

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: December 13, 2010:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, December 13, 2010.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Wimmer.

Absent: Walaker.

Deputy Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Williams moved the Order of the Agenda be approved moving Item "x" from the Consent Agenda to the end of the Regular Agenda.

Second by Wimmer. All the Commissioners present voted aye and the motion was declared carried.

Minutes Approved:

Commissioner Williams moved that the Minutes of the Regular Meeting of the Board held on November 29, 2010 be approved as read.

Second by Piepkorn. All the Commissioners present voted aye and the motion was declared carried.

Consent Agenda Approved:

Commissioner Williams moved the Consent Agenda be approved as follows:

- a. 1st reading of the following Ordinances:
 - (1) Amending Section 8-0314 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to the Traffic Code (reckless driving).
 - (2) Repealing and Re-Enacting Section 1-0305 of Article 03 of Chapter 1 of the Fargo Municipal Code Relating to Ordinance Violations (traffic fines in the penalty Ordinance).

- b. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 11/29/10:
 - (1) Rezoning Certain Parcels of Land Lying in Asleson Industrial Park 6th Addition to the City of Fargo, Cass County, North Dakota.
 - (2) Rezoning Certain Parcels of Land Lying in Beardsley's Addition to the City of Fargo, Cass County, North Dakota.

- c. Settlement and Mutual Release of Claims Agreement in the City of Fargo v. S.J. Louis Construction Inc. case.

- d. Memorandum of Understanding with the North Dakota Court System for the purchase, implementation and usage of Odyssey Case Management System.
- e. Change Orders for a total increase of \$102,010.13 for the Municipal Court project.
- f. Purchase of disk-to-disk backup for the Red River Regional Dispatch Center (RRRDC) from Speedlink in the total amount of \$36,500.00.
- g. Receive and file Year to Date – Budget to Actual Report for November 2010.
- h. Amendment to Contract with the North Dakota Department of Health Relating to Family Planning Services (CFDA FP #93.217).
- i. Contract with the North Dakota Department of Health for reimbursement of expenses for Protect ND Kids Program (Contract #09-852).
- j. Applications for Games of Chance:
 - (1) Fargo Kiwanis for a raffle on 2/12/11; Public Spirited Resolution.
 - (2) Benefit for Melissa Hansen for a raffle on 2/5/11; Public Spirited Resolution.
 - (3) Washington School PTA for a raffle on 3/11/11.
 - (4) Bennett PTA for bingo from 1/7/11 to 1/11/11.
- k. Site Authorization for Red River Human Services at the Fargo Elks.
- l. 2011 Social Service and Arts Fund allocations.
- m. Contract for part-time Police Homeless Liaison.
- n. Contract for part-time Police Evidence and Property Technician for 2011.
- o. Amendment to the computer aided dispatch/records management system software license and services agreement with New World Systems.
- p. Management and Concession Agreement between the Fargo Dome Authority and Global Spectrum, LP for a term of three years beginning on January 1, 2011.
- q. Accept bid of North Country Business Products for the MICROS system for the point of sale project at the Fargodome.
- r. Memorandum of Understanding with the United States Marshals Service granting them permission to utilize the City of Fargo's fueling site.
- s. Applications for five-year tax exemptions for improvements made to the following buildings:
 - (1) Michelle Modin, 909 15th Street South.

- (2) Dan Lindquist Construction Inc., 921 8th Street South.
 - (3) Christopher Robertson and Erin Rose, 415 8th Street South.
 - (4) Thomas Kane, 1401 15th Street South.
 - (5) Joel Swanson, 617 9th Avenue North.
 - (6) Marijo Peterson, 913 17th Street South.
 - (7) Dennis and Janet Gemar, 2905 2nd Street North.
 - (8) Scott and Linda Holden, 913 South Drive.
 - (9) Jan Meidinger, 90 18th Avenue North.
 - (10) Bradley Aune, 1521 7th Street North.
 - (11) Christopher Schmit, 1622 7th Street North.
 - (12) Elvera and Joan Frissell, 1101 14th Street South.
- t. General Engineering Services Agreements with AE2S/Black & Veatch and Houston Engineering for the Water Utility and AE2S/Black & Veatch and Apex Engineering for the Wastewater Utility for 2011-2013.
- u. Encroachment Agreement with Integrity 4 Group, LLC at 21 8th Street North.
- v. Consent to No-Build Easement approving restrictions in Reciprocal Easement Agreement between Bristol Street Development, LLC and Integrity 4 Group, LLC.
- w. Purchase of one dump box from Northern Truck Equipment for \$49,958.00.
- x. Contract and bond for Project No. 5957 (moved to the end of the Regular Agenda).
- y. Bills in the amount of \$7,269,115.24.

Second by Piepkorn. On call of the roll Commissioners Williams, Piepkorn, Wimmer and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Presentation of the Census Bureau Recognition Plaque to Jim Hinderaker:

Deputy Mayor Mahoney presented Senior Planner Jim Hinderaker with a plaque from the U.S. Census Bureau in recognition of his efforts during the 2010 Census Project.

Draft Purchase Agreement for the Sale of City-Owned Property at Third Avenue North Near 45th Street Approved:

The Board received a communication from City Attorney Erik Johnson stating the City recently received proposals for the sale of City owned Lots 16 through 20 of E.G. Clapps Addition property which is located on Third Avenue North near 45th Street consisting of 201,092 square feet of land. He said Dakota Underground Company submitted a proposal to purchase the land at a price of \$2.55 per square foot.

City Administrator Pat Zavoral stated years ago the City received a number of tax forfeited parcels of land. Most of the land was sold off, he said, however, about 15 or 20 lots remained and have been leased to Master Construction for about the last 10 years. Last summer, he said, other contractors expressed interest in also having the same benefit of leasing lots from the City and it was then decided to sell the lots and an RFP was published. Two bids were received, he said, one from Master Construction, the other from Dakota Underground Company and Dakota Underground Company came in as the highest and best bid. He stated Mr. Johnson is working with the current lessee to vacate the property so Dakota Underground can occupy the property by January 1, 2011.

Commissioner Piepkorn moved the draft Purchase Agreement with Dakota Underground Company for acquisition of property located on Third Avenue North near 45th Street be approved.

Second by Wimmer. On call of the roll Commissioners Piepkorn, Wimmer, Williams and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

City Forester and City Attorney Directed to Develop a Tree Preservation and Protection Ordinance:

The Board received a communication from City Forester Scott Liudahl stating at the September 20th Commission meeting staff was directed to review watercourse setback, vegetative buffer and tree preservation policies. Mr. Liudahl made a power point presentation and said Forestry, Planning and Fargo Parks have discussed ordinance development and presented information to the Planning Commission on December 7th. He said the Planning Commission supports moving ahead and outlined many components to be considered and possible partners in developing the ordinance. He said he really wants to make sure the City's efforts are in the right place as there will be many variables and unique local challenges in developing this ordinance.

Commissioner Williams moved the City Forester and City Attorney be directed to develop a Tree Preservation and Protection Ordinance, with input from partners.

Second by Wimmer. On call of the roll Commissioners Williams, Wimmer, Piepkorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Presentation on Public Works Snow Fighting Operations:

The Board received a communication from Public Works Director of Operations Ben Dow stating over the past ten years the City of Fargo has been rapidly growing and with the growth Public Works has been forced to try new techniques and products to provide the same level of service without a large expansion of fleet or staff. He said in the past two years Public Works has been diligently evaluating many aspects of the snow removal operations and has begun a full implementation of items found to be beneficial. Mr. Dow presented the Commission with a power point overview of the toolbox of resources Public Works has to choose from.

Contract with John Olson to Provide Lobbying Services During the 2011 Legislative Session Approved:

The Board received a communication from City Administrator Pat Zavoral recommending approval of John Olson as the City of Fargo lobbyist for the 2011 Legislative Session. He said Mr. Olson's proposal is identical to the contract that was in effect for the 2009 Legislative Session.

Commissioner Wimmer moved a contract with John Olson to provide lobbying services for the City of Fargo during the 2011 Legislative Session for a fee of \$30,000 be approved.

Second by Piepkorn. On call of the roll Commissioners Wimmer, Piepkorn, Williams and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Dan Armbrust and Jim Deutsch Reappointed to the City Hall-Auditorium Commission:

The Board received a communication from Mayor Walaker recommending that Dan Armbrust and Jim Deutsch be reappointed to the City Hall-Auditorium Commission.

Commissioner Wimmer moved Dan Armbrust and Jim Deutsch be reappointed to the City Hall-Auditorium Commission for three-year terms ending January 1, 2014.

Second by Williams. On call of the roll Commissioners Wimmer, Williams, Pipekorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Ron Robson and Doug Scaper Reappointed to the Renaissance Zone Authority:

The Board received a communication from Mayor Walaker recommending that Ron Robson and Doug Scaper be reappointed to the Renaissance Zone Authority.

Commissioner Wimmer moved Ron Robson and Doug Scaper be reappointed to the Renaissance Zone Authority for three-year terms ending January 1, 2014.

Second by Williams. On call of the roll Commissioners Wimmer, Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Dr. Richard Rohla and Dr. Nicholas Dorsher Reappointed to the Board of Health:

The Board received a communication from Mayor Walaker recommending that Dr. Richard Rohla and Dr. Nicholas Dorsher be reappointed to the Board of Health.

Commissioner Wimmer moved Dr. Richard Rohla and Dr. Nicholas Dorsher be reappointed to the Board of Health for three-year terms ending December 31, 2013.

Second by Williams. On call of the roll Commissioners Wimmer, Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Contract and Contract Bond for Project No. 5957 Approved:

City Engineer Mark Bittner stated this project is for the removal of a walkout basement and build-up of the lot to 44 feet. He said the City purchased the property last spring during the flood fight due to the fact that the City had problems getting the property protected. Since the purchase, he said, the City has learned that earth will not be sufficient to use, so the City is looking at other options to build the property up to 44 feet. He said the City purchased the property with the intent of fixing it up and reselling it.

Commissioner Williams moved the Contract and Contract Bond for Project No. 5957 be approved.

Second by Wimmer. On call of the roll Commissioners Williams, Wimmer, Piepkorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, December 27, 2010.

Second by Piepkorn. All the Commissioners present voted aye and the motion was declared carried.

The time at adjournment was 5:58 o'clock p.m.