

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
30, 1997**

**PROCEEDINGS OF
OF THE CITY OF
Monday, June**

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Monday, June 30, 1997 at the hour of 7:00 o'clock p.m. with Mayor Owens 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.

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

ADOPT ORDINANCE NO. 3649, TO LAND DEVELOPMENT CODE, SECTION 18-0301(2)(X) RE. GENERAL SIGN PROVISIONS FOR AREA ENHANCEMENT SIGNS, DELETION OF 1991 SUNSET CLAUSE

An ordinance entitled "An ordinance relating to Chapter XVIII of the Grand Forks City Land Development Code of 1987 as amended, Article 3, Rules and Regulations; Section 18-0301 Signs, Subsection (2) General Sign Provisions, reinstating para-graph (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 continued until this evening, was presented and read for consideration on second reading and final passage.

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

Upon call for the question of adoption of the ordinance 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. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3650, RE. LAND DEVELOPMENT CODE, SECTION 18-0209, R-2, SUBSECTION(3) CONDITIONAL USES BY ADDING PARAGRAPH E, RETAIL SALES

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 its first reading on June 9, 1997 and upon which public hearing had been continued until this evening, was presented and read for consideration on second reading and final passage.

Mayor Owens called for the public hearing.

Dennis Johnson, 1017 Cottonwood Street, stated his objection to the ordinance in general as it is contrary to all zoning ordinances established and in place, setting bad precedence, and doesn't fit use of the neighborhood.

Roger Sannes, Sannes Antiques, 1020 Cottonwood Street, stated that antique and some businesses very well suited for residential areas, that Grand Forks in some serious changing times and something has to be done for the small business person, that he is running out of money, and asked council to go ahead with this. He stated that one of his main concerns is that not very much happening in the downtown, that more and more businesses looking for alternatives, and that he originally asked for five-year period and has re-vamped his operation and can get by with 3 1/2 years. He also stated that he does want to go back downtown.

14981

June 30,

1997

It was reported that a substantial number of buildings in the downtown received more than 50% damage but there are a fair number that have been inspected and some under the 50%.

There was some discussion re. customer parking, etc. Mr. Sannes stated that he has 6-month lease for property for his truck and equipment, etc. and has leased a garage for warehousing. Mr. Sannes stated that he will be back downtown but this is only viable option at this time to continue his business.

Council Member Sande asked what status was in installing relocatables in the downtown area. Mr. O'Leary reported that the City has asked its consultants to look at several options, one is relocatables, rehabbing number of buildings and also asked consultants to inventory downtown businesses to determine how many interested in a downtown location, space needed, the consultant doing that work will be in town next week and will review and bring proposal back to the council two weeks from Monday, and perhaps available about September 1. He stated that relocatables may be option for some businesses. Mr. Sannes stated that wouldn't be an option for him, he's been out of work since April and has to make a decision now, and if relocatable available downtown, he will be there.

After further discussion it was moved by Council Member Glassheim and seconded by Council Member Klave to amend subsection 10. of the ordinance to read "...permit used for the proposed business shall be valid for a term not to exceed two (2) years."

Council Member Glassheim stated that this is a policy statement by the City, that we are in difficult times, and no one has problem with making temporary arrangements but ability to go five years is not a temporary arrangement, that downtown will have a lot more buildings up and running within one or two or three years, and will not need five years before there are plenty of opportunities to go back in a commercial district, and doesn't know why they would want to compromise the zoning in residential areas for that length of time when the crisis is not of a five year duration, and that ordinance should permit exception so everyone understands it is a temporary thing and not intended to continue for a long time, and if approve two year exception then it's up to each individual to decide what kind of investment they would make. Mr. Sannes stated he needs three and one-half years to justify to his lender. Mr. Swanson stated that if the amendment is passed it would identify that any permit is issued for a term not to exceed two years,

and at the end of that time it could be renewed.

Mayor Owens closed the public hearing, and upon call for the question on the amendment and upon voice vote, the motion carried 11 votes affirmative, Council Members Polovitz and Beach voted no.

Council Member Carpenter moved an amendment to the ordinance that applications for conditional use permit be received no later than June 30, 2000 with final sunset of this ordinance provision to be June 30, 2002. Council Member Hamerlik seconded the motion. Carried 13 votes affirmative.

Upon call for the question on the ordinance, as amended, and upon roll call vote the following voted "aye": Council Members Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 11; voting "nay": Council Members Beach, Polovitz - 2. Mayor Owens declared the ordinance adopted.

ADOPT ORDINANCE NO. 3651, AMENDING 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.

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 con-tinued until this evening, was presented and read for consideration on second reading and final passage.

14982
June 30, 1997

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 con-tinued until this evening, was presented and read for consideration on second reading and final passage.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter.

There were some questions re. whether this rezoning would allow business develop-ment all the way back to the Coulee in area where garden plots and bikepaths were located and would eliminate green space in that area (from the fire station north to Gateway Drive and back to the Coulee across from the cemetery), and wouldn't want to see general business development that close to the University. It was noted that this request brought in by the University, and that they have an advisory committee and are looking at other avenues of revenue (and some of the things they have had requests for is coffee houses, convenience stores, etc.) and that they wouldn't need authorization from the City to do this.

After further discussion, Mayor Owens closed the public hearing.

Upon call for the question on adoption of the ordinance 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. Mayor Owens declared the ordinance adopted.

CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE TO AMEND LAND DEVELOPMENT CODE, ARTICLE 9, SUBDIVISION REGULATIONS, FINANCING AS IT RELATES TO ELIMINATING THE 50% UP-FRONT MONEY FOR A DESIGNATED AFFORDABLE HOUSING PROJECT TO JULY 7, 1997

An ordinance entitled "An ordinance to amend the Land Development Code, Article 9, Subdivision Regulations, Section 18-0908 Improvements Required, subsection (1) improvements inside city, paragraph (B) financing, as it relates to eliminating the 50% up-front money for a designated affordable housing project", which had been introduced and passed on first reading on April 7, 1997, and upon which public hearing and second reading of the ordinance had been continued until this evening, was presented and read for consideration on second reading.

The Planning and Zoning Commission reported having considered the matter of the referral from city council for preliminary and final approval of an ordinance to amend the Land Development Code, Article 9. Subdivision Regulations, Section 18-0908 Improvements Required, subsection (1) improvements inside city, paragraph (B) financing as it relates to eliminating the 50% up-front money for a designated affordable housing project, and recommended tabling and continuing the public hearing until July 7, 1997.

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

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none; and the public hearing was continued to July 7, 1997.

14983

June 30,

1997

CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE TO AMEND LAND DEVELOPMENT CODE, ARTICLE 2. ZONING REGULATIONS, R-2 (SINGLE FAMILY RESIDENCE) DISTRICT REQUIRED LOT AREA AS IT RELATES TO LOT WIDTHS AND DEPTHS FOR DESIGNATED AFFORDABLE HOUSING TO JULY 7, 1997

An ordinance entitled "An ordinance to amend the Land Development Code, Article 2. Zoning Regulations, Section 18-0208 R-2 (Single Family Residence) District, subsection (6) required lot area, lot width and lot depth, paragraph (A) as it relates to lot widths not to exceed 60 feet and lot depths of a minimum of 120 feet for a designated affordable housing project", which had been introduced and passed on first reading

on April 7, 1997, and upon which public hearing and second reading of the ordinance had been continued until this evening, was presented and read for consideration on second reading.

The Planning and Zoning Commission reported having considered the matter of the referral from city council for preliminary and final approval of an ordinance to amend the Land Development Code, Article 2, Zoning Regulations, Section 18-0208 R-1 (Single-Family Residence) District, subsection (6) required lot area, lot width and lot depth, paragraph (A) as it related to lot widths not to exceed 60 feet and lot depths of a minimum of 120 feet for a designated affordable housing project, and recommended tabling and continuing the public hearing until July 7, 1997.

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

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none; and the public hearing was continued to July 7, 1997.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE TO AMEND LAND DEVELOPMENT CODE,
ARTICLE 9, SUBDIVISION REGULATIONS, LAYOUT
OF ADDITIONS AND SUBDIVISIONS SURVEY AND PLAT
REQUIRED, CONTENTS OF PLAT, AS IT RELATES TO
REDUCING MINIMUM R/W WIDTHS TO 70 FT. FOR A
DESIGNATED AFFORDABLE HOUSING PROJECT TO JULY 7,
1997

An ordinance entitled "An ordinance to amend the Land Development Code, Article 9, Subdivision Regulations, Section 18-0907 Layout of Additions and Subdivisions, Survey and Plat required, contents of plat, subsection (2) rights of way, para-graph I as it relates to reducing minimum right of way widths to 70 feet for a designated affordable housing project", which had been introduced and passed on first reading on April 7, 1997, and upon which public hearing and second reading of the ordinance had been continued until this evening, was presented and read for consideration on second reading.

The City Planning and Zoning Commission reported having considered the matter of the referral from city council for preliminary and final approval of an ordinance to amend the Land Development Code, Article 9. Subdivision Regulations, Section 18-0907 Layout of Additions and Subdivisions, Survey and Plat required, contents of plat, subsection (2) Rights of Way, paragraph I as it related to reducing minimum right of way widths to 70 feet for a designated affordable housing project, and recommended tabling and continuing the public hearing until July 7, 1997.

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

14984

June 30, 1997

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

hearing was continued to July 7, 1997.

REPORTS OF OFFICERS

The city auditor's statement of changes in cash balances dated May 31, 1997 was presented and read. It was moved by Council Member Babinchak and seconded by Council Member Sande to receive and file. Carried 13 votes affirmative.

ADOPT RESOLUTION AUTHORIZING ISSUANCE AND AWARDING SALE OF TAXABLE WATER RESERVE REVENUE BONDS, SERIES 1997B TO FINANCE THE UNDERTAKING OF AN EXPANSION AND IMPROVEMENT OF THE MUNICIPAL WATER UTILITY

The city auditor presented an affidavit showing publication in the official newspaper of the City of the Notice of Bond Sale of \$1,935,000 Taxable Water Reserve Revenue Bonds, Series 1997B (the Bonds) of the City, bids which were to be considered at this meeting as provided by resolution adopted April 7, 1997. The affidavit was examined and approved and ordered placed on file.

The city auditor reported that 7 sealed bids for the purchase of the Bonds had been received from the following institutions at or before the time stated in the Notice of Bond Sale, and the bids were then opened and publicly read and considered, and were all found to conform to the Notice of Bond Sale and to be accompanied by the required security, and the purchase price, interest rates and net interest cost under the terms of each bid were found to be as follows: Document No. 7316 - Bid Tabulation.

Committee No. 1, Finance, reported having considered the matter of Taxable Water Reserve Revenue Bonds, Series 1997B, and recommended that we accept the low bid of Smith Barney at a taxable rate of 7.127%, and adopt the resolution authorizing the issuance and awarding the sale of Taxable Water Reserve Bonds, Series 1997B to finance the undertaking of an expansion and improvement of the municipal water utility.

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

Council Member Bakken introduced the following resolution and moved its adoption, which motion was seconded by Council Member Hamerlik: Document No. 7317 - Resolution.

Upon call for the question of adoption of the resolution 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. Mayor Owens declared the motion carried and the resolution adopted.

REFER MATTER OF COMPENSATION PROPOSAL FOR OVERTIME PAYMENTS DURING FLOOD EMERGENCY BACK TO COMMITTEE

Committee No. 1, Finance, reported having considered the matter of compensation proposals for overtime during flood emergency, and recommended to adopt Option No. 2 for period April 11 to May 17.

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

14985

June 30,

1997

Council Member Babinchak reviewed options: that Option No. 2 was for straight time from zero to 40 hours, overtime rate from 41 to 59 hours, and any additional time at double time for period April 11 to May 17; and Option No. 1 gave time and a half for 40 hours and any additional time was double time for period April 18 to April 30.

Mike Flannery, employee rep. of police department, stated that with Option No. 2 only 17% of police department employees affected, other 83% wouldn't be affected, and that he would like to see this go back to finance committee and not discuss monetary compensation and whether FEMA reimbursement, and that they consider compensation based on vacation time, with formula to be set, would be less cost and would see all of police department compensated and not just 17%. After further discussion it was moved by Council Member Beach and seconded by Council Member Babinchak to refer this matter back to finance committee for further consideration. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hanson, Glassheim, Sande, Klave, Babinchak - 7; voting "nay": Council Members Hamerlik, Carpenter, Beyer, Bakken, Hafner, Hagness - 6. Mayor Owens declared the motion carried and the matter referred back to finance committee.

APPROVE FORX FEST ACTIVITIES IN CENTRAL
BUSINESS DISTRICT ON JULY 26, 1997

Committee No. 2, Public Safety, reported having considered the matter of request from Central Business District Association to hold annual Forx Fest on July 26, 1997, and recommended approval of the request, contingent upon buildings in the area being secure.

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

APPROVE APPLICATION FROM GREATER GRAND
FORKS FAIR AND EXHIBITION ASSN. FOR CARNIVAL
PERMIT JULY 9-13, 1997

Committee No. 2, Public Safety, reported having considered the matter of application from Greater Grand Forks Fair and Exhibition Assn., Inc. for carnival permit July 9-13, 1997, and recommended approval of the application.

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

APPROVE REQUEST FROM ABATE OF NORTH
DAKOTA DISTRICT 4 TO HOLD ANNUAL TOY RUN

Committee No. 2, Public Safety, reported having considered the request from Abate of North Dakota Dist. 4 to hold 10th Annual Toy Run on July 19, 1997, and recommended to approve the request.

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

APPROVE GRANT AGREEMENTS WITH NORTH DAKOTA
STATE DEPARTMENT OF HEALTH

Committee No. 2, Public Safety, reported having considered the matter of North Dakota Health Department grant agreements: a) Tuberculosis Control, \$11,482, b) HIV Counseling & Testing, \$12,000, c) Ryan White, \$6,000, d) Occupational Health
14986
June 30, 1997

Nurse, \$52,500, and e) Immunization/Epidemiologist Support Services, \$28,464, all for the period July 1, 1997 through June 30, 1998, and recommended approval of the grant agreements, contingent upon review and approval by the city attorney and signature by the mayor.

It was moved by Council Member Glassheim and seconded by Council Member Beyer 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. Mayor Owens declared the motion carried.

APPROVE RELOCATION OF BONZER'S ON FOURTH, INC.
ALCOHOLIC BEVERAGE LICENSE TO 111 SOUTH 4TH
STREET, AND APPROVE CHANGE IN CLASS OF LICENSE

Committee No. 2, Public Safety, reported having considered the matter of request from Bonzer's to transfer alcoholic beverage license to a different location, and recommended to approve the transfer of license from 12 North 4th Street to 111 South 4th Street, contingent upon approval of the various departments.

Committee No. 2, Public Safety, reported having considered the request from Bonzer's to change alcoholic beverage classification from Class 3 (Off and/or On-Sale Beer and Wine) license to a Class 4 (Food and Beverage Establishment - less than 100 seats) license, and recommended to approve the change in classification of license for Bonzer's on Fourth.

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

The city attorney reported that this would relocation of licensed premise and change in classification would require payment of an issuance fee in the amount of \$25,000, and may be an opportunity for committee to re-examine whether you wish to continue charging issuance fees for the various alcoholic beverage licenses.

Council Member Sande then requested that the change in license classification be returned to committee to reconsider the issuance fee. Mr. Bonzer stated that he was aware of the \$25,000 issuance fee. It was noted that the issuance fee can be paid in four installments. Council Member Sande withdrew her motion.

There was some discussion re. building for relocation of license, Mr. Bonzer stated he was asking to relocate his license contingent upon issuance of the building permit and approval of various departments. He also stated that there was a difference of opinion on whether the building received 50% or more damage, and they are trying to work that out. Tim Manz, mechanical inspector, reported this is City-owned building and there are lot of other things involved, FEMA and Public Assistance Program, etc., and should know in matter of days.

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

COUNCIL MEMBER HAMERLIK EXCUSED

APPROVE EASEMENT AGREEMENT WITH U.S.WEST
FOR TELEPHONE COMMUNICATIONS CABLE AND
PLANT CABINETS

Committee No. 3, Public Service, reported having considered the matter of request for easement agreement telecommunications, electrical and gas facilities), tele-phone communications cable and plant cabinets at Cherry Station Addition at 32nd Avenue South and Cherry Street, for and in consideration of the sum of \$25.00,

14987

June 30,

1997

and recommended to approve contingent upon review by the engineering department.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 12; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CHANGE IN PUMP STATION REHAB
PROJECT

Committee No. 3, Public Service, reported having considered the matter of request to change pump station rehab project (to hold project for pump station #5 and move project to pump station #21), and recommended to approve request.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND
SPECIFICATIONS AND ADVERTISEMENT FOR BIDS,
SEWER PROJECT NO. 4619, DISTRICT NO. 383

The city engineer's estimate of total cost of the construction of sanitary sewer on North 55th Street in the amount of \$ _____, was presented and read.

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4619, District No. 383, sanitary sewer on North 55th Street, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7318 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 12 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS FOR
PROJECT NO. 4667, STORM SEWER AND PAVING
IN COLUMBIA PARK 21ST ADDITION

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4667, storm sewer and paving in Columbia Park 21st Addition, and recommended to approve plans and specifications contingent upon engineer's final review.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE SIDEWALK CONSTRUCTION LIST
PROJECT NO. 4571, 1997 SIDEWALK REPAIR
AND CONSTRUCTION

Committee No. 3, Public Service, reported having considered the matter of sidewalk list for 1997 sidewalk repair and construction, Project No. 4571, and recommended to approve the sidewalk construction list.

It was moved by Council Member Hafner and seconded by Council Member Klave that
14988
June 30, 1997

this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE MAINTENANCE AGREEMENT WITH NODAK
RADIO CAB FOR MINI-VANS

The Bus Committee reported having considered the matter of dial-a-ride maintenance agreement and recommended approval of maintenance agreement between City of Grand Forks and Nodak Radio Cab for two new mini-vans.

It was moved by Council Member Sande and seconded by Council Member Hanson that this recommendation be and is hereby approved. Carried 12 votes affirmative.

APPROVE CONDITIONAL USE PERMIT FOR RETAIL
SALES OF ANTIQUE FURNITURE AND COLLECTIBLES
AT 1020 COTTONWOOD STREET

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 Hagness that this recommendation be and is hereby approved.

Council Member Beach reported that Linden Court which is on other side of Cottonwood Street is very narrow street and is opposed to the variance.

COUNCIL MEMBER HAMERLIK REPORTED BACK

Upon call for the question and upon voice vote, the motion carried 11 votes affirmative, Council Members Beach and Polovitz voting against the motion.

INSTRUCT INSPECTION DEPARTMENT TO MEET
WITH BUSINESS OWNERS AND FEMA REPS. RE.
50% DAMAGE RULE

The Flood Response Committee reported having considered the matter of 50% damage rule as applied to community and city property, and recommended that the inspection department meet with business owners and FEMA representatives to review and explain guidelines.

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

APPROVE AGREEMENT WITH ADVANCED ENGINEERING
FOR EMERGENCY AND PERMANENT RESTORATION OF
DRINKING WATER SYSTEM

The Flood Response Committee reported having considered the matter of engineering agreement for emergency and permanent restoration of drinking water system, and recommended to approve the agreement with Advanced Engineering & Environmental Services, Inc. subject to review and approval by the city attorney.

It was moved by Council Member Bakken 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. Mayor Owens declared the motion carried.

14989

June 30,

1997

APPROVE ENGINEERING AGREEMENT FOR ENVIRONMENTAL
ABATEMENT

The Flood Response Committee reported having considered the matter of engineering agreement for environmental abatement for various city buildings, and recommended to approve the agreement with Architects & Environmental Consultants, subject to review by the city attorney.

It was moved by Council Member Bakken 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. Mayor Owens declared the motion carried.

APPROVE UTILITY RATES FOR FEMA TRAILERS IN
INDUSTRIAL PARK

The Flood Response Committee reported having considered the matter of utility rates and temporary trailers in the Industrial Park, and recommended approval of a rate of \$43.28/mo. per trailer.

It was moved by Council Member Bakken 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. Mayor Owens declared the motion carried.

RECEIVE AND FILE MATTER OF WHETHER HISTORICAL
BUILDINGS WITH 50% DAMAGE IN BUYOUT

The Flood Response Committee reported having considered the matter of historical buildings damaged 50% or more and whether considered in the buyout, and recommended to receive and file.

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

MATTER OF REQUESTING PROFESSOR KUIPER
FROM WINNIPEG TO LOOK AT FLOOD SITUATION

The Flood Response Committee reported having considered the matter of inviting Professor Kuiper, Winnipeg, to Grand Forks to look at our flood protection situation, and recommended to refer this matter back to the mayor's office and request her to request Professor Kuiper to visit us.

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

APPROVE ENGINEERING AGREEMENT WITH CPS,
LTD. TO ASSIST IN FLOOD RESTORATION
ACTIVITIES

The Flood Response Committee reported having considered the matter of engineering agreement with CPS, Ltd. to assist in flood restoration activities, and recommended to approve the agreement as presented.

It was moved by Council Member Bakken 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,
14990
June 30, 1997

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

APPROVE BIDS FOR ASBESTOS REMOVAL AND
ELEVATOR REPAIR AT VARIOUS LOCATIONS

The Flood Response Committee reported having considered the matter of bids for asbestos removal and elevator repair, and recommended to accept low bids as follows: a) North fire station for asbestos abatement, \$5,900, Horsely Specialties, b) Police building for asbestos abatement, \$44,327, National Surface Cleaning, c) Civic Auditorium for asbestos abatement, \$128,200, Horsely Specialties, d) Senior Center for asbestos abatement, \$34,000, EnviroBate Northland, e) Civic Auditorium, refurbishment of elevator (2), \$31,000 Advanced Elevator, and f) parking ramp refurbishment of elevator, \$10,900, Advanced Elevator.

It was moved by Council Member Bakken 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. Mayor Owens declared the motion carried.

ELIMINATE TWO-YEAR TAX EXEMPTION ON NEW
CONSTRUCTION) AND SEPARATE ISSUE WITH ANY
BUYOUT PROGRAM AND/OR INCENTIVES ATTACHED
TO BUYOUT PROGRAM

The Flood Response Committee reported having considered the matter of elimination of two-year tax exemption (on new construction) and memo from city auditor, and recommended to totally eliminate the two-year tax exemption and separate issue with any buyout program and/or incentives attached to the buyout program.

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

Council Member Klave stated that he thinks there is an equitable way to achieve way to keep people building in the city, agree that we need tax base, and work together with citizens of Grand Forks to make sure they have the incentives and programs to build and stay in Grand Forks.

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

AUTHORIZE STAFF TO MAKE OFFER TO PURCHASE
PROPERTY IN HIGH TECH PARK WEST

The Flood Response Committee reported having considered the matter of purchase of property in High Tech Park West from Aerospace Science Foundation, and recom-mended that we authorize staff to make an offer of \$1.05 per sq.ft. for the property.

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

John O'Leary, executive director of urban development, reported that the Flood Response Committee met earlier today and instructed staff to offer \$1.05 sq.ft. for the 70 acre parcel on University Avenue, that he visited with the chair of the Aerospace Foundation and he thought that would be an acceptable arrangement, so if council concurs with this proposal it would instruct staff and proper City officials to complete closure of the project. He reported that approx. 15-20 acres of this parcel would be used to develop rental housing (townhouses) which

14991

June 30,

1997

would be constructed this year.

It was moved by Council Member Glassheim and seconded by Council Member Polovitz to amend the motion to instruct proper City officials to conclude the deal at \$1.05 for the 70 acres. Carried 13 votes affirmative.

Upon call for the question on the motion, as amended, 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. Mayor Owens declared the motion carried.

REFER MATTER OF BIDS FOR TELEPHONE SYSTEM
AT WATER PLANT BACK TO COMMITTEE

The Flood Response Committee reported having considered the matter of bids for telephone system at water plant, and recommended to accept bid of Reliance for option 2 in the amount of \$42,816.00.

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

Council Member Carpenter reported that it was his understanding that they have been having some problems with Reliance in the temporary City Hall

with their availability for service and accomplishing some things that we want, and if concern, questioned award of another bid to Reliance whether they would provide service and programming.

Council Members Hafner and Glassheim asked that this matter be referred back to committee for further consideration.

APPROVE APPOINTMENTS TO CITY/COUNTY DONATED
GOODS AND SERVICES BOARD

Mayor Owens announced the appointment of Council Member Bakken, Keith Berger, Don Shields and Dave Braaten to the Grand Forks City/County donated Goods and Services Board, and asked for concurrence in these appointments. It was moved by Council Member Klave and seconded by Council Member Hafner to approve the appointments. It was noted that this board would take care of in-kind donations coming in and monitor distributions from warehouses to Salvation Army, Red Cross, etc. and will have one salaried person with volunteers manning the warehouse. Carried 13 votes affirmative.

MATTER OF LETTER OF RETIREMENT FROM
CHESTER PASCHKE, CHIEF OF POLICE

Mayor Owens reported that her office had received a letter from Chief Paschke notifying her of his retirement as chief of police effective August 24, 1997, and thanked him for his services to the city.

MATTER OF COUNCIL MEETING TIME

Mayor Owens asked council if they wished to return to their regular meeting time and dates at 7:00 p.m. on the first and third Mondays of the month. It was moved by Council Member Hafner and seconded by Council Member Hanson that all city council meetings and committees return to their normal times, except Flood Response which will meet on Wednesdays at 5:00 p.m. Carried 13 votes affirmative.

APPOINT JOHN WARCUP AS ASSISTANT CITY
ATTORNEY

14992
June 30, 1997

Mr. Swanson asked for the council's concurrence in the appointment of John Warcup as assistant city attorney, that Mr. Warcup joined their firm on April 1, 1997, and because of his expertise in real estate matters will be appreciated. It was moved by Council Member Beyer and seconded by Council Member Hagness to approve the appointment of John Warcup as assistant city attorney. Carried 13 votes affirmative.

GIVE LETTER OF SUPPORT TO METROPLAINS
DEVELOPMENT, INC. FOR USE OF LOW INCOME
HOUSING TAX CREDITS FOR THE REHAB OF
RIVERSIDE MANOR APARTMENTS, SUBJECT TO
A BUILDING PERMIT BEING ISSUED

Committee No. 1, Finance, reported having considered the request from MetroPlains Development, Inc. for letter of support for the use of low

income housing tax credits for the rehabilitation of Riverside Manor Apartments (former St. Anne's Rest Home) for approx. \$128,000 of equity, and recommended to give a letter of support, subject to a building permit being able to be issued.

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

REFER VARIOUS ITEMS TO COMMITTEE/COUNCIL

Various items were presented to the council for consideration and/or referral to committee:

1) Council Member Beyer suggested combining urban development and public safety committees and putting four people back on public service committee, the matter was referred to all committees for discussion and consideration.

2) Council Member Sande thanked mayor for issuing curfew in the Lincoln Drive area from 9:00 p.m. to 6:00 a.m. because of instances of vandalism, theft and partying.

3) Council Member Hagness asked whether City should be looking at new legislation passed on the four-mile territorial jurisdiction for cities; Mr. Swanson stated that with respect to the four-mile extra-territorial jurisdiction it would not be effective unless the City exercised the authority to go out the full four miles and he is preparing a listing of various legislative items that will require City attention and go to a number of different committees but the Planning and Zoning one could be looked at any time. He noted that would not be effective until August 1 but City could act on at any time after August 1. The matter was referred to Planning and Zoning Commission for their information.

REPORT ON RENTAL UNITS IN GRAND FORKS AND EAST GRAND FORKS

Jerry Tuchscherer, Grand Forks Apartment Assn., stated that last week he presented preliminary numbers from survey conducted by their Association and have now collected data over a 10-day period with 71 responses representing over 5,000 apartments, considering there's about 14-16,000 apartments between Grand Forks and East Grand Forks, looking at about 1/3 of those units, about 1500 were wet and 653 being lived in. He stated that another 40% back on market in October, and appears that rental management companies before first of October will have in excess of about 80% of the units back on the market an in liveable condition. He reported that 39% of units are projecting 5% increase in rent, 18% projecting 10% increase, that they need rents to off-set SBA loans but once start raising rents maybe concern for the community. Information only.

14993

June 30,

1997

ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Sande that we now adjourn until Monday, July 7, 1997 at 7:00 o'clock p.m. Carried 13 votes affirmative.

Respectfully submitted,

Saroj Jerath
Deputy City Auditor

Approved:

Patricia A. Owens, Mayor