

**THE CITY COUNCIL OF THE
FORKS, NORTH DAKOTA
21, 1997**

**PROCEEDINGS OF
CITY OF GRAND
Monday, July**

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, July 21, 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, Hafner - 11; absent: Council Members Bakken, Hagness - 2; 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.

CONTINUE PUBLIC HEARING AND SECOND READING
OF ORDINANCE TO AMEND ZONING MAP TO INCLUDE
WITHIN COLUMBIA PARK PUD, CONCEPT DEVELOPMENT
PLAN, AMENDMENT NO. 10, LOT 1, BLOCK 1,
COLUMBIA PARK 7TH ADDITION, TO AUGUST 18, 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 Columbia Park PUD (Planned Unit Development), Concept Development Plan, Amendment No. 9 and to include within the Johnson's PUD (Planned Unit Development), Concept Development Plan, Amendment No. 10, with substantial change lying in Lot 1, Block 1, Columbia Park 7th Addition to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on June 23, 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 on this matter; there were no comments.

The Planning and Zoning Commission reported having considered the matter of recommendation to whom was referred the matter of the request from Wally Rodgers on behalf of Americinn Hospitality, L.L.C. for final 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 to table and continue the public hearing until April 18, 1997.

It was moved by Council Members Polovitz and Sande that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ADOPT ORDINANCE NO. 3656.1, TO REZONE AND TO
INCLUDE WITHIN THE MEADOWLARK PUD (PLANNED UNIT
DEVELOPMENT), CONCEPT DEVELOPMENT PLAN, ALL OF
BLOCKS 6, 7, 8 AND 10, ADAMS-DOBMEIER 2ND AND

LOT 1, BLOCK 1, ADAMS-DOBMEIER 3RD RESUBDIVISION

An ordinance entitled "An ordinance to amend the Zoning Map of the city

of Grand Forks, North Dakota to rezone and exclude from the A-1 (Limited Development) District and the I-2 (Heavy Industrial) District and to include within the Meadowlark PUD (Planned Unit Development), Concept Development Plan, all of Blocks 6, 7, 8 and 10, Adams-Dobmeier 2nd and Lot 1, Block 1, Adams-Dobmeier 3rd Resubdivision, Grand Forks, North Dakota", which had been introduced and passed on first reading on July 7, 1997, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

15025

July 21,

1997

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

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

The Planning and Zoning Commission reported having considered the matter of the request from Dan Schmaltz on behalf of Sun Land West, LLC for final approval of an ordinance to amend the Zoning Map to exclude from the A-1 (Limited Development) District and the I-2 (Heavy Industrial) District and to include within the Meadowlark PUD (Planned Unit Development), Concept Development Plan, all of Blocks 6, 7, 8 and 10, Adams-Dobmeier 2nd Subdivision, Grand Forks, ND and Lot 1, Block 1, Adams-Dobmeier 3rd Resubdivision, Grand Forks, ND (located between DeMers Avenue and 6th Avenue North and between North 55th Street and North 62nd Street), and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Zoning Map. The recommendation had been moved by Council Member Polovitz and seconded by Council Member Beyer.

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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the ordinance adopted.

ADOPT ORDINANCE NO. 3657, TO AMEND THE ZONING
MAP TO INCLUDE WITHIN THE I-2 (HEAVY INDUSTRIAL)
DISTRICT, A PORTION OF THE SW QUARTER SW QUARTER
OF SECTION 28, T151N, R50W OF 5TH P.M., COMMONLY
REFERRED TO AS FORMER LOCKWOOD GRADER TRACK

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota, to rezone and exclude from the B-3 (General Business) District and to include within the I-2 (Heavy Industrial) District, a portion of the Southwest Quarter of the Southwest Quarter of Section 28, Township 152 North, Range 50 West of the 5th Principal Meridian (commonly referred to as the former Lockwood Grader Track) to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on July 7, 1997, and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

Mayor Owens called upon the public hearing; there were no comments and Mayor Owens declared the hearing closed.

The City Planning and Zoning Commission reported having considered the matter of the request from Mitchell Gibb on behalf of Residual Materials, Inc. for final approval of an ordinance to amend the Zoning Map to exclude from the B-3 (General Business) district and to include within the I-2 (Heavy Industrial) District, a portion of the Southwest Quarter of the Southwest Quarter of Section 28, Township 152 North, Range 50 West of the 5th Principal Meridian (commonly referred to as the former Lockwood Grader Track) and being platted as Lockwood Addition (located in the northwest corner of Mill Road and 27th Avenue North), and recommended final approval and passage of the ordinance amending the Zoning Map. The recommendation had been moved and seconded by Council Member Polovitz and seconded by Council Member Beyer.

Upon call for the question and upon roll call vote the following voted "aye":
15026
July 21, 1997

Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the ordinance adopted.

ADOPT ORDINANCE NO. 3658, TO AMEND THE ZONING MAP TO INCLUDE WITHIN INDUSTRIAL 2ND PUD (PLANNED UNIT DEVELOPMENT), CONCEPT DEVELOPMENT PLAN, AMENDMENT NO. 1, ALL OF MAIER'S FIRST ADDITION, MAIER'S SECOND ADDITION, MAIER'S THIRD ADDITION, MAIER'S FOURTH RESUBDIVISION, AND NORTHERN STATES POWER SUBSTATION SITE TO THE CITY OF GRAND FORKS

An ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota, to rezone and exclude from the Industrial 2nd PUD (Planned Unit Development), Concept Development Plan and to include within Industrial 2nd PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1, all of Maier's First Addition, Maier's Second Addition, Maier's Third Addition, Maier's Fourth Resubdivision, and Northern States Power Substation Site to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on July 7, 1997, and upon which public hearing had been considered for this evening, was presented and read for consideration on second reading and final passage.

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

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

Mayor Owens declared the hearing closed.

The Planning and Zoning Commission reported having considered the matter of the request from Pat Downs on behalf of the Grand Forks Region Economic Development corporation for final approval of an ordinance to amend the Zoning Map to exclude from Industrial 2nd PUD (Planned Unit Development), Concept Development Plan and to include within Industrial 2nd PUD (Planned Unit Development), Concept Development Plan, Amendment No. 1, all of Maier's First Addition, Maier's Second Addition, Maier's Third Addition, Maier's Fourth Resubdivision, and Northern States Power Substation Site (this area is located between South 48th Street and the BN/Santa Fe Railroad right of way and between 11th and 17th Avenues South), and recommended final approval subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Zoning Map. The recommendation had been moved and seconded by Council Members Polovitz and Hafner.

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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the ordinance adopted.

ADOPT ORDINANCE NO. 3659, AMENDING STREET AND HIGHWAY PLAN TO INCLUDE THE PUBLIC RIGHTS OF WAY SHOWN AS DEDICATED ON THE PLAT OF MAIER'S FOURTH RESUBDIVISION

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 Maier's Fourth Resubdivision to the city of Grand Forks, North Dakota", which had been introduced and passed on its first reading on July 7, 1997 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

The city auditor reported that the required legal notice had been published

15027

July 21,

1997

calling for a public hearing to be held on this matter this evening and further that to date no protests or grievances had been filed with his office.

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

The City Planning and Zoning Commission reported having considered the matter of the request from Pat Downs on behalf of the Grand Forks Region Economic Development Corporation for final approval of the plat of Maier's Fourth Resubdivision to the city of Grand Forks, North Dakota, being a part of the Southwest Quarter of Section 7, Township 151 North, Range 50 West of the 5th Principal Meridian (this area is located between South 48th Street and the BN/Santa Fe Railroad right of way and between 11th and 17th Avenues South), and recommended final approval subject to

special conditions shown on or attached to the review copy and passage of the ordinance amending the Street and Highway Plan. The recommendation had been moved and seconded by Council Member Polovitz and Council Member Sande.

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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the ordinance adopted.

ADOPT ORDINANCE NO. 3660, TO ANNEX ALL OF
MAIER'S FOURTH RESUBDIVISION, LESS PORTION
PREVIOUSLY ANNEXED AND TO INCLUDE ALL OF
THAT TRACT OF LAND COMMONLY REFERRED TO AS
NSP SUBSTATION SITE

An ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota all of Maier's Fourth Resubdivision, Grand Forks, North Dakota, less portion previously annexed and to include all of that tract of land commonly referred to as NSP Substation Site", which had been introduced on first reading on July 7, 1997 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

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

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

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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the ordinance adopted.

ADOPT ORDINANCE NO. 3661, AMENDING STREET
AND HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN
AS DEDICATED ON THE PLAT OF PERKINS FOURTH
ADDITION

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 on first reading on March 17, 1997 and upon which public hearing had been scheduled for this evening, was presented and read for consideration on second reading and final passage.

15028
July 21, 1997

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

Mayor Owens called for the public hearing; there were no comments and Mayor Owens declared the hearing 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, Town-ship 151 North, Range 50 West of the 5th Principal Meridian (located east of South 34th Street between 36th and 40th Avenues South), and recommended approval of the conceptual plan for the entire section of land with the circular roadway around core park subject to special conditions shown on or attached to the review copy and final approval of the plat subject to special conditions shown on or attached to the review copy and passage of the ordinance amending the Street and Highway Plan. The recommendation had been moved and seconded by Council Member Polovitz and Council Member Hafner.

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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the ordinance adopted.

ADOPT RESOLUTION VACATING PORTION OF NORDONNA
CIRCLE, ADJACENT EASEMENTS AND SEGMENT OF
ACCESS CONTROL LINE AS PLATTED AND DEDICATED
ON PLAT OF JOHNSON'S 4TH ADDITION

The city auditor reported that pursuant to instructions by the city council after having received a petition to vacate all of Nordonna Circle, a 10-foot wide utility easement adjacent thereto, 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 Avenue 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, the required legal notice had been published calling for a public hearing to be held this evening and further that no protests or grievances had been filed with his office.

Mayor Owens called for the audience to see if there was anyone present who had comments to make on the matter. There were none.

It was moved by Council Member Hanson and seconded by Council Member Beyer that we do hereby find and determine an insufficiency of protest on the request for vacation. Carried 11 votes affirmative.

Council Member Beyer introduced the following resolution which was presented and read: Document No. 7324 - Document.

It was moved by Council Member Beyer and seconded by Council Member Babinchak that this resolution be and is hereby adopted. Carried 11 votes affirmative.

CONSENT AGENDA

The following items were presented, read and referred to committee. It was moved by Council Member Hafner and seconded by Council Member Babinchak that this matter be referred to committee. Carried 11 votes affirmative.

15029

July 21,

1997

Finance Committee:

1) matter of MIDA bonds for Valley Memorial.

APPROVE BILLS

Vendor Payment No. 97-10, dated July 21, 1997 and totaling \$3,404,400.84, all having been audited by the city auditor for payment in accordance with Regulation No. 2, was presented and read.

It was moved by Council Member Hanson and seconded by Council Member Beyer that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

APPROVE MATTER OF COMPENSATION PROPOSAL
FOR OVERTIME DURING FLOOD RESPONSE

The city auditor reported that there was no action sheet and was referred to you pending information from the Human Resources Department.

APPROVE CONTRACT WITH OFFICE OF STATE
TAX COMMISSIONER TO ADMINISTER CITY SALES
TAX FOR 1997-99 BIENNIUM

The Finance Committee reported having considered the matter of contract with Office of State Tax Commissioner to administer city sales tax for 1997-99 biennium at a fee of \$158,500, and recommended to authorize the proper City officials to sign contract with State Tax Department for collection of sales tax, subject to review and approval of the city attorney.

It was moved by Council Member Glassheim and seconded by Council Member Sande that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

TABLE INDEFINITELY MATTER OF REQUEST FROM
REGION IV CHILDREN'S SERVICES COORDINATING
COMMITTEE (FAMILIES FIRST) FOR FREE OFFICE
SPACE IN CITY CENTER MALL

The Finance Committee reported having considered the matter of request

from Region IV Children's Services Coordinating Committee (Families First) for free office space in City Center Mall (space behind Community Violence Intervention Center), and recommended to table indefinitely.

It was moved by Council Member Glassheim and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE JOB DESCRIPTION AND DETERMINATION
OF POSITION AS CIVIL SERVICE/CONTRACT
POSITION FOR CHIEF OF POLICE

Committee No. 1, Finance and Committee No. 2, Public Safety Committee reported having considered the matter of determination of civil service vs. contract position of chief of police, and recommended that we pursue a contract for the chief of police.

15030
July 21, 1997

It was moved by Council Member Glassheim and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 11 votes affirmative.

RECEIVE AND FILE MATTER OF COMPLAINTS RE.
NOISE AND LITTER RE. OUTDOOR BEER GARDEN AT
BORROWED BUCKS

Committee No. 2, Public Safety, reported having considered the matter of complaints re. noise and litter re. outdoor beer garden at Borrowed Bucks, and recommended to receive and file.

It was moved by Council Member Beyer and seconded by Council Member Glassheim that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE GRANT AGREEMENTS WITH NORTH DAKOTA
STATE DEPARTMENT OF HEALTH AND HUMAN
SERVICES

Committee No. 2, Public Safety, reported having considered the matter of grant agreements with ND Department of Health and Human Services: a) Tobacco Prevention and Control grant agreement, \$20,000; and b) Care Coordination Services for Children's grant agreement, \$25,000; and recommended approval of the grant agreements pending final review and approval by the mayor and city attorney.

It was moved by Council Member Beyer and seconded by Council Member Glassheim 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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

INTRODUCE ORDINANCE TO AMEND COLLECTION
PERIOD FOR MOSQUITO CONTROL FEE

Committee No. 2, Public Safety, reported having considered the matter of mosquito control fee, amend collection period, and recommend to amend the ordinance to include months of October and November for collection of the \$1.00 fee on the utility bill.

It was moved by Council Member Beyer and seconded by Council Member Glassheim that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance amending Section 15-0117 of the Grand Forks City Code relating to mosquito control fee", which was presented, read and passed on its first reading.

APPROVE BUDGET AMENDMENT

An amendment from the police department in the amount of \$116,716.00 to reflect law enforcement grant was presented and read. It was moved by Council Member Beyer and seconded by Council Member Glassheim that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE ENTERING INTO LEASE WITH STATE HIGHWAY PATROL FOR SPACE AT POLICE BUILDING

Committee No. 2, Public Safety, reported having considered the matter of lease renewal with State Highway Patrol for lease space at police building, and recommended to authorize the proper City officials to enter into a lease for a one year period with the North Dakota Highway Patrol.

15031

July 21,

1997

It was moved by Council Member Beyer and seconded by Council Member Glassheim 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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT BID FOR SCRAP METAL AT LANDFILL

Committee No. 3, Public Service, reported having considered the matter of bids for scrap metal at landfill, and recommended to accept the bid of Krueger Metal Recycling in the amount of \$40.30/ton.

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, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

MATTER OF BIDS FOR TRUCK AND HOIST FOR SANITATION DEPARTMENT

Committee No. 3, Public Service, reported having considered the matter of consideration of bids for roll-off truck and hoist for sanitation department, and recommended to accept bid of Rydell Truck Center for

heavy-duty truck at \$58,187, and to accept bid of Sanitation Products for roll-off hoist in the amount of \$25,894.

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, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE STARTING ONCE WEEK GARBAGE PICKUP ON
SEPTEMBER 1, 1997

Committee No. 3, Public Service, reported having considered the matter of once a week garbage pickup, and recommended to start once a week garbage pickup on September 1, 1997.

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

ACCEPT BIDS OF PROJECT NO. 4624, 1997
FORCEMAIN VALVE REPLACEMENT AND PIPING
MATERIAL

Committee No. 3, Public Service, reported having considered the matter of Project No. 4624, 1997 forcemain valve replacement: a) bid tabulation; and recommended to accept the bid of Molstad Excavating, Inc. in the amount of \$80,850.00.

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, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

Committee No. 3, Public Service, reported having considered the matter of Project No. 4624, 1997 forcemain valve replacement: b) quotes for bypass piping material; and recommended to award the bid to Fargo Water & Equipment in the amount of \$57,915.37.

15032

July 21, 1997

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, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
WATERMAIN PROJECT NO. 4658, DISTRICT NO. 255

Committee No. 3, Public Service Committee, reported having considered the matter of creating special assessment district: a) Project No. 4658, District No. 255, watermain in Johnson's 4th Addition and 17th Avenue South, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution

instructing the city engineer to prepare detailed plans and specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hafner introduced the following resolution creating the assessment district, which was presented and read: Document No. 7325 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Klave 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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT ENGINEER'S REPORT, WATERMAIN PROJECT
NO. 4658, DISTRICT NO. 255

The city auditor presented and read the engineer's report on Watermain Project No. 4658, District No. 255: Document No. 7326 - Report.

It was moved by Council Member Hafner and seconded by Council Member Klave that this report be and is hereby approved. Carried 11 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, WATERMAIN PROJECT NO. 4658,
DISTRICT NO. 255

Council Member Hafner introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7327 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Klave 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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION CREATING ASSESSMENT DISTRICT,
SEWER PROJECT NO. 4659, DISTRICT NO. 389

Committee No. 3, Public Service Committee, reported having considered the matter of creating special assessment district: Project No. 4659, District No. 389, storm sewer in Johnson's 4th Addition, and recommended that we adopt a resolution creating the assessment district, approving the engineer's report, including estimate of cost, an assessment district map, and further that we pass a resolution instructing the city engineer to prepare detailed plans and

15033

1997

July 21,

specifications, and that we declare intent to sell bonds to finance these improvements.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hafner introduced the following resolution creating the assessment district, which was presented and read: Document No. 7328 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Klave 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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

ACCEPT ENGINEER'S REPORT, SEWER PROJECT
NO. 4659, DISTRICT NO. 389

The city auditor presented and read the engineer's report on Sewer Project No. 4659, District No. 389: Document No. 7329 - Report.

It was moved by Council Member Hafner and seconded by Council Member Klave that this report be and is hereby approved. Carried 11 votes affirmative.

ADOPT RESOLUTION TO PREPARE PLANS AND
SPECIFICATIONS, SEWER PROJECT NO. 4659,
DISTRICT NO. 389

Council Member Hafner introduced the following resolution to prepare plans and specifications, which was presented and read: Document No. 7330 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Klave 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, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT REVISED ENGINEER'S REPORT FOR SEWER
PROJECT NO. 4657, DISTRICT NO. 388

Committee No. 3, Public Service, reported having considered the matter of revised engineer's report for Project No. 4657, District No. 388, sanitary sewer in Johnson's 4th Addition, to increase cost from \$215,000 to \$265,000, and recommended to approve the revised engineer's report.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hafner introduced the engineer's report on Sewer Project No. 4657, District No. 388: Document No. 7331 - Report.

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

Klave that this report be and is hereby approved. Carried 11 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, SEWER PROJECT NO. 4657, DISTRICT NO. 388

The city engineer's estimate of total cost of the construction of sanitary sewer in Johnson's 4th Addition in the amount of \$, was presented and read.

15034
July 21, 1997

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4657, District no. 388, sanitary sewer in Johnson's 4th Addition, and recommended that we pass a resolution approving the plans and specifications for this construction and further that the city auditor be directed to advertise for bids on the project.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7332 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Hafner that this resolution be and is hereby adopted. Carried 11 votes affirmative.

APPROVE PLANS AND SPECIFICATIONS FOR WATERMAIN PROJECT NO. 4597, WATERMAIN IN SENSKE'S ADDITION

Committee No. 3, Public Service, reported having considered the matter of plans and specifications for Project No. 4597, watermain in Senske's Addition, and recommended to approve the plans and specifications.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS, PAVING PROJECT NO. 4557, DISTRICT NO. 551

The city engineer's estimate of total cost of the construction of paving in Rivers Edge, Project No. 4557, District No. 551, 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. 4557, District No. 551, paving in Rivers Edge, 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 10 votes affirmative.

Council Member Hafner introduced the following resolution which was presented and read: Document No. 7333 - Resolution.

It was moved by Council Member Hafner and seconded by Council Member Klave that this resolution be and is hereby adopted. Carried 11 votes affirmative.

APPROVE TIME EXTENSION FOR PROJECT NO. 4461,
SEWER DISTRICT NO. 370

Committee No. 3, Public Service, reported having considered the matter of request for time extension for Project No. 4461, District No. 370, sanitary sewer on 11th Avenue South and South 42nd Street, Duckstad Contracting, contractor, and recommended to approve a request for 60-day time extension.

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

It was requested by Council Member Babinchak that she be allowed to abstain from voting on this matter. It was so moved by Council Member Beyer and seconded by

15035

July 21,

1997

Council Member Klave that this recommendation be and is hereby approved. Carried 10 votes affirmative.

Upon call for the question, and upon voice vote, the motion carried 10 votes affirmative, Council Member Babinchak abstained from voting.

DELAY MATTER OF BRIDGE REPLACEMENT PROJECT
ON 27TH AVENUE NORTH UNTIL 1999

Committee No. 3, Public Service, reported having considered the matter of bridge replacement project on 27th Avenue North, and recommended to delay the project until 1999.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ACCEPT BIDS FOR PROJECT NO. 4332, UPGRADE
LIFT STATION NO. 7

Committee No. 3, Public Service, reported having considered the matter of consideration of bids for Project No. 4332, upgrade Lift Station No. 7, and recommended not to waive the irregularity in the bid of Moorhead Construction and to return the bid unopened.

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

Klave that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Committee No. 3, Public Service, reported having considered the matter of consideration of bids, Project No. 4332, Upgrade Lift Station No. 7, and recommended to accept the bid of industrial Contract Services, Inc. in the amount of \$246,735.00 for general construction and the bid of Hanson Electric of Bemidji, Inc. in the amount of \$69,000.00 for electrical construction, contingent upon final approval on the council floor should the bid of Moorhead Construction be opened.

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

Council Member Carpenter reported that he pulled this item because of waiving an irregularity in the bid, and so can be consistent with his vote of last week. Council Member Klave reported that one of the bidders on this project did not acknowledge an addendum on the outside of the bid and that was not following bidding procedure.

Upon roll call the following voted "aye": Council Members Beach, Hanson, Sande, Klave, Beyer, Babinchak - 6; voting "nay": Council Members Polovitz, Hamerlik, Glassheim, Carpenter, Hafner - 5. Mayor Owens declared the motion carried.

MATTER OF CONSIDERATION OF RESTRUCTURING
CITY GOVERNMENT

Committee No. 4, Urban Development, reported that we establish the advisory committee as specified by the NDCC at some point after November 1, and suggest that we consider all items covered by this particular statute (Section 40-01.1-02 NDCC). (Other committees reported to receive and file, with Public Service to remain a four-member committee).

It was moved by Council Member Hanson and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

15036
July 21, 1997

DENY ACQUISITION OF PROPERTY AT 521 NORTH
4TH STREET

Committee No. 4, Urban Development, reported having considered the matter of acquisition of property at 521 North 4th Street, and recommended denial due to lack of funds.

It was moved by Council Members Hanson and Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

REFER MATTER OF ACQUISITION AND QUIT CLAIM
DEED THE ALLEY R/W TO PROPERTY AT 631 4TH
AVENUE NORTH, SUBJECT TO CONDITIONS

The Planning and Zoning Commission reported having considered the matter of the petition from Brian Kamrowski, etal, for approval to vacate and/or abandon a 10-foot wide strip of land deeded and designated to be used for

alley purposes and described as the rear 10 feet of Lots 30, 31 and 32, Block 9, Holes Central Addition to the city of Grand Forks, ND (located south of 4th Avenue South between Cherry Street and Cottonwood Street), and recommended approval to vacate and quit claim deed the alley right of way to the adjoining property owner of 631 4th Avenue South subject to easements for utilities; to refer to the public service committee for determination and declaration of surplus property and to refer to the mayor or the mayor's authorized representative (such as city assessor) for determination of estimated value.

It was moved by Council Member Polovitz and seconded by Council Member Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

ADOPT PETITION TO VACATE ALL OF SOUTH 23RD STREET AND ADJ. UTILITY EASEMENTS AS SHOWN ON PLAT OF COLUMBIA PARK 21ST ADDITION

The Planning and Zoning Commission reported having considered the matter of the petition from Arthur Greenberg, Jr. for approval of a resolution to vacate all of South 23rd Street and to vacate two 10-foot wide north/south utility easements lying adjacent to and on both sides of said South 23rd Street, all as shown on the plat of Columbia Park 21st Addition to the city of Grand Forks, North Dakota, and recommended approval of a resolution to vacate and to set the date of the public hearing for September 2, 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 and the public hearing be set for Tuesday, September 2, 1997. Carried 11 votes affirmative.

INTRODUCE ORDINANCE TO ANNEX ALL OF LOCKWOOD ADDITION

The Planning and Zoning Commission reported having considered the matter of the petition from Mitchell Gibb on behalf of Residual Materials, Inc. for approval of an ordinance to annex to the city of Grand Forks, ND all of Lockwood Addition lying within a portion of the Southwest Quarter of the Southwest Quarter of Section 28, Township 152 North, Range 50 West of the 5th Principal Meridian (this area is located in the northwest corner of Mill road and 27th Avenue North), and recommended approval of the ordinance to annex, to introduce the ordinance and to set the date of the public hearing for August 4, 1997.

15037

1997

July 21,

It was moved by Council Members Polovitz and Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to

annex to the city of Grand Forks, North Dakota, all of Lockwood addition lying within a portion of the Southwest Quarter of the Southwest Quarter of Section 28, Township 152 North, Range 50 West of the 5th Principal Meridian, Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND STREET AND
HIGHWAY PLAN TO INCLUDE PUBLIC R/W SHOWN
AS DEDICATED ON THE PLAT OF LOCKWOOD ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Mitchell Gibb on behalf of Residual Materials, Inc. for preliminary approval of the plat of Lockwood Addition to the city of Grand Forks, North Dakota, lying in the Southwest Quarter of the Southwest Quarter of Section 28, Township 152 North of Range 50 West of the 5th Principal Meridian (located in the northwest corner of Mill Road and 27th Avenue North), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the attached ordinance amending the Street and Highway Map and to set the date of the public hearing for August 18, 1997.

It was moved by Council Members Polovitz and Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced 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 Lockwood Addition to the 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 B-3 (GENERAL BUSINESS) DISTRICT
LOT 2, BLOCK 4, SUNNY NODAK FARMS ADDITION

The Planning and Zoning Commission reported having considered the matter of the request by Don Linnertz on behalf of A.B.C. Seamless, Inc. for preliminary approval of an ordinance to amend the Zoning Map to exclude from the A-2 (Agricultural Reserve) District and to include within the B-3 (General Business) District, Lot 2, Block 4, Sunny Nodak Farms Addition (located in the southwest quadrant of the intersection of North 62nd Street and 12th Avenue North (west of New Vision on Highway No. 2 West), and recommended preliminary approval subject to submitting for recording, a covenant not to protest annexation, to introduce the ordinance amending the Zoning Map and to set the date of the public hearing for August 18, 1997.

It was moved by Council Members Polovitz and Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota, to rezone and exclude from the A-2 (Agricultural Reserve) District and to include within the B-3 (General Business) District, Lot 2, Block 4, Sunny Nodak Farms Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO AMEND ZONING MAP

TO REZONE AND INCLUDE WITHIN VALLEY MEMORIAL
HOME PUD (PLANNED UNIT DEVELOPMENT), CONCEPT
DEVELOPMENT PLAN, ALL OF BIRKHOLZ 6TH ADDITION
15038
July 21, 1997

The Planning and Zoning Commission reported having considered the matter of the request from 1600 Central Avenue Partnership on behalf of Valley Memorial Homes for preliminary approval of an ordinance amending the Zoning Map to exclude from A-1 (Limited Development) district and to include within Valley Memorial Home PUD (Planned Unit Development), District, Concept Development Plan, all of Birkholz 6th Addition to the city of Grand Forks, ND (this area is located in the northeast corner of the intersection of South 42nd Street and 24th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the review copy, to introduce the attached ordinance amending the Zoning Map and to set the date of the public hearing for August 18, 1997.

It was moved by Council Member Polovitz and seconded by Council Member Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

Council Member Beyer introduced an ordinance entitled "An ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota, to rezone and exclude from the A-1 (Limited Development) District and to include within Valley Memorial Home PUD (Planned Unit Development), Concept Development Plan, all of Birkholz 6th Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

CONSIDER SPECIAL MEETING FOR JULY 23, 1997

The Planning and Zoning Commission reported having considered the matter of special Planning and Zoning Commission meeting to be scheduled on Wednesday, July 23, 1997, 7:00 p.m. to discuss specific items to be presented by the Tri-chairs, and recommended a special Planning and Zoning Commission meeting be held at 7:00 p.m. on July 23, 1997 and to continue the special meetings at 7:00 p.m. on the third Wednesday of August, September, and October, 1997.

It was moved by Council Member Polovitz and seconded by Council Member Hanson that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE BIDS FOR PROJECT NO. 4654, LIFT
STATION RESTORATION

The Flood Response Committee reported having considered the matter of consideration of bids for Project 4654, Lift Station Restoration, and recommended to accept the bid of Hanson Electric of Bemidji, MN in the amount of \$889,000 for electrical contract, \$7,200 for general work and \$28,300 for the mechanical work, for a total of \$924,600.00.

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

Klave, Beyer, Babinchak - 6; voting "nay": Council Members Polovitz, Hamerlik, Glassheim, Carpenter, Hafner -5. Mayor Owens declared the motion carried.

APPROVE QUOTES FOR TELEVISIONING SANITARY SEWERS

The Flood Response Committee reported having considered the matter of quotes for televising sanitary sewers, and recommended to accept the bid of Viking Pipe Services, Bemidji, in the amount of \$946,110.84.

It was moved by Council Member Polovitz and seconded by Council Member Glassheim that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hanson, Sande, Klave, Beyer, Babinchak - 6; voting "nay": Council Members Polovitz, Hamerlik, Glassheim, Carpenter, Hafner - 15039

July 21,

1997

5. Mayor Owens declared the motion carried.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary No. 300, dated July 21, 1997, and totaling \$680,154.34, was presented and read.

It was moved by Council Member Babinchak and seconded by Council Member Hafner that these estimates be and are hereby approved and that the city auditor be and is hereby authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner - 11; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE APPLICATION BY NPC INTERNATIONAL, INC. DBA PIZZA HUT #2758 FOR CLASS 3 LICENSE

Committee No. 2, Public Safety, reported having considered the matter of application from NPC International, Inc. dba Pizza Hut #2758, 2751 32nd Avenue South, for Class 3 alcoholic beverage license, and recommended to approve the application pending review and approval by the city attorney.

It was moved by Council Member Beyer and seconded by Council Member Glassheim that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE RENTAL REHABILITATION PROGRAM DESCRIPTION CHANGE

Committee No. 4, Urban Development, reported having considered the matter of rental rehabilitation program description change, and recommended approval.

It was moved by Council Member Hanson and seconded by Council Member Polovitz that this recommendation be and is hereby approved. Carried 11 votes affirmative.

APPROVE CHANGE ORDER NO. 1, PROJECT
NO. 4591, UPGRADE LIFT STATION #29

Committee No. 1, Finance, reported having considered the matter of request for cost increase due to delay in award of contract, Project No.4591, upgrade Lift Station #29, Schedule B, General, and recommended approval of Change Order No. 1 in the amount of \$9,600.00 for Project No. 4591.

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

Council Member Klave reported this is on-going project, and now asking for awarding of the contract. Tom Hanson, Webster, Foster & Weston, reported this is subcontractor no longer in town, and now contractor doing with his prices using own labor prices.

Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Hafner -11; voting "nay": none. Mayor Owens declared the motion carried.

PRESENT MATTER OF DIVERSION SITE ACCESS
DISTRIBUTED TO COMMITTEE

Mr. Rickford presented some information on the North Dakota site diversion, that he placed something on everyone's desk. He stated that he lives in Countryside
15040
July 21, 1997

Acres Subdivision, that they have 16 houses and 4 undivided lots, they have opened up another subdivision across the road from them (3 homes and a farmstead and 13 undeveloped homes), which gives them a fairly nice subdivision, but point is that Corps driven up re. diversion and if look at map he submitted, 838 sea level, etc. can only flow west, and is point to think about. He stated he is asking them not to have anything taken away from them, that they do exist.

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to the council and/or referred to committee as follows:

- 1) Council Member Glassheim asked if residents received curfew in Central Park area; Mayor Owens stated they would look at it.
- 2) Council Member Glassheim asked whether residents buy or build, if incentives two months from now, would they be eligible, and perhaps brought to a committee for consideration, etc.; Mayor Owens reported that will be one of the issues brought back when incentive program brought back.
- 3) Council Member Glassheim asked that the Flood Response Committee consider the issue of moving damaged houses and giving them land in the next phase.

4) Council Member Hanson reported he has received number of calls from Central Park area; Mr. Swanson reported that only handful of homes that are actually in category that can't be rebuilt, and number of homes continue to be resided in and would be difficult for police department to enforce curfew because of residents in the neighborhood; but will look at it.

5) Council Member Hanson reported that there has been lot of raking of lot of federal agencies, and would like to thank FEMA, Corps of Engineers, etc. for their work.

6) Council Member Polovitz stated he would like to get moving on downtown, perhaps refer to Flood Response; Mayor Owens reported they have been talking extensively but Tri-chairs met today but will review in the morning.

7) Council Member Beach reported he had received question from resident re. funds in the Greater Grand Forks Relief Fund, how those funds being used, etc. and additional publicity.

8) Council Member Beyer supported that the matter of downtown be referred to the Urban Development Committee; Mayor Owens stated they would send that matter to the Flood Response Committee.

9) Council Member Klave presented the matter of debris hauling from Lincoln Park areas, the matter was referred to the Flood Response Committee.

ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Beyer that we do now adjourn. Carried 11 votes affirmative.

Respectfully submitted,

John M. Schmisek
City Auditor

Approved:

Patricia A. Owens, Mayor