

**THE CITY COUNCIL
GRAND FORKS, NORTH DAKOTA
6, 1997**

**PROCEEDINGS OF
OF THE CITY OF
Monday, October**

The city council of the city of Grand Forks, North Dakota met in its regular session in the council chambers in City Hall on Monday, October 6, 1997

at the hour of 7:10 p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; absent: Council Members Polovitz, Glassheim - 2; 2 seats 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.

COUNCIL MEMBER SANDE EXCUSED

APPROVE APPLICATIONS FOR VARIOUS MOVING PERMITS

The city auditor reported that the public hearings on applications by Scott Kroke to move garage from East Grand Forks, MN to 1512 5th Avenue North; Carl O. Gustafson to move garage to 810 14th Avenue South; William Lambert to move garage from East Grand Forks, MN to 1006 South 17th Street; and Lee Liddle to move garage from East Grand Forks to 1218 South 19th Street, to be used as residential garages had been published and posted.

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

It was moved by Council Member Hafner and seconded by Council Member Klave that insufficiency of protests be declared. Carried 10 votes affirmative.

Committee No. 3, Public Service, reported having considered the application for moving permit by Scott Kroke to move garage from East Grand Forks to 1512 5th Avenue North, and recommended approval of the application for moving permit.

Committee No. 3, Public Service, reported having considered the application for moving permit by Carl O. Gustafson to move garage to 810 14th Avenue South, and recommended approval of the application for moving permit.

Committee No. 3, Public Service, reported having considered the application for moving permit by William Lambert to move garage from East Grand Forks, MN to 1006 south 17th Street, and recommended approval of the application for moving permit.

Committee No. 3, Public Service, reported having considered the application for moving permit by Lee Liddle to move garage from East Grand Forks, MN to 1218 south 19th Street, and recommended approval of the application for moving permit.

It was moved by Council Member Hafner and seconded by Council Member Klave that these recommendations be and are hereby approved and further that the applicants be and are hereby authorized to move the buildings. Carried 9 votes affirmative.

REPORTS OF OFFICERS

The city auditor presented and read the Statement of Changes in Cash Balance for the period ending September 30, 1997. It was moved by Council Member Beyer and seconded by Council Member Beach that this report be and is hereby received and filed. Carried 9 votes affirmative.

The city auditor presented and read the financial management cross fund report for period ending August 31, 1997. It was moved by Council Member Beyer and
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seconded by Council Member Beach that this report be and is hereby received and filed. Carried 9 votes affirmative.

APPROVE BILLS

Vendor Payment Listing No. 97-15, dated October 6, 1997, and totaling \$2,450,753.81, 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 Carpenter and seconded by Council Member Klave that these bills be allowed and that the city auditor be authorized to issue warrants in payment of the same. Upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 9; voting "nay": none. Mayor Owens declared the motion carried and the bills ordered paid.

ADOPT RESOLUTION PRIMARILY AUTHORIZING
ISSUANCE OF MUNICIPAL INDUSTRIAL DEVELOPMENT
REVENUE BONDS UNDER CHAPTER 40-57 NDCC SUBJECT
TO PUBLIC HEARING AND AUTHORIZING THE PREPARATION
OF NECESSARY DOCUMENTS THEREFOR (VALLEY MEMORIAL
HOME PROJECT)

Committee No. 1, Finance, reported having considered the matter of Nursing Home Revenue Bonds (Valley Memorial Homes Project), Series 1997, and recommended adoption of the resolution primarily authorizing the issuance of Municipal Industrial Development Revenue Bonds under Chapter 40-57 NDCC, subject to public hearing and authorizing the preparation of necessary documents therefor (Valley Memorial Homes Project), and call for the public hearing for October 20, 1997.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Hamerlik offered the following resolution and moved its adoption: Document No. 7379 - Resolution.

Council Member seconded the above resolution, and, upon vote being taken

thereon, the following voted in favor: Council Members Beach, Hamerlik, Carpenter, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness, the following voted against the same: none; and the following were absent: Polovitz, Glassheim, Sande; whereupon the resolution was declared duly passed and adopted.

AWARD BID FOR REPLACEMENT OF FLOOD-DAMAGED
VEHICLES

Committee No. 1, Finance, reported having considered the bids for replacement of flood-damaged vehicles, and recommended to award to low bidder, Rydell Chevrolet, for \$180,314,00 for two compact pickups and ten mid-size automobiles.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 9; voting "nay": none. Mayor Owens declared the motion carried.

ESTABLISH POLLING PLACES FOR SPECIAL ELECTION
TO BE HELD NOVEMBER 4, 1997

Committee No. 1, Finance, reported having considered the matter of establishing polling places for special election to be held November 4, 1997, and recommended that polling places remain as in the past (School for the Blind, Valley Middle

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School, Wesley United Methodist Church for Ward 2, and Civic Auditorium and Police Building for precincts 3 and 4, Ward 3) except that polling places at Ward 3, precincts 1 and 2 be combined at Winship School, because of finding that Wilder School, the polling place previously used in Precinct 1 has been severely damaged by the flood and is not available and further that the hours of election be established as 7:00 a.m. to 8:00 p.m.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

INTRODUCE ORDINANCE TO ALLOW MAYOR TO APPROVE
EXTENSION OF LEAVE IN EXCESS OF TWO-YEAR ACCRUAL
SUBJECT TO CERTAIN CONDITIONS

Committee No. 1, Finance, reported having considered the matter of carry-over of vacation time by employees, and recommended to amend ordinance to allow mayor to approve an extension of leave in excess of the two-year accrual, to be determined on a case by case basis, that any request to carry over excess vacation time be made by December 31, 1998 and any carry-over time be brought back to normal state by December 31, 2000, and to introduce the ordinance for first reading.

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

Babinchak that this recommendation be and is hereby approved. Carried 9 votes affirmative.

Council Member Carpenter introduced an ordinance entitled "An ordinance amending Section 6-0807(4) of the Grand Forks City Code relating to vacation leave", which was presented, read and passed on its first reading.

APPROVE PART-TIME WAGE POLICY

Committee No. 1, Finance, reported having considered the matter of part-time wage policy, and recommended to establish pay range for permanent part-time, temporary and seasonal positions with minimum pay to be minimum wage and not to exceed the dollar amount of fifth step of related position, with recommendation from Human Resources and ultimate approval by mayor, and part-time positions to be reviewed in April of each year.

It was moved by Council Member Hamerlik and seconded by Council Member Babinchak that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 9; voting "nay": none. Mayor Owens declared the motion carried.

COUNCIL MEMBER SANDE REPORTED BACK

APPROVE COMPENSATION PROGRAM FOR EXEMPT EMPLOYEES

Committee No. 1, Finance, reported having considered the matter of potential compensation program for exempt employees, and recommended approval of the program, with exempt employees to be paid straight time beyond 48 hours, and not to exceed \$100,000 without it returning to council for additional approval.

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

Council Member Hagness stated that if setting city-wide policy, wouldn't they bring policy back to council, and it was noted that it went to flood response committee who recommended 44 hours and \$200,000 for a one-year period, and then went back to the finance committee. Council Member Hamerlik reported that the committee felt there should be exception to the policy but felt 44 hours too low.

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Council Member Carpenter stated that this would adopt change in effect to compensate people who are putting in a significant number of hours for a much greater extended period of time than ever have done before because of the consequences of the flood, doesn't think establishing policy that exempt employees are expected to work 48 hours but expected to work necessary hours to get the job done, but because of the flood working 45-50-60 or 70 hours for great number of months, and in effect this is extra compensation to recognize those hours they are putting in. He stated that this was not as establishing precedent in the future, this is extraordinary circumstance and is not normal precedent for operations in the future. It was noted that Flood Response Committee had made motion

for period ending September, 1998 and to be reviewed by mayor in 6 months. Upon call for the question and upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE VARIANCE TO NOISE ORDINANCE FOR
OUTDOOR FESTIVAL ON OCTOBER 11, 1997

Committee No. 2, Public Safety, reported having considered the request from West Hall, UND, to hold outdoor festival on October 11 and request for variance to noise ordinance, and recommended to approve request with variance to 11:30 p.m.

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

APPROVE GRANT AGREEMENTS WITH ND DEPARTMENT
OF HEALTH AND APPROVE BUDGET AMENDMENTS

Committee No. 2, Public Safety, reported having considered the matter of Immunization Grant contract amendment (\$22,140), and recommended to approve the grant amendment.

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

Committee No. 2, Public Safety, reported having considered the matter of Altru Health Plan Medical Assistance agreement in the amount of approx. \$35,000 through December 31, 1998, and recommended to approve the agreement contingent upon approval of the city attorney.

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

The city auditor presented budget amendment for Wellness Program (Healthy Communities Grant) in the amount of \$6,300.00 to reflect grant monies from Altru Health Systems and ND Department of Health. It was moved by Council Member Beyer and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 10 votes affirmative.

The city auditor presented budget amendment for Communicable Disease in the amount of \$22,140 to reflect grant contract amendment to increase compensation. It was moved by Council Member Beyer and seconded by Council Member Sande that this budget amendment be and is hereby approved. Carried 10 votes affirmative.

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AUTHORIZE REMOVAL OF PARKING ALONG NORTH
SIDE OF 19TH AVENUE SOUTH BETWEEN SOUTH
COLUMBIA ROAD AND SOUTH 29TH STREET

Committee No. 2, Public Safety, reported having considered the request to consider removal of parking along the north side of 19th Avenue South between South Columbia Road and South 29th Street, and recommended to authorize removal of parking as requested.

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

APPROVE MUTUAL AID AGREEMENT WITH CITY OF
EAST GRAND FORKS, MN FOR POLICE SERVICES

Committee No. 2, Public Safety, reported having considered the matter of mutual aid agreement with City of East Grand Forks, MN for police services, and recommended to approve the mutual aid agreement.

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

REFER MATTER OF COMPLAINTS RE. NOISE AT
BORROWED BUCKS ROADHOUSE BACK TO COMMITTEE

Committee No. 2, Public Safety, reported having considered the matter of complaint re. noise at Borrowed Bucks Roadhouse, and recommended to receive and file, and that ownership and management work with health department to reduce noise levels.

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

Council Member Babinchak reported she had received complaint from a gentlemen, and asked if committee could take back. Council Members Sande and Beyer asked that the matter be sent back to committee for further consideration.

CHANGE INTERSECTIONS OF 13TH AVENUE SOUTH
AND WALNUT STREET, AND 13TH AVENUE SOUTH AND
CHESTNUT STREET TO THREE-WAY STOPS

Committee No. 2, Public Safety, reported having considered the petition re. changing stop signs on 13th at Walnut and Chestnut, and recommended to change intersections of 13th Avenue South and Walnut Street, and 13th Avenue South and Chestnut Street to three-way stop intersections and to re-evaluate at traffic engineer's discretion.

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

Council Member Sande reported they are replacing two-way stops with three-

way stops, that she doesn't think this is a good idea, however, will concur with petitions and committee will review in two years.

Carried 10 votes affirmative.

REINSTATE ENFORCEMENT OF LIMITED-TIME
PARKING
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Committee No. 2, Public Safety, reported having considered the matter of reinstating parking enforcement for police and street departments under Chapter VIII of the City Code, and recommended that we reinstate the enforcement of limited-time parking.

Committee No. 2, Public Safety, reported having considered the matter of reinstating parking enforcement under Chapter VIII of the City Code, and recommended to reinstate enforcement of on-street parking of trucks and motor homes, parking in excess of 24 hours, and daily parking restrictions, effective November 1.

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

Council Member Hamerlik stated that this particular enforcement will include downtown and that he has had three individuals suggest to him that because of the businesses that are open and amount of traffic, (esp. to City Hall,) etc., is this reasonable to enforce at this time, so not enforced throughout entire downtown where not needed and also give more flexibility to students at Central High School. Mr. Swanson stated he couldn't respond to whether it should or shouldn't be waived, however, under Ordinance No. 3644 where waived, the option was to either waive entirely or not waive, doesn't see under existing ordinance where would have ability to designate certain areas unless were to go back in and redesignate what areas are timed parking vs. other areas. Mr. Swanson stated they could take whole downtown district and redetermine what areas have time parking. He reported that last May they suspended a large number of ordinances, it would occur to him that many of those ordinances can now be re-implemented, esp. debris removal, garbage, landfill, land and property, different water rates, sidewalk obstructions, most waived for cleanup and debris removal, but at some point it would be his recommendation that council reinstate all of the provisions except two areas that seem to be still not ready to be imposed, Chapter XVIII, Land Development Code, and the provisions in Chapter XIV relating to downtown parking assessments, which appear to be outside scope of implementation, but other ordinances appropriate to bring back up.

Upon call for the questions and upon voice vote, the motions carried 10 votes affirmative.

Council Member Hafner suggested that the matter of suspended ordinances be brought to the Flood Response Committee for further consideration.

APPROVE MANDATING OF PHYSICAL EXAMS FOR
EMPLOYEES (COMMERCIAL DRIVERS)

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

ICC physicals for employees (commercial drivers), and recommended that we approve mandating of physical exams, and changing the site for the physicals to the Altru Clinic.

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

ACCEPT BIDS FOR SALT AND SAND

Committee No. 3, Public Service, reported having considered the bids for salt and sand, and recommended to accept the bid of Cutler Magner for 325 tons of salt @\$35.80/ton for a total of \$11,635.00, and the bid of Bradshaw Gravel for 5620 tons of sand @\$8.25/ton for a total of \$46,421.20.

It was moved by Council Member Bakken and seconded by Council Member Hafner that this recommendation be and is hereby approved. Upon roll call the following

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voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

REFER MATTER OF MODIFICATION TO COMPOSTING AGREEMENT WITH KBM, INC. BACK TO COMMITTEE

Committee No. 3, Public Service, reported having considered the matter of modification to composting agreement with KBM, Inc. to include the following sentence, "It is agreed that any technology developed in the course of the study shall be considered 'new' technology only at the written mutual agreement of the Owner and KBM, Inc. and the sub-consultants of KBM, Inc.", and recommended to approve modification subject to final review by the city attorney.

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

Mr. Swanson, city attorney, asked that this matter be referred back to the committee for further consideration. Council Members Klave and Hagness asked that this matter be sent back to Public Service Committee for further consideration.

APPROVE AGREEMENTS FOR ENGINEERING SERVICES FOR PROJECT NO. 4669, DISTRICT. 386.1, SOUTHEND DRAINWAY, PHASE 1B

Committee No. 3, Public Service, reported having considered the matter of agreements for design and construction engineering services between CPS and City for Project No. 4669, District No. 386.1, Southend Drainway Phase 1B from Chest-nut to Highway 81, and recommended to authorize entering into the agreements.

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

RECEIVE TABULATION OF BIDS, ESTIMATE OF
TOTAL COST, AND AWARD CONTRACT, SEWER PROJECT
NO. 4682, DISTRICT NO. 390, AND WATERMAIN
PROJECT NO. 4683, DISTRICT NO. 257

The city auditor presented and read tabulation of bids which had been received and opened on Monday, September 22, 1997 for Sewer Project No. 4682, District No. 390, and Watermain Project No. 4683, District No. 257, sanitary sewer and watermain on 24th Avenue South from South 40th Street to South 42nd Street, indicating that Soberaski, Inc. was low bidder based upon their bids in the amounts of \$78,520.00 and \$34,496.00, respectively, for a total bid of \$113,016.00: Document No. 7380 - Bid Tabulation.

The city engineer's estimates of total cost on Sewer Project No. 4682, District No. 390, and Watermain Project No. 4683, District No. 257, in the amounts of \$44,000.00 and \$100,000.00, were presented and read.

Committee No. 3, Public Service, reported having considered construction bids for projects: Project No. 4682, District No. 390, sanitary sewer and Project No. 4683, District No. 257, watermain, on 24th Avenue South from 40th to 42nd Streets, and recommended to accept the low bids of Soberaski, Inc. in the amounts of \$78,520.00 and \$34,496.00 respectively, for a total of \$113,016.00.

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

Council Member Bakken introduced the following resolution which was presented and read: Document No. 7381 - Resolution.

It was moved by Council Member Bakken and seconded by Council Member Hafner that this resolution awarding the contract for Sewer Project No. 4682, District No. 390, and Watermain Project No. 4683, District No. 257, to Soberaski, Inc. be and is hereby adopted. Upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried and the contract awarded.

ACCEPT BIDS FOR PROJECT NO. 4439, SANITARY
SEWER LIFT STATION NO. 38

Committee No. 3, Public Service, reported having considered the matter of con-sideration of construction bids for Project No. 4439, sanitary sewer Lift Station No. 38, located at Ruemmele Road and 40th Avenue South, and recommended to accept the low bids of Wanzek Construction in the amount of \$651,840 for Schedule A, and United Crane & Excavating in the amount of

\$227,023 for Schedule C.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4694, FLOOD CONTROL STRUCTURES ON ENGLISH
COULEE

Committee No. 3, Public Service, reported having considered plans and specifications for Project No. 4694, flood control structures on storm sewer outfalls on English Coulee, and recommended approval of plans and specifications, and to authorize call for bids to proceed with the project.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4695, FLOOD CONTROL STRUCTURES ON RED RIVER

Committee No. 3, Public Service, reported having considered plans and specifications for Project No. 4695, flood control structures on storm sewer outfalls on the River, and recommended approval of plans and specifications, and to authorize call for bids to proceed with the project.

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

APPROVE PLANS AND SPECIFICATIONS FOR PROJECT
NO. 4696, FLOOD CONTROL STRUCTURES AT VARIOUS
LOCATIONS

Committee No. 3, Public Service, reported having considered plans and specifications for Project No. 4696, flood control structures at various locations, and recommended approval of plans and specifications, and to authorize call for bids to proceed with the project.

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

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

APPROVE PLANS AND SPECIFICATION FOR PROJECT
NO. 4697, PUMPING STATION AT COLUMBIA ROAD AND

DEMERS AVENUE

Committee No. 3, Public Service, reported having considered plans and specifications for Project No. 4697, pumping station at Columbia Road and DeMers Avenue, and recommended approval of plans and specifications and to authorize call for bids to proceed with the project.

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

APPROVE TWO-WAY AGREEMENT FOR WATER ON 32ND AVENUE SOUTH

Committee No. 3, Public Service, reported having considered the matter of two-way agreement for water on 32nd Avenue South (Wild Rice Investments), and recommended to authorize entering into the two-way agreement for installation of watermain.

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

APPROVE THREE-WAY AGREEMENT FOR SANITARY SEWER ON NORTH COLUMBIA ROAD

Committee No. 3, Public Service, reported having considered the matter of three-way agreement for sanitary sewer on North Columbia Road, and recommended to authorize entering into the three-way agreement for installation of sanitary sewer.

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

AUTHORIZE PURCHASE OF PUMPS

Committee No. 3, Public Service, reported having considered the matter of purchase of pumps (5 electric pumps for Street and Wastewater Departments), and recommended purchase of the pumps with CDBG funds in the amount of \$33,760.

The Flood Response Committee reported having considered the matter of purchase of portable rental pumps (balance of \$6,752 ea. for 5 pumps), and recommended approval of purchase of the pumps with CDBG funds.

It was moved by Council Member Bakken and seconded by Council Member Hafner that these recommendations be and are hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

AUTHORIZE INSTALLATION OF PUMP AT LIFT STATION

NO. 22

Committee No. 3, Public Service, reported having considered the matter of pump
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at Lift Station No. 22, and recommended approval of installation of third pump at Lift Station No. 22 in an estimated amount of \$55,000 with portion of cost to be negotiated with Simplot.

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

APPROVE FLOOD PROTECTION PLAN FOR WATER
TREATMENT PLANT

Committee No. 3, Public Service, reported having considered the matter of flood protection plan for water treatment plant, and recommended approval of the following plan: First Order Plan A, which protects to elevation of 833.3 + 1.0 ft., at estimated cost of \$1,056,000.

The Flood Response Committee reported having considered the matter of water treatment plant, First Order Flood Protection Plan A, and recommended to approve recommendation to accept plan for water plant flood protection in the amount of \$1,056,000.

It was moved by Council Member Bakken and seconded by Council Member Hafner that these recommendations be and are hereby approved. Upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION OFFERING TO PURCHASE
LAND AND AUTHORIZING DEPOSIT INTO COURT AND
USE OF QUICK-TAKE AUTHORITY

The Public Service Committee reported having considered the matter of land acquisition for Project No. 4669, District No. 386.1, Southend Drainway Phase 1B from Chestnut to Highway 81, and recommended to adopt resolution authorizing to purchase land and authorizing deposit into Court and use of quick-take authority.

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

Council Member Hagness stated that they need reference in the recommendation to the Bert Johnson land which has now been negotiated and that should not be included because they will be purchasing land outright and not going through condemnation. Mr. Swanson reported that he was going to report that negotiations had been concluded with the property owners of property described as Johnson Tracts, and that leaves only property owner remaining to be Francis Curran and others that claim interest so the resolution will be redrafted to accommodate that change

and the motion from the committee is still appropriate, and what doing is authorizing the deposit of funds with the Court and authorizing moving forward with quick-take authority for that land acquisition. He reported that draft resolution which was passed last week was merely draft and was incomplete, and as a result have revised resolution and by action tonight would be limiting that resolution to the remaining property on which we do not have negotiated agreement.

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

Council Member Hagness introduced the following resolution which was presented and read: Document No. 7381.1 - Resolution.

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

APPROVE CHANGE ORDERS FOR PROJECT NO. 4440,
DISTRICT NO. 386, SOUTHEND DRAINWAY

Committee No. 3, Public Service, reported having considered the matter of Change Order No. 1 for Project No. 4440, Southend Drainway, Phase 1A, and recommended approval of the change order in the amount of \$6,500.00.

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

Committee No. 3, Public Service, reported having considered the matter of Change Order No. 2 for Southend Drainway, Project No. 4440, District No. 386, and recommended approval of the change order in an est. amount of \$150-200,000, and further to assess costs to the project.

The Flood Response Committee reported having considered the matter of Change order on Project No. 4440, Southend Drainway, Flood Control Closure, est. cost of Change Order No. 2 \$150-200,000, and recommended to include cost of change order as part of total project cost and use CDBG funds.

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

It was moved by Council Member Hagness and seconded by Council Member Hafner to amend the motion from the Flood Response Committee to delete funding for the change order out of CDBG funds as this is for special assessment project and would not use CDBG funds. Carried 10 votes affirmative.

Upon call for the question on the motion, as amended, and upon roll call the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

OBLIGATE FUNDS FOR RENTAL REHAB PROGRAM

Committee No. 4, Urban Development, reported having considered the matter of rental rehab program, and recommended to obligate funds to a total of \$8.251 Million and authorize proceeding with rehab projects.

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

AUTHORIZE COMMITMENT OF FUNDING TO COOPERATIVE LIVING PROJECT

Committee No. 4, Urban Development, reported having considered the matter of cooperative living project, and recommended to authorize commitment of \$25,000 contingent upon a favorable feasibility study.

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

CALL FOR COMMENT PERIOD ON PROPOSED ALLOCATION OF 1998 CDBG FUNDING PROGRAM AND PROJECTS

Committee No. 4, Urban Development, reported having considered the matter of allocation of 1998 CDBG funding program, and proposed CDBG projects: Grand Forks Affordable Housing Program, \$150,000 and Grand Forks Housing Authority, relocation of 4-plexes from Michigan, ND, \$230,000, and recommended to accept concept for the projects and call for the public hearing, with a 7-day comment period.

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

AUTHORIZE ISSUANCE OF FUNDS FOR INDUSTRIAL PARK LAND AND ASSIGNMENT OF ALL INTERESTS TO JOBS DEVELOPMENT AUTHORITY

Committee no. 4, Urban Development, reported having considered the matter of paying for Industrial park land expansion, and recommended to authorize issuance of funds in the amount of \$1.22 Million from CDBG and that the

property be deeded to the JDA (Jobs Development Authority).

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

Mr. Swanson reported that the initial purchase agreement is in the name of the City of Grand Forks and he would advise that motion be amended to further authorize the proper City officials to execute an assignment of all interests to the Jobs Development Authority. It was so moved by Council Members Sande and Beyer. Carried 10 votes affirmative.

Upon call for the question on the motion, as amended, and upon roll call vote the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

GRANT FINAL APPROVAL OF MINOR SUBDIVISION, BEING
REPLAT OF LOT 11, BLOCK 15, TOWN OF GRAND FORKS

The Planning and Zoning Commission reported having considered the matter of the request from Esther Hadlich for final approval (fast track) of a minor sub-division being a Replat of Lot 11, Block 15, Town of Grand Forks, North Dakota (D.T.) (located in the west corner of the intersection of North 3rd Street and 2nd Avenue North), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE PRELIMINARY AND FINAL PLATS OF STRATA
SECOND ADDITION; AND INTRODUCE ORDINANCE TO
AMEND STREET AND HIGHWAY PLAN OF THE CITY TO
INCLUDE PUBLIC R/W SHOWN AS DEDICATED ON THE
PLAT OF STRATA SECOND ADDITION

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The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Strata Corporation for preliminary approval of the plat of Strata Second Addition to the city of Grand Forks, ND (located between Rose Avenue and the railroad tracks and between I-29 and North 48th Street), 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 Plan and to set the date of the public hearing for October 20, 1997.

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Strata Corporation for final approval of the plat of Strata Second Addition to the city of Grand Forks, ND (located between Rose Avenue and the railroad tracks and between I-29 and North 48th Street), and recommended final approval subject to special conditions shown on or attached to the review copy, to introduce and to set the date of the public hearing for October 20, 1997 and passage of the attached ordinance amending the Street and Highway Plan.

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

Council Member Hagness 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 Strata Second Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

INTRODUCE ORDINANCE TO ANNEX PORTION OF
BLOCK 3, PERKINS 3RD ADDITION TO THE CITY
OF GRAND FORKS

The Planning and Zoning Commission reported having considered the matter of the request from Dan Stauss on behalf of Hampton Corporation for approval to annex Lots 3 and 6, Block 3, Perkins 3rd Addition to the city of Grand Forks, ND (located in the southeast corner of South 31st Street and 36th Avenue South), and recommended approval of the ordinance to annex, to introduce the ordinance and to set the date of the public hearing for October 20, 1997.

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

Council Member Hagness introduced an ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota, Lots 3 and 6, Block 3, Perkins 3rd Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

ACCEPT PETITION TO VACATE PORTION OF CONTROLLED
ACCESS ALONG NORTH RIGHT OF WAY LINE OF 47TH
AVENUE SOUTH BETWEEN SOUTH WASHINGTON STREET
AND SOUTH 16TH STREET

The Planning and Zoning Commission reported having considered the matter of the request from Dave Beste on behalf of Stone's Communication for approval to vacate a portion of the controlled access along the north right of way line of 47th Avenue South between South Washington Street and South 16th Street as shown on the plat of Curran's 3rd Resubdivision, Grand Forks, North Dakota, and to extend the access control line through those areas shown as not having controlled access along said north right of way, and recommended approval of the request to vacate 40 feet (20 feet on each side of the common lot line between Lots 1 and 2, Block 1, Curran's 3rd Resubdivision, Grand Forks, ND) of the controlled access line along the north right of way line of 47th Avenue South as shown on said plat of

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Curran's 3rd Resubdivision and to extend the access control line through those areas shown thereon as not having controlled access along said north line.

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

Beyer 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 Monday, November 17, 1997. Carried 10 votes affirmative.

APPROVE REQUEST TO START SITE PREPARATION FOR
MIDDLE SCHOOL SITE LOCATED WITHIN ULLAND PARK
FIRST ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Tom Sindelar, Architect, on behalf of the Grand Forks School District for approval to begin site preparation including the construction of footings and foundations for the proposed 30-acre middle school site located within Ulland Park First Addition south of 47th Avenue South near South 20th Street extended, and recommended approval of the request to begin site preparation including the construction of footings and foundations.

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

GRANT FINAL APPROVAL OF MINOR SUBDIVISION PLAT
BEING REPLAT OF LOT F, BLOCK 3, RICHARD'S WEST
ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Dean French for final approval (fast track) of a minor subdivision plat being a Replat of Lot F, Block 3, Richard's West Addition to the city of Grand Forks, North Dakota (located at 449 North 51st Street), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

GRANT FINAL APPROVAL OF MINOR SUBDIVISION PLAT
BEING REPLAT OF BLOCK 4, KORYNTA-LEMM SUBDIVISION

The Planning and Zoning Commission reported having considered the matter of the request from CpS, Ltd on behalf of Vern's Refuse for final approval (fast track) of a minor subdivision plat being a Replat of Block 4, Korynta-Lemm Subdivision, Grand Forks, North Dakota (located in the northeast corner of North 55th Street and 21st Avenue North), and recommended final approval subject to special conditions shown on or attached to the review copy.

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

APPROVE PRELIMINARY PLAT, AND INTRODUCE ORDINANCE
TO AMEND STREET AND HIGHWAY PLAN TO INCLUDE PUBLIC
RIGHTS OF WAY SHOWN AS DEDICATED ON PLAT OF
PRESBYTERIAN SECOND ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of Bert Johnson for the preliminary approval of the plat of Presbyterian Second Addition to the city of Grand Forks, North Dakota (located at South Washington Street and 55th Avenue South), and recommended preliminary approval subject to special conditions shown on or attached to the

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review copy, to introduce the ordinance amending the Street and Highway Plan and to set the date of the public hearing for November 17, 1997.

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

Council Member Hagness 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 Presbyterian Second 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-4 (CENTRAL BUSINESS) DISTRICT
ALL OF LOT 5, BLOCK 8, TRAILLS ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from Valdak Corporation dba Valley Dairy No. 6 for preliminary approval of an ordinance to amend the Zoning Map to exclude from the R-4 (Multiple Family Residence - High Density) District and to include within the B-4 (Central Business) District all of Lot 5, Block 8, Traills Addition to the city of Grand Forks, North Dakota (located at 110 Belmont Road), and recommended preliminary approval of the ordinance amending the zoning map, to introduce the ordinance and to set the date of the public hearing for November 17, 1997.

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

Council Member Hagness introduced an ordinance to amend the Zoning Map of the city of Grand Forks, North Dakota, to rezone and exclude from the R-4 (Multiple Family Residence - High Density) District and to include within the B-4 (Central Business) District, Lot 5, Block 8, Traills Addition to the city of Grand Forks, North Dakota", which was presented, read and passed on its first reading.

APPROVE PRELIMINARY PLAT OF REPLAT OF LOT
1, BLOCK 1, ULLAND PARK FIRST ADDITION

The Planning and Zoning Commission reported having considered the matter of the request from CPS, Ltd. on behalf of the Grand Forks park District for preliminary approval of a Replat of Lot 1, Block 1, Ulland Park First Addition, Grand Forks township, Grand Forks County, North Dakota (located

south of 47th Avenue South near South 20th Street extended), and recommended preliminary approval subject to special conditions shown on or attached to the review copy.

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

APPROVE ADDITIONAL STAFFING REQUESTS

The Flood Response Committee reported having considered the matter of additional staffing requests, and recommended approval of the additional staffing as follows: Health Department: 2 flood inspector assistant; Building & Zoning: reallocation of positions - change 5 approval office clerk positions to 3 office clerk and 2 office specialist positions; Planning: 1 Planner I position; Recovery Organization: 1 risk management specialist; Finance: reallocation of 2 approved administrative specialist positions to 1 account clerk and 1 account technician.

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

APPROVE BIDS FOR SENIOR CITIZENS CENTER

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The Flood Response Committee reported having considered the matter of Mortenson update, and recommended to accept low bids as recommended: Senior Citizens Center: General construction: T.F. Powers, \$338,500; Mechanical work: Lunseth Plumbing & Heating, \$117,270 plus alternate in amount of \$29,965; Electrical work: Ron's Electric, \$64,575 plus alternate in the amount of \$16,389.

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

SUPPORT IDEA OF FINDING SITE FOR DAKOTA SCIENCE CENTER IN CENTRAL BUSINESS DISTRICT

The Flood Response Committee reported having considered the matter of request from Dakota Science Center for assistance in obtaining a temporary location, and recommended to support idea of finding site for the Dakota Science Center in the central business district.

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

AUTHORIZE CITY ENGINEER TO NEGOTIATE CONTRACT WITH ACRES INTERNATIONAL TO SERVE AS CONSULTANT ON FLOOD PROTECTION PLAN STUDY

The Flood Response Committee reported having considered the matter of

request for authorization to negotiate contract with Acres International to serve as a consultant on the flood protection plan study, and recommended to authorize city engineer to negotiate contract with Acres International.

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

AMEND GUIDELINES OF INTERIM BUSINESS ASSISTANCE PROGRAM

The Flood Response Committee reported having considered the matter of interim business assistance program, and recommended to amend guidelines of program and require 15% match on the small specialty goods retailers and restaurants.

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

Council Member Babinchak questioned whether duplication of services were considered in this program. Mr. O'Leary reported that duplication of services is being negotiated, and that the way they are structuring doesn't look as though being a duplication but will find out in next couple weeks. He reported that if they had flood insurance which was used to repair basement, etc. then give them additional funds over and above that, but if asking for money under this program for same thing as collected flood insurance for then would be a duplication.

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

APPROVE REMOVAL OF DOWNTOWN WALK BRIDGE BE CONSIDERED IN CORPS OF ENGINEERS FLOOD CONTROL PROJECT

The Flood Response Committee reported having considered the matter of downtown

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walk bridge, and recommended that removal of the bridge be considered in the Corps of Engineers modeling and further that if the project approved, would include as project cost in the future project.

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

ADOPT MAP OF CDB ACQUISITION/DEMOLITION STRATEGY AND INTERIM BUSINESS ASSISTANCE PROGRAM

The Flood Response Committee reported having considered the matter of CDB acquisition/demolition strategy and Interim Business Assistance Program, and recommended adoption of the map and that 311 DeMers be changed to a

building to be acquired and demolished by the City, with sunset closure of end of August, 1998 on use of the funds.

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

APPROVE VARIOUS OPTIONS FOR CITY CENTER MALL

The Flood Response Committee reported having considered the matter of options for City Center Mall, and recommended that we authorize item 3 of EAPC status report, to expend up to \$141,000 to sanitize, heat and electrify and that staff work out method to recapture at some future date for work for private properties.

The Flood Response Committee reported having considered the matter of options for City Center Mall, and recommended to authorize staff to negotiate the purchase of the buildings on the east side of the mall.

The Flood Response Committee reported having considered the matter of options for City Center Mall, and recommended to authorize staff to proceed with plans for demolition of east side of mall, removal of the roof and two City-owned buildings on the west side.

It was moved by Council Member Bakken and seconded by Council Member Hafner that these recommendation be and are hereby approved. Upon roll call vote the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motions carried.

AUTHORIZE CITY ATTORNEY TO INVESTIGATE ACQUISITION OF BURNED OUT LOTS ON NORTH 3RD STREET BETWEEN 1ST AND 2ND AVENUES NORTH

The Flood Response Committee reported having considered the matter of update of burned out lots, and recommended to request city attorney to investigate acquisition of that property on North 3rd Street between 1st and 2nd Avenues North.

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

AUTHORIZE PROCEEDING WITH NEGOTIATION TO ACQUIRE ELKS CONDO PROPERTY WITH CDBG FUNDS

The Flood Response Committee reported having considered the matter of Elks Condo buyout, and recommended that we proceed with negotiation to acquire Elks Condo property, with source of funding from CDBG funds.

It was moved by Council Member Bakken and seconded by Council Member Hafner that
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this recommendation be and is hereby approved. Upon roll call vote the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande,

Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

ADOPT RESOLUTION ENCOURAGING CONCEPT OF STATE/
COUNTY BUILDING IN DOWNTOWN GRAND FORKS

The Flood Response Committee reported having considered the matter of concept of State/County building in downtown Grand Forks, and recommended that the council pass a resolution encouraging State Investment Board, State of North Dakota and County of Grand Forks to cooperate and move forward with this project concept.

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

ACCEPT BID FOR DONATED GOODS STORAGE BUILDING
ADJACENT TO PUBLIC WORKS GARAGE AND TO PROCEED
WITH THE BUILDING

The Flood Response Committee reported having considered the matter of donated goods storage building, and recommended to accept the low bid of ICS, Inc. in the amount of \$1,871,000 and to proceed with the building.

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

Council Member Hamerlik expressed concern that materials now being stored in the public service building and in short period of time need to put sanitation trucks inside the building because of starting vehicles, that there is a need for a public service addition but thinks it's a stretch to use flood money to store these materials for year or so and then City takes over building, saves taxpayers money, but has heard much about prudent use of the money. He stated that they would build 40,000 sq.ft. building and could get by with lot less than that for storage of materials, that City should use different method of funding.

Council Member Hagness spoke in favor of the project. Chuck Grotte, asst. director of public works, reported that the completion date for the project is March 9, 1998, and would find alternate place to store materials in the meantime.

Council Member Klave reported that they will be leasing building for this purpose, and asked if they could wait and consider in the spring, maybe numbers will be better.

Council Member Beach stated that this is a matter of timing, need something now, and moved an amendment to the motion to instruct staff (tri-chairs) to investigate leasing of building as soon as possible. Council Member Klave seconded the motion.

Mr. O'Leary stated that it's not realistic to rent temporary space for six months at realistic price, that storage space at a premium, that there is a 16,000 sq.ft. building available now but cost of \$141,000 to rent for two-year period, and question is if try to do both - use for materials storage and addition onto public works building.

Mr. Vein reported that two departments that would be housed eventually in this addition would be wastewater department and water maintenance, both those departments flooded out this year; wastewater building would be on wet side of anything proposed in the future; that former study that looked at consolidation of all the public works services and were designated to go to the public works building as an addition. He reported that this request came now because they

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thought they could put up facility that in the interim could be used for volunteer goods and long term become home for both those departments. He also noted that two departments, if not moved to public works building, would have to be relocated for permanent levee system and would finance that through rate increase, but by doing this, would forego that future potential rate increase across the city.

Mr. Grotte reported that they have been donating space since March when sandbagging people moved in at the expense of the sanitation department budget, can look into finding some space but not sure can find 10,000 sq.ft., possibility of parking something outside. Council Member Hafner asked if there was space in the old Valley Motors building for parking vehicles, that reason for keeping vehicles in public works department building is to keep vehicles warm, and could do that by plugging vehicles in. Mr. Grotte reported that the old sanitation department converted to the police department impound lot, and that if police department could find another location for impounded vehicles, they could park sanitation trucks there for the winter or store donated goods there for the winter.

Council Member Beyer asked to be excused from voting on this issue. It was so moved by Council Member Babinchak and seconded by Council Member Beach. Carried 9 votes affirmative.

Council Members Hagness and Hafner called for the question. Carried 10 votes affirmative.

Upon call for the question on the amendment to instruct staff to investigate leasing of building and upon roll call vote, the following voted "aye": Council Members Beach, Hamerlik, Sande, Klave - 4; voting "nay": Council Members Carpenter, Babinchak, Bakken, Hafner, Hagness - 5; Council Member Beyer abstaining. Mayor Owens declared the motion defeated.

Upon call for the question on the original motion and upon roll call vote, the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Babinchak, Bakken, Hafner, Hagness - 8; voting "nay": Council Member Klave - 1; Council Member Beyer abstaining. Mayor Owens declared the motion carried.

RECEIVE AND FILE INTERIM FLOOD FIGHT PLAN

The Committee of the Whole reported having considered the matter of interim flood fight plan, and recommended to receive and file.

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

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

APPROVE APPOINTMENTS TO BOARD OF HEALTH

Mayor Owens announced the appointment of the following individuals to the Board of Health for one year terms expiring in June, 1998 and asked for concurrence in these appointments: Council Members Hagness, Hafner, Sande and Bakken, and Keith Berger. It was moved by Council Member Beyer and seconded by Council Member Babinchak that these appointments be approved. Carried 10 votes affirmative.

APPROVE ESTIMATES, VARIOUS PROJECTS

Estimate Summary Nos. 305 and 306, dated September 30, 1997, and totaling \$3,002,351.01 for construction projects and \$2,570,075.72 for flood bills for a total of \$5,572,426.73 were presented and read.

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

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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.

Council Member Babinchak asked that she be allowed to abstain from voting on any payments to Duckstad Contracting. It was so moved by Council Member Beyer and seconded by Council Member Hagness. Carried 9 votes affirmative.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Beach, Hamerlik, Carpenter, Sande, Klave, Beyer, Babinchak (except any estimates from Duckstad Contracting, Inc.), Bakken, Hafner, Hagness - 10; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE CERTIFICATES OF COMPLETION, VARIOUS PROJECTS

Communications were presented and read from the city engineer certifying that the contractors had successfully completed the construction of the following projects in a satisfactory manner, and recommending acceptance by the council: Project No. 4044, 6th Avenue North Reconstruction (from Columbia Road to State Street); Paving Project No. 4418, paving South 34th Street from DeMers Avenue to 17th Avenue South; Sewer Project No. 4562, District No. 379, storm sewer on 11th Avenue South from Duke Drive to South 34th Street.

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

Council Member Babinchak asked that she be allowed to abstain from voting on any certificates to Duckstad Contracting. It was so moved by Council Member Beyer and seconded by Council Member Hagness. Carried 9 votes affirmative.

Upon call for the question and upon voice vote, the motion carried 10 votes affirmative (except Council Member Babinchak not voting on any recommendations for Duckstad Contracting, Inc.)

RECONSIDER ACQUISITION PLAN FOR PROPERTIES NEAR
BELMONT SCHOOL (400 BLOCKS WALNUT AND CHESTNUT
STREETS)

Mr. Swanson reviewed procedure for reconsideration of items considered by council: that under provisions of the City Code such a motion would be in order if made by a member who voted with the prevailing side, any member can second that motion, but does require affirmative vote of 8 members of the council to bring a reconsideration to the floor.

Council Member Hamerlik moved to reconsider the acquisition plan for properties near Belmont School and limit time to fifteen minutes; Council Member Sande seconded the motion.

It was noted that there were members of that area who spoke at Flood Response Committee meeting and who are here this evening that want to speak to the issue, and that members of School administration are here also.

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

Peter Stoute reported that he and other neighbors in the audience live on the block west of the Belmont School site, and that the School District is in the process of rebuilding Belmont School, that they as homeowners are very supportive of that but do have problem when their homes are affected. He reported they met with the Flood Response Committee and reason they are opposed is with loss of their homes and with their neighborhood. He reported they met with the School

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District administration, reps. of School Board, Park Board, principal of Belmont School and proposed a compromise. He reported that the School administration has indicated a willingness to work with them, and that map showing their location had been submitted. He noted the map shows locations of those willing to sell, that this is agreeable with the balance of the block and School and Park Boards have indicated willingness to work with them. He reported they were appearing before council as City was body providing funds, that funds be limited to be used for that corner of the block so that they can move along with this and go back to rebuilding their homes so don't feel in jeopardy of loosing their homes and neighborhood.

Council Member Babinchak reported that it was her understanding that when they passed the resolution for these funds that if they did not want to sell they didn't have to, and it was her understanding that the School administration had stated that if they didn't want to sell they did not have to. Mr. Stout stated they felt threatened because they didn't know where the green space was going to be and how it would affect their property; that with compromise that they met with the School Board and

know where they're going to be, rest of the block feeling secure and that's what they are asking tonight. He stated that they are asking that these particular funds

Council Member Beyer asked Mr. Hoiberg of School administration if CDBG funding was to help keep School District from increasing mill, but feels this is School problem. Mr. Hoiberg stated that they didn't have funds for purchasing homes or expanding play area. Council Member Beyer asked if the council restricts the CDBG funding to this segment, that doesn't stop School Board from raising mill levy and purchasing homes. Mr. Hoiberg reported they met with property owners twice and have tried to find common ground that would work for both and in discussions there were really two areas on this block where might have group of homes that might fit for a play area, and felt they could buy into the northwest corner (small football or soccer size field), on building site have one-half acre and part of that used for playground equipment and having site off playground would help them tremendously, felt they needed to compromise and work out something together that would support School's efforts to get more land but can live with that and give them some options. Council Member Beyer asked if they were requesting amendment for CDBG funding to reflect smaller area they are intending to purchase; Mr. Hoiberg asked that City not limit funds right now until all negotiations are done. Council Member Bakken stated that the City is allowing use of CDBG funds, authorized them to negotiate and if agreement between School and property owners, is between School Board and property owners.

Dan Romuld, property owners, stated they were asking that the council send clear mandate to all of the people on that block as to what is going to happen, would like to get mandate limiting those funds to that corner of the block so they can proceed with their lives. It was noted by Council Member Beyer that School District could come in with other funding to purchase additional lots in the future. Council Member Hafner suggested that no action need by council, that they have an agreement with the School District, that this is School District issue, and work out disagreement with the School system.

Mr. Swanson reported that the motion to reconsider hasn't been passed, means that the prior motion is now before the council so without amendment or other action by this body, would be voting on the same motion as previously had before council.

Council Member Carpenter moved an amendment to the motion to restrict the use of the funds to the corner on the map provided by the residents of the northwest area and the funds available be so restricted in dollar amount. Council Member Hamerlik moved the amendment.

Council Member Beach stated that we as one political entity should meddle in affairs of another when not necessary, and let the neighborhood take up their

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cause with the School Board.

Upon call for the question and upon roll call vote, the following voted "aye": Council Members Hamerlik, Carpenter, Sande, Klave, Babinchak, Hagness - 6; voting "nay": Council Members Beach, Beyer, Bakken, Hafner - 4. Mayor Owens declared the motion carried.

Upon call for the question on the motion, as amended, and upon voice vote, the motion carried 9 votes affirmative; Council Member Bakken voted against the motion.

REFER VARIOUS ITEMS TO COMMITTEE

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

- 1) Council Member Sande reported that because of new middle school to start preparation of site plan, etc. need to start planning for new fire station at 36th Avenue South and Columbia Road. Mayor Owens referred the matter to the public safety committee for consideration.
- 2) Council Member Babinchak presented the matter of sidewalk from South 29th Street west to 24th Avenue South; Mayor Owens referred the matter to the public service committee for consideration.
- 3) Council Member Beyer presented matter of awards: Jim Campbell for award as emergency management director, and St.Croix Wood for North Dakota's business of the year award for employment of handicapped and also submitted to national registry for this.
- 4) Council Member Bakken presented matter of use of public building for storage of donated goods until new building constructed; Mayor Owens referred the matter to the public service committee for consideration.
- 5) Council Member Bakken presented the matter of funding for the warehouse; Mayor Owens referred the matter to the Flood Response Committee.
- 6) Mr. Swanson presented several items for consideration: to finance committee, matter of consideration of ordinance re. airport authority members; to finance committee, consideration of ordinance allowing the acceptance of gifts and grants; and to public service committee, requiring backup protection on discharge connections to the River.
- 7) Council Member Hamerlik reported that Council Member Carpenter finished his term as president of League of Cities and received many plaudits and represented council and Grand Forks very well.
- 8) Council Member presented matter of emergency vehicles, parking and pedestrian problems with Potato Bowl and UND Homecoming events; Mayor Owens referred the matter to the public safety committee for consideration.
- 9) Council Member Carpenter reported he received call re. lack of signage for street cleaning and ticketing because signage on main thoroughfares and not individual streets, and whether ordinance enforceable and defensible in court. Mr. Swanson reported this matter reviewed over number of years re. signage required, and under ND law no signage required for street cleaning. It was noted that as courtesy that information in trash manual.

AMEND BUDGET AMENDMENT

Committee No. 1, Finance, reported having considered the matter of budget amendment, and recommended amendment of budget to increase revenues by estimated value of one mill which was estimated at budget time of \$59,500 and new estimate is \$66,153 and difference added to the revenue and then to the reserve.

It was moved by Council Member Bakken and seconded by Council Babinchak to approve recommendation. Carried 10 votes affirmative.

ADJOURN AND RECONVENE IN EXECUTIVE SESSION
UNDER PROVISIONS OF NORTH DAKOTA CENTURY CODE

15157

October 6,

1997

Mr. Swanson reported that if the council would like to adjourn at the end of the meeting to executive session, he will brief the council on pending litigation.

It was moved by Council Member Beyer and seconded by Council Member Hamerlik that we do now adjourn until Monday, October 20, 1997 at 7:00 p.m. and further that we reconvene in executive session under provisions of the North Dakota Century Code Chapter 44-04. Carried 10 votes affirmative.

Respectfully submitted,

Saroj Jerath
Deputy City Auditor

Approved:

Patricia A. Owens, Mayor