had been scheduled, was presented and read for consideration on second reading.

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

The Planning and Zoning Commission reported having considered the matter of the request from Pribula Engineering and surveying on behalf of Hampton Corporation, Inc. for final approval of a plat of Perkins Fourth Addition to the city of Grand Forks, ND lying within a portion of the Northeast Quarter of Section 20, Township 151 North, Range 50 West of the 5th Principal Meridian (located east of South 34th Street between 36th and 40th Avenues South), and recommended tabling until planning, engineering, park district, developers and landowners have had the opportunity to meet to discuss the issues of location for parks, collector streets, access, lot configuration, drainage, drainway crossing and sanitary sewer lift station to determine an overall concept land for the development of the

entire section and to continue the public hearing until July 7, 1997.

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

REPORTS OF OFFICERS

A communication from the Board of Zoning Adjustments was presented and read stating that the Board had held a public hearing in City Hall on Thursday, June 12, 1997, that notice had been published as required and that the following appeals were heard: 1) William Deitz, 720 University Avenue, request for variance to the accessory building requirements to erect a new garage, with motion to vary accessory building setback from 20 ft. to 5 ft. setback and sideyard from 3 ft. to 1 ft. setback; 2) William O'Connell on behalf of LUCO Properties, 1710 North Washington Street, request for variance to the landscaping/bufferyard requirements to remodel the property, with motion to eliminate the required bufferyard plantings associated with the bufferyard "E" along the northwest property boundary; 3) Jay Fiedler on behalf of James Cooley, 1111 Walnut Street, request for variance to the front yard setback requirements to rebuild a home, with motion to grant a 2.5 ft. variance in the required 25 ft. front yard setback, resulting in a 22.5 ft. front yard setback; 4) Johnson Laffen Architects on behalf of ACME Electric, request for variance to the front yard setback requirements to erect an addition to the storage building, with motion to grant a 10 ft. variance in the required front yard setback, with the front yard to be made into appealing green space; 5) Bill Lee on behalf of Community National Bank, 1616 South Washington Street, request for variance to front yard setback requirements to erect an addition to the building, with motion to approve a 4 ft. variance in the front yard setback, which changes the building setback line from 25 ft. to 21 ft. along the western side of the building lot, and the Board of Zoning Adjustments has also approved an increase in the required impervious surface area from 65% to 75%; and 6) Roger Sannes, 1020 Cottonwood Street, request for a variance to the accessory building size and impervious surface area requirements to erect a garage, with motion to approve a variance in the size of an accessory building from 1,000 sq. ft. to 1,248 sq.ft.

It was moved by Council Member Beyer and seconded by Council Member Polovitz that this report be and is hereby received and filed. Carried 13 votes affirmative.

ACCEPT OFFER FROM CALVARY TEMPLE CHURCH OF GOD
TO PURCHASE VACANT CITY LOT
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Committee No. 1, Finance, reported having considered the matter of offer from Calvary Temple Church of God to purchase vacant lot owned by the City (Lot 1, Block 1, Flaas-Mikkelson Addition), and recommended to accept the offer to sell this property for \$50,000 on contract for deed, for term of five years, payable at fixed interest rate based on City earnings, and acceptance contingent upon their approval in two weeks.

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

votes affirmative.

APPROVE BUDGET AMENDMENT

A request for amendment to the Mayor's Office budget to reflect contribution from the Mayor's Office in Rochester, MN in the amount of \$2,500, was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Carpenter that this budget amendment be and is hereby approved Carried 13 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4332, UPGRADE LIFT STATION NO. 7

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4332, Upgrade Lift Station No. 7, and recommended that we approve plans and specifications, and authorize call for bids.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4624, 1997 FORCEMAIN VALVE REPLACEMENT

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4624, 1997 Forcemain Valve Replacement, and recommended that we approve plans and specifications, and authorize call for bids.

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

APPROVE REQUEST FOR UTILITIES IN JOHNSON'S
4TH ADDITION AND ENTER INTO CONTRACT WITH
CONSULTANT

Committee No. 3, Public Service, reported having considered the matter of request for utilities in Johnson's 4th Addition, and recommended to authorize to proceed and to enter into contract with consultant.

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

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4619, DISTRICT NO. 383

Committee No. 3, Public Service, reported having considered the matter of creating special assessment district, Project No. 4619, District No. 383, sanitary sewer on North 55th Street from 10th Avenue North to 12th Avenue North, 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

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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 13 votes affirmative.

Council Member Klave introduced the following resolution creating the assessment district, which was presented and read: Document No. 7313 - 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 Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

ACCEPT ENGINEER'S REPORT, SEWER PROJECT
NO. 4619, DISTRICT NO. 383

The deputy city auditor presented and read the engineer's report on Sewer Project No. 4619, District No. 383: Document No. 7314 - Report.

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

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, SEWER PROJECT NO. 4619,
DISTRICT NO. 383

Council Member Klave introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7315 - 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 Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

APPROVE THREE-WAY AGREEMENT FOR PROJECT
NO. 4667, STORM SEWER IN COLUMBIA PARK
21ST ADDITION

Committee No. 3, Public Service, reported having considered the matter of three-way agreement for Project No. 4667, storm sewer in Columbia Park 21st Addition, and recommended that we authorize entering into a three-way agreement with the developer, the engineer and the City to allow developer to install storm sewer and paving according to City specifications.

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 Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. President Hagness declared the motion carried and the resolution adopted.

INTRODUCE ORDINANCE TO ANNEX PORTION OF
BLOCK 1, JOHNSON'S 4TH FOURTH ADDITION

The Planning and Zoning Commission reported having considered the matter of an ordinance to annex to the city of Grand Forks all of Lots 28 through 37, Block 1, Johnson's 4th Addition, excluding any portion of Lots 28 and 37, Block 1, previously annexed by resolution adopted and approved on December 16, 1996, and

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recorded as Document No. 529673 on January 29, 1997 (said lots were inadvertently shown and identified as Lots 25 and 34, Block 1 and were described within a metes and bounds description thereon), also excluding the southerly 50 feet of Lots 31, 32, 33 and 34, Block 1, previously annexed by resolution adopted and approved on March 17, 1997, and recorded as Document No. 532169 on June 10, 1997, (the property being considered for annexation is located north of 17th Avenue South and west of South 38th Street), and recommended approval of the ordinance to annex, to introduce the ordinance and to set the date of the public hearing for July 7, 1997.

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

Council Member Sande introduced an ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, all of Lots 28 through 27, Block 1, Johnson's 4th Addition, excluding any portion of Lots 28 and 37, Block 1, previously annexed by resolution adopted and approved on December 16, 1996, and recorded as Document No. 529673 on January 29, 1997 (said lots were inadvertently shown and identified as Lots 25 and 34, Block 1 and were described within a metes and bounds description thereon); also excluding the southerly 50 feet of Lots 31, 32, 33 and 34, Block 1, previously annexed by resolution adopted and approved on March 17, 1997, and recorded as Document No. 532169 on June 10, 1997", which was presented, read and passed on first reading.

ACCEPT PETITION TO VACATE ALL OF NORDONNA
CIRCLE, VARIOUS ADJACENT EASEMENTS AND
SEGMENT OF ACCESS CONTROL LINE AS DEDICATED
ON THE PLAT OF JOHNSON'S 4TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the petition from Bert Johnson on behalf of Johnson Farms for approval of a resolution to vacate all of Nordonna circle to vacate a 10-foot wide utility easement adjacent thereto, to vacate a 20-foot wide sidewalk and utility easement lying 10 feet on each side of the lot line common to Lots 32 and 33, Block 1 (excluding any portion of north/south utility easements paralleling 15th and 17th Avenues South), and to vacate a segment of access control line along the north right of way line of 17th Avenue South beginning 238 feet west of the west right of way line of South 38th Street

and extending west a distance of 30 feet all as platted and dedicated on the plat of Johnson's 4th addition to the city of Grand Forks, North Dakota (located north of 17th Avenue South and west of South 38th Street), and recommended approval of a resolution to vacate all of Nordonna Circle, to vacate a 10-foot wide utility easement adjacent thereto, to vacate a 20-foot wide sidewalk and utility easement lying 10 feet on each side of the lot line common to Lots 32 and 33, Block 1 (excluding any portion of north-south utility easements paralleling 15th and 17th Avenues South) and to vacate a segment of access control line along the north right of way line of 17th Avenue South beginning 238 feet west of the west right of way line of South 38th Street and extending west a distance of 30 feet, all as platted and dedicated on the plat of Johnson's 4th Addition to the city of Grand Forks, North Dakota, and to set the date of the public hearing for July 21, 1997.

It was moved by Council Member Polovitz and seconded by Council Member Hanson that this recommendation be and is hereby approved, that the petition filed is in proper form and contains the requisite signatures, that it be filed with the city auditor, that a notice of public hearing be published as required. Carried 13 votes affirmative.

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INTRODUCE ORDINANCE TO AMEND ZONING MAP
TO INCLUDE WITHIN JOHNSON'S PUD, CONCEPT
DEVELOPMENT PLAN, AMENDMENT NO. 2, ALL OF
KUSTER'S 2ND AND 3RD ADDITIONS, ALL OF
JOHNSON'S 1ST, 2ND, 3RD AND 4TH ADDITIONS,
INCLUDING VACATED NORDONNA CIRCLE

The Planning and Zoning Commission reported having considered the matter of request from Tim Crary on behalf of Johnson Farms for preliminary approval of an ordinance to amend the zoning map and to exclude from the Johnson's PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1 and include within Johnson's PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, all of Kuster's 2nd and 3rd Additions, all of Johnson's 1st, 2nd, 3rd and 4th Additions, the area of substantial change includes all of Lots 28 through 38, Block 1, Johnson's 4th Addition to the city of Grand Forks, ND, included vacated Nordonna Circle (located north of 17th Avenue South and west of South 38th Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for July 7, 1997.

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

Council Member Sande introduced an ordinance entitled "An ordinance to

amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the Johnsons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1 and to include within the Johnsons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, all of Kuster's 2nd and 3rd Additions, all of Johnson's 1st, 2nd, 3rd and 4th Additions. The area of substantial change includes all of Lots 28 through 38, Block 1, Johnson's 4th Addition, including vacated Nordonna Circle, city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND ZONING MAP
TO INCLUDE WITHIN JOHNSONS PUD, CONCEPT
DEVELOPMENT PLAN, AMENDMENT NO. 10, WITH
SUBSTANTIAL CHANGE LYING IN LOT 1, BLOCK 1,
COLUMBIA PARK 7TH ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Wally Rodgers on behalf of Americinn Hospitality, L.L.C. for pre-liminary approval of an ordinance to amend the zoning map to exclude from Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 9 and to include within Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 10, with substantial change lying in Lot 1, Block 1, Columbia Park 7th Addition, Grand Forks, ND (located in the northeast corner of 19th Avenue South and South 29th Street), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for July 7, 1997.

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

Council Member Sande introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from the Columbia park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 9 and to include within the Johnsons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 10, with substantial change lying
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in Lot 1, Block 1, Columbia Park 7th Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on first reading.

APPROVE SCHEDULE OF PLANNING AND ZONING
COMMISSION MEETING FOR JULY 16, 1997

The Planning and Zoning Commission reported having considered the matter of special planning and zoning commission meeting on July 16, 1997, and recommended a special planning and zoning commission meeting at 7:00 p.m. on July 16, 1997.

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

INTRODUCE ORDINANCE TO AMEND ZONING MAP
TO INCLUDE WITHIN GATEWAY COMMONS PUD,
CONCEPT DEVELOPMENT PLAN, AMENDMENT NO. 2,
WITH SUBSTANTIAL CHANGES PERTAINING TO
LOT 1, BLOCK 1, AIRPORT 3RD RESUBDIVISION,
INCLUDING SURPLUS HIGHWAY NO. 2 RIGHT OF WAY

The Planning and Zoning Commission reported having considered the matter of the request from Roger Mattern on behalf of Sherman Associates, Inc. for reconsideration of preliminary approval of an ordinance amending the zoning map to exclude from Gateway Commons PUD (Planned Unit Development), Concept Development Plan, Amendment Number 1, and to include within Gateway Commons PUD (Planned Unit Development) Concept Development Plan, Amendment Number 2, with substantial change pertaining to Lot 1, Block 1, Airport 3rd Resubdivision, Grand Forks, North Dakota, including surplus Highway No. 2 right of way (located east of North 51st Street between Gateway Drive and 12th Avenue North), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the ordinance amending the zoning map and to set the date of the public hearing for July 7, 1997.

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

Council Member Sande introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota to rezone and exclude from Gateway Commons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1 and to include within Gateway Commons PUD (Planned Unit Development), Concept Development Plan, Amendment No. 2, with substantial change pertaining to Lot 1, Block 1, Airport 3rd Resubdivision to the city of Grand Forks, North Dakota, including surplus Highway No. 2 right of way", which was presented, read and passed on first reading.

APPROVE REQUEST FOR VARIANCE TO SUBDIVISION
REGULATIONS RE. BLOCK LENGTH

The Planning and Zoning Commission reported having considered the matter of the request from Tim Crary on behalf of Johnson Farms and Harvest Development for approval of a variance to the subdivision regulations of the Land Development Code specifically as it relates to Section 18-0907, subsection (4)(A) Block Length - Blocks shall be no less than: paragraph (1) blocks fronting on a minor arterial: six hundred sixty (660) feet and to Section 18-0907(2) rights of way (L) right of way access (3) arterials access shall be permitted to minor arterials provided that the point of access is more than six hundred (600) feet from any intersection or other point of access to that arterial, and recommended approval of a variance to access limitations on minor arterials from 632 feet to 3808 feet and 324 feet respectively and more specifically along the north side

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of 17th Avenue South approximately midway between South 38th Street and a rear service road access in Johnson's 4th Addition, which is located 632

feet west of said South 38th Street.

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

CONTINUE MATTER OF REQUEST BY SANNES ANTIQUES
FOR CONDITIONAL USE PERMIT FOR RETAIL SALES
AT 1020 COTTONWOOD STREET TO JUNE 30, 1997

The City Planning and Zoning Commission reported having considered the matter of the request from Roger Sannes on behalf of Sannes Antiques for approval of a conditional use permit for retail sales of antique furniture and collectibles on Lot 5, Block 1, Auditor's Subdivision No. 7 in the city of Grand Forks, ND (located at 1020 Cottonwood Street), and recommended approval of the conditional use permit for a period of two years.

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

Joe Clark, 1018 Linden Court, and Elizabeth Anderson, 1018 Cottonwood Street, spoke in favor of the conditional use permit at 1020 Cottonwood Street.

It was moved by Council Member Sande and seconded by Council Member Polovitz to continue this matter of June 30, 1997. Carried 13 votes affirmative.

INTRODUCE ORDINANCE TO AMEND ZONING REGULATIONS
RE. R-5 (MOBILE HOME RESIDENCE) DISTRICT RE. YARD
REQUIREMENTS, RELATING TO DISTANCE BETWEEN UNITS

The City Planning and Zoning Commission reported having considered the matter of the request from Randy Ekren on behalf of Presidents Park Manufactured Homes Community for preliminary approval of an ordinance to amend the text of the Land Development Code, Section 18-0212 R-5 (Mobile Home Residence) District, subsection (8) Yard Requirements: paragraph (A) relating to distances between units, and recommended preliminary approval of the ordinance amending the text of the Land Development Code, to introduce the ordinance and to set the date of the public hearing for July 7, 1997.

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

It was noted that the distance between units at this park currently 10 ft., when new homes come in 20 ft., and Presidents Park Manufactured Homes Community is asking for 15 ft.

Ray LeClerc, acting city planner, reported this is non-conforming mobile home park and there are special provisions in the Code, that any existing trailer can be within 10 ft. of adjacent trailer, that Code states 20 ft. in new parks, and that the fire department is comfortable with 15 ft. requirement.

Randy Ekren, Presidents Park, stated that their community 25-27 years old,

and size of homes increased, they are licensed for 174 spaces which they have to maintain to remain profitable, and trying to provide affordable housing and remain competitive.

After further discussion and upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Sande, Klave, Beyer, Babinchak, Hagness - 9; voting "nay": Council Members
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Glassheim, Carpenter, Bakken, Hafner - 4. President Hagness declared the motion carried.

Council Member Beyer introduced an ordinance entitled "An ordinance amending the Grand Forks City Code of 1987 as amended; Chapter XVIII, Land Development Code; Article 2, Zoning Regulations; Section 18-0212 R-5 (Mobile Home Residence) District, subsection (8) Yard Requirements: amending paragraph (A) relating to distances between units", which was presented, read and passed on its first reading.

DENY VARIANCE TO EMERGENCY STORM SHELTER
REQUIREMENT FOR MOBILE HOME EXPANSION IN
GATEWAY COMMONS PUD

The Planning and Zoning Commission reported having considered the matter of the request from Robert Mattern on behalf of Sherman Associates, Inc. for approval of Gateway Commons PUD (Planned Unit Development), Amendment No. 2, Detailed Development Plan, Manufactured Home Expansion, and more specifically approval of a variance to Section 18-0212, R-5 (Mobile Home Residence), subsection (12) emergency storm shelter, as it relates to said Detailed Development Plan, Lot 1, Block 1, Airport 3rd Resubdivision to the city of Grand Forks, North Dakota, and surplus Highway No. 2 right of way (located east of North 51st Street between Gateway Drive and 12th Avenue North), and recommended denial of the request appealing the requirement to construct an additional storm shelter for the expanded portion of the 72-unit park.

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

Roger Mattern, Gateway Terrace, 4701 Golden Gate Drive, stated they already have storm shelter at Gateway Terrace, that required by Code, that they want to add 72 more units, and are required to enlarge their storm shelter as well. He stated that other cities in the State do not require storm shelters, that the City of Grand Forks does not require storm shelters for condos, duplexes, townhouses, etc. built on slabs, and objected to having to build a second storm shelter.

It was moved by Council Member Polovitz and seconded by Council Member Hanson to amend the motion to approve variance so that they would not have to construct the second storm shelter. Upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. President Hagness declared the motion carried.

AUTHORIZE PURCHASE OF SUN LAND WEST LOTS
FOR HOUSING DEVELOPMENT

The Flood Response Committee reported having considered the matter of City's purchasing Sun Land West lots for housing development under sponsorship of the City, and recommended that we proceed with final negotiations to purchase the land subject to review by city attorney and to proceed with negotiations to pursue purchase of 11.5 acres from UND Foundation.

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

REFER MATTER OF APARTMENT SHORTAGE TO
HOUSING TASK FORCE

The Flood Response Committee reported having considered the matter of apartment

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shortage and determination of whether are developers that can put up apartment housing quickly or whether city can do it, and recommended to refer to the Housing Task Force to consider this issue, talk to developers, and through housing fair.

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

RECEIVE AND FILE REPORT FROM CAPITAL
ALLOCATION

The Flood Response Committee reported having considered the matter of report from Capital Allocations Subcommittee of Business Redevelopment Task Force, and recommended to receive and file.

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

RECEIVE AND FILE MATTER OF EXCEPTION TO
50% DAMAGE RULE FROM FEMA

The Flood Response Committee reported having considered the matter of question of the possibility of getting an exception to the 50% damage rule from FEMA, and recommended to receive and file.

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

Council Member Hanson asked if the 50% rule can be adjusted if the property owners decides to do their own construction work and adjust damage below the 50% level, would they be able to obtain a building

permit, and if adjusted would they fall out of the buyout status; can't rebuild without permit and can't get permit unless meet FEMA regulations. Mr. Vein stated that on the 50% rule based on value of the building itself, and are looking at cost to bring building back to pre-flood condition and if cost of those repairs in excess of 50% rule, not issued building permit. John LaBrune, rep. of FEMA, reported that labor is to be included in estimate, concerned with market values and not so much actual costs. Mr. Swanson stated that council set criteria for any acquisition program

that the City wishes to sponsor, if one of the criteria is 50% damage and within the 100-year floodplain, if homeowner convinces City that his damage less than 50% for purposes of issuing a building permit, they will no longer be eligible for the 50% threshold, can't have it both ways.

Council Member Hanson questioned what happens with properties where three in the block have 50% or more damage and three with less than 50% or more and possibly located in area of a dike alignment. Mr. Vein stated they are in the process of putting together the relocation and acquisition program in more than one phase, first was properties in lowest areas in three parks, next phase will include those properties within the 100-year floodplain with 50% or more damage; that three would be in the buyout of the next phase, and the other three have ability to obtain permit and repair their property and the purchase of that property would come up under future acquisition program not related to the first one.

Council Member Carpenter questioned why City wouldn't apply for exception to the FEMA regulations, why should they treat people in the 100-year floodplain differently than others outside the floodplain, when allow those outside to rebuild and give them assistance, give people within floodplain same option. He also asked if they buyout properties, won't allow to rebuild until the flood maps redrawn after have permanent protection plan, and leave property vacant where

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they have infrastructure for 10-15 years; and should attempt to get exception.

Mr. Vein questioned why would they issue building permits to repair buildings already damaged and which have ability to be damaged again, that they are trying to enhance the acquisition program to allow people with 50% or more damage a way

out; and to buy out under right program where they could be redeveloped when have a more permanent protection program in place; do we want to have the possibility of buying these homes repetitively in the future, or wait until areas fully protected and then redevelop.

Mr. Swanson stated that acquisition of property is entirely a local decision, the issue with regard to the issuance of a building permit for properties that are more than 50% damaged is a requirement of a national flood insurance program; that the council could set whatever threshold/criteria they would like for the acquisition program. Mr. LaBrune stated it was City's responsibility to set value of damages and it's to include real estate items and typical labor costs. Mr. Swanson stated criteria based upon NFIP information but actual determination of extent of damages a local decision.

Council Member Glassheim asked what appeal process was for a homeowner; Mr. Vein stated that in an effort to assist the homeowners, they have the Corps of Engineers doing structural inspections at the same time as determining cost of repairs, and worked with Corps in establishing whether any structure is sub-stantially damaged or not, and if homeowner wants to contest, can have their own appraisal done to determine fair market value and bring in their own independent cost estimate of repairs and compare with original estimates.

Council Member Hanson questioned what options are for these property owners, that if they repaired their house to make liveable and moved back in, would that jeopardize flood insurance for the rest of the city; Mr. Vein stated that there are options if they go through the buyout program because majority of those properties 50% damaged are within 100-year floodplain.

Mr. Swanson stated in response to Council Member Hanson's question as to impact upon City's eligibility for national flood insurance program, that upon determination of the director that the City was not vigil in the enforcement of its floodplain ordinances, the City and all residents can be made ineligible for future acquisition of flood insurance, annually the City is required to certify to FEMA its compliance with the National Flood Insurance Program, as well as to provide information with violations of the flood insurance program. Council Member Polovitz stated that the Flood Response Committee has forwarded for recommendation, to offer buyout to all those with 50% damage or more that are in the floodplain regardless of location in the city. Mr. Vein also noted that those homeowners who repair their property which had 50% or more damage and had a mortgage on their property would be required to get flood insurance and the flood insurance rates on a structure in that scenario would be substantial.

Council Member Carpenter questioned if don't apply for exception and City buys out these properties, what do they do with infrastructure to prevent flooding occurring through stormsewers, etc., if can't protect how prevent underground flooding. Mr. Vein reported they have looked at what to do for next year and future years as it will be several years before any permanent protection in place, and they will look at existing levee system, alignment, do necessary repairs, and some areas where look at flapgates and sluice gates; that they have many outfalls into the river and almost all protected by flapgate/sluice gate at the existing levee alignment to stop water from backing into the city and will go back and make sure that system is back in repair as best as can be.

Several individuals addressed council re. buyout program, etc.

Steve White, 322 North 4th Street

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Calvin Fercho, Fargo, owner of property at 412 Alpha Avenue
Ross Wieler, 701 North 3rd Street

After further discussion and upon call for the question and upon voice vote, the motion carried 12 votes affirmative; Council Member Carpenter

voted against the motion.

APPROVE PROPOSED ALLOCATION OF CDBG MONIES

The Flood Response Committee reported having considered the matter of proposed allocation of initial \$50 million in Supplemental Community Development Block Grant as follows:

- 1) \$16 million for acquisition of 200 homes at an estimated cost of \$80,000 each, that this expenditure will cover costs associated with the buyout and relocation of families with homes in the 100-year floodplain and with damage greater than 50%, that these families cannot rebuild in place and housing must be made available;
- 2) \$12 million for construction of 300 homes between now and January 1, 1998, incl. land purchase, carrying costs, infrastructure, incentives, cash flow;
- 3) \$11 million for planned unit development, including land acquisition, infrastructure;
- 4) \$11 million for economic development, including recapitalizing the Growth Fund, EDA match, business incubator, temporary space for business forced out of locations by flood; for total of \$50 million; and recommended that we approve the proposed use of the \$50 million in supplemental CDBG funds.

The Flood Response Committee reported having considered the matter of proposed allocation of initial \$50 million CDBG money, and recommended that we approve with change by adding a subcategory to economic development area: mitigation for businesses directly impacted by the flood.

It was moved by Council Member Polovitz and seconded by Council Member Bakken that these recommendations be and are hereby approved.

Council Member Carpenter expressed concern re. rental market and meeting needs in that area, that issue (damage to apartments) needs to be addressed now, people need housing, UND students coming back this fall, and would like to see allocation of money.

Jerry Tuchscherer of the Grand Forks Apartment Association stated they were in the process of doing survey re. damage, repair of damaged buildings, and cost, etc. and need to address financially. It was noted that there would be funds available from the State, and that the initial request for funds from HUD is not cast in stone, and some funds could be spent in other ways.

Judy Quern, 3303 Belmont Road, addressed council, that they have several apartment units in the city, and asked for assistance from the City through these funds.

Alan Durain, 306 North 4th Street, stated he has number of apartments in his building, and had some questions re. bringing building up to Code; President Hagness suggested that Mr. Vein talk with him and have staff visit with him re. requirements.

Council Member Carpenter also expressed concern re. daycare issue, whether FEMA providing facility, and consider allocating funds for constructing facility. Council Member Hafner reported that this was handled in committee, that Pat Burger of United Way was addressing some of those

issues but did not know if any allocation of funding.

Council Member Sande moved that we take \$5 million of the \$50 million and
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allocate to a program to assist apartment owners with the exact methodology left to Flood Response Committee and to Urban Development Department. Council Member Glassheim seconded the motion.

John O'Leary, Urban Development Office, reported they started initial program

with \$2 million for apartment rehab and Mr. Grey of the Office of Intergovernmental Assistance indicated there would be money if City could demonstrate

interest and need for additional funds, that reason doing with Small Cities Program is because those funds more flexible, that if do with Supplemental Appropriations to provide assistance to apartment owners, will have to demonstrate that they've gone to the SBA and been denied before can participate in a subsidy program for apartment owners.

Council Members Hamerlik and Hanson called for the question, and upon voice vote the motion carried; Council Member Glassheim voted against the motion.

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

Upon call for the question on the original motion and upon voice vote, the motion carried.

REFER MATTER OF ELIMINATION OF TWO-YEAR
TAX EXEMPTION ON NEW CONSTRUCTION BACK
TO COMMITTEE

The deputy city auditor reported that the council voted at its meeting on June 9 to reconsider its previous action which defeated the motion to eliminate the two-year tax exemption on new construction after June 10, that this matter had been before the council on June 16, 1997 and had been tabled until this evening, and that this motion was again before the council.

A memo from the city auditor stating that with the reinvestment incentives being proposed for property owners in the buyout plan and with proposed allocation of the initial CDBG funds as recommended by the Tri-chairs and the Flood Response Committee, the City would already be giving major impetuses for rebuilding, that the incentives may apply in both public and private developments and will apply to new homes whether for individuals relocated due to the flood or just moving into the city; and that it would seem appropriate that people benefiting from such a plan could be expected to pay future property taxes. He also noted that property owners who repair and remodel their homes will pay additional taxes for those improvements, as well as businesses that are relocating or repairing their businesses will pay taxes on their development.

Council Member Klave suggested that the City determine average cost to develop a lot would be and then use as a voucher system, where they could turn voucher in to City or to any developer in town who would be credited for a specific amount of money, and that public and private developers would be treated equally.

It was noted that this was incentive program for those dislocated from their homes and that the City wants to keep in the community.

President Hagness stated that the question before the council was not the incentives as outlined in Mr. Schmisek's memo but that we eliminate all property tax exemption for new construction beginning after June 10, 1997 and which had been moved by Council Member Glassheim and seconded by Council Member Polovitz.

After some discussion it was moved by Council Member Beyer and seconded by Council Member Hafner to refer this matter and the city auditor's memo to the Flood Response Committee.

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After further discussion and upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Hamerlik, Sande, Klave, Beyer, Babinchak, Hafner - 7; voting "nay": Council Members Polovitz, Hanson, Glassheim, Carpenter, Babinchak, Hagness - 6. President Hagness declared the motion carried and the matter referred back to committee.

APPROVE CHANGE ORDER FOR CIRRUS BUILDING PROJECT

Committee No. 1, Finance, reported having considered the matter of change orders for Cirrus building project, and recommended to authorize the use of the remain-ing construction contingencies.

It was moved by Council Member Bakken and seconded by Council Member Hamerlik that this recommendation be and is hereby approved. Carried 13 votes affirma-tive.

AUTHORIZE CALL FOR BIDS FOR DEBRIS REMOVAL

The Flood Response Committee reported having considered the matter of authoriza-tion of debris removal pickup, and recommended that we authorize staff to adver-tise and receive bids for debris removal.

It was moved by Council Member Bakken and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 13 votes affirma-tive.

APPROVE CHANGE ORDER FOR LIFT STATION 17

The Flood Response Committee reported having considered the matter of change order No. 3 for Lift Station 17, and recommended that we approve the change order for lift station 17 in the amount of \$3,275.10 for a mitigation project.

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

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to the council for referral to committee:

- 1) Council Member Beyer presented the matter historical buildings damaged 50% or more and whether considered in the buyout. Mr. Swanson reported that the council has not addressed acquisition of anything other than residential property, and cleanup dependent upon whether health or safety issue re. present condition of the property and if there are would need to take steps to alleviate that concern; that if the State Historical Society decides that building is significantly historical building, they can prevent demolition of a structure despite whatever position the City would take, and is not an issue the City would have any control over.
- 2) Council Babinchak asked when deadline was for signing up for mobile homes; a FEMA rep. stated she wasn't aware of any deadline there wasn't deadline for that
- that parks are being prepared, and would suggest that anyone needing one to call Recovery Center.
- 3) Council Member Bakken presented matter of complaints re. noise and litter re. outdoor beer garden at Borrowed Bucks; President Hagness referred this matter to the public safety committee.
- 4) Council Member Beach presented matter of inviting Professor Kuiper, hydrologist on the faculty of the University of Manitoba and who worked on the 14978

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Winnipeg diversion, to Grand Forks to look at our situation (flood protection); the matter was referred to the Flood Response Committee.

- 5) Council Member Glassheim presented matter of the possibility of the City hiring advocates to help people work with system; this matter was referred to the Tri-chairs and the Flood Response Committee.

RECESS TO CLOSED SESSION

Mr. Swanson asked council to recess for the purpose of attorney/client consulta-tion under the NDCC 4404-19.1 and that following that recess to reconvene as council for adjournment.

It was moved by Council Member Beyer and seconded by Council Member Hanson to recess for attorney/client consultation. Carried 13 votes affirmative.

RECONVENE COUNCIL MEETING

President Hagness called the council back into session.

MATTER OF SETTLEMENT OF NEGOTIATIONS WITH ROBERT BUSHFIELD

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

to consider an item relating to settlement of negotiations with Robert Bushfield.

Carried 13 votes affirmative.

Mr. Swanson reported that with regard to the settlement of negotiations with Robert Bushfield, he had outlined the terms of a proposed agreement with Mr. Bushfield and this council which was approved by the Metropolitan Planning Organization, and provides for the payment of salary and certain benefits through December, 1997, with an effective date of a resignation being accepted by the City effective April 1, 1997. Mr. Swanson reported that the settlement proposal reflects the need to proceed with the quick hiring of a planner and to avoid uncertainty in administrative proceedings or litigation as well as to avoid the cost and delays in exchange for the payment of \$44,235.00 from the City as salary and in addition for his normal repayment for sick leave and vacation leave, and also in exchange for the payment of standard pension benefits, Mr. Bushfield will resign effective April 1, 1997 and execute a release releasing the City of Grand Forks, the City of East Grand Forks, the MPO and their officers, employees, etc. from any claim whatsoever, which includes attorney's fees and the like; that he waives any right to appeal, any property interests, any employment interests or any contractual relationships he may have with either the City or the MPO; that there is a draft of the settlement agreement which has been reviewed by Mr. Quick, that he expects some minor modifications but the essence of the terms are as outlined. It was moved by Council Member Polovitz to approve the negotiations by the city attorney regarding this matter and to authorize proper City officials to sign the appropriate documents.

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

Council Member Sande reported that she has become aware of a story in the paper tomorrow that some citizens of Grand Forks are considering and investigating the possibility of a suit against the City; that she is not sure who they are, but it is her understanding that this is a suit alleging that the council let the city flood. Mr. Swanson stated that they can anticipate multiple cases of litigation, that he anticipates they will have that litigation with respect to acts or omissions by the City that led to the flooding, anticipate litigation over any attempted voluntary acquisition of property, you will have litigation 14979

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by people who will claim that the City has taken their property, with respect to the Uniform Relocation Act, etc. over the next three years which is the statute of limitations against the City, that he does anticipate litigation and that the threat of litigation shouldn't alter course of action unless determine there is a real risk or problem that needs to be addressed.

ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Polovitz that we do now adjourn until Monday, June 30, 1997. Carried 13

votes affirmative.

Respectfully submitted,

Saroj Jerath
Deputy City Auditor

Approved:

Thomas M. Hagness, President of
Council and Acting Mayor