

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: January 26, 2009:

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, January 26, 2009.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on January 12, 2009 and the Special Meeting of the Board held on January 14, 2009 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved.

- a. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Enacting Section 20-0216 and Amending Sections 20-0202, 20-0401, 20-0402.N, 20-0402.S, 20-0403.B, 20-0403.D, 20-0501, 20-0504.D, 20-0609.A, 20-0611.G, 20-0611.I, 20-0611.J, 20-0701.A.3, 20-0702.A, 20-0705.C.3 and 4, 20-0705.D.3 and 20-0910.A of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Base Zoning Districts, Use Regulations, Dimensional Standards, Subdivision Design and Improvements and General Development Standards.
- b. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 31-0102 of Article 31-01 of Chapter 31 of the Fargo Municipal Code Relating to the International Property Maintenance Code and Inspection Fees for Activities and Services.

- c. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Sections of the Fargo Municipal Code and Land Development Code Relating to Typographical Errors.
- d. Appoint David Oksendahl as a special police officer for NDSU.
- e. Contract with Sundog to update the City's Web site.
- f. Pledged securities as of December 31, 2008.
- g. Agreement with Fargo Senior Services for Job Access Reverse Community (JARC) grant.
- h. Addendum 1 to the agreement with Parking Services for an additional \$5,000 in compensation for unforeseen snow hauling costs.
- i. Purchase of Service Agreement with the North Dakota Department of Health in the amount of \$14,800 to direct Tuberculosis screening activities (CFDA #93.116).
- j. Purchase of Service Agreement with the North Dakota Department of Health for an HIV counseling, testing and referral program (CFDA # 93.943).
- k. Health Department budget adjustment in the amount of \$1,600 and contract with the North Dakota Department of Health to support the Moving More, Eating Smarter community program (CFDA 93.991).
- l. Change Order No. 1 for an increase of \$141,153.18 for interior office and library furnishings for the Main Library.
- m. Change Order No. 2 for an increase of \$8,013.16 for interior office and library furnishings for the Main Library.
- n. Applications for property tax exemptions for improvements made to buildings:
 - (1) JPR Investments, LLC #16, 4402 2nd Avenue South (3 year).
 - (2) Stacy Miller, 812 11th Street North (5 year).
 - (3) William and Ann Perrizo, 1341 5th Avenue South (5 year).
 - (4) Charles and Jacqueline Hewitt, 2702 Maple Street (5 year).
 - (5) Vernon and Peggy Spitzer, 1634 11th Street North (5 year).
 - (6) Courtyard at Highpoint, LLP, 1310 Broadway (5 year).
 - (7) Sharon Drewlo, 2405 Evergreen Road North (5 year).
 - (8) Donald Kounovsky, 221 11th Avenue North.
 - (9) Igor and Kristin Svidersky, 606 University Drive South.
- o. Amended Local Permit for Spartan Boosters, Inc. at the UPC, Fargo North Gym, Coliseum and athletic fields from 8/22/08 to 3/14/09.

- p. Amended Site Authorization for Red River Human Services Foundation at the Northern from 1/26/09 to 6/30/09.
- q. Applications for Games of Chance:
 - (1) Centennial PTA for bingo on 1/30/09.
 - (2) Francis J. Beaton, Chapter 1, Disabled American Veterans for a raffle on 5/28/09.
- r. Second Addendum to Memorandum of Understanding with Fargo Public Schools to use City of Fargo fueling facility.
- s. Quote from Industrial Builders, Inc. in the amount of \$468.45 per hour to perform a waste excavation pilot project at the old landfill.
- t. Contracts for Project Development and Preliminary Engineering/Design services for the potential Federal Stimulus Package funding with the following: Ulteig Engineers, Inc. for Project No. 5202-1; Houston Engineering for Project No. 5574; Kadrmass, Lee and Jackson, Inc. for Project No. 5701; Kadrmass, Lee and Jackson, Inc. for Project No. 5881; SRF Consulting Group, Inc. for Project No. 5884; SRF Consulting Group, Inc. for Project No. 5885.
- u. Priority List of Transportation Enhancement Projects for potential Federal Stimulus funding through NDDOT.
- v. Contract with Ulteig Engineers, Inc. for University Drive South Corridor Study (Project No. 5840).
- w. Project Concept Report for 45th Street improvements (Project No. 5574).
- x. Cooperative Agreement with the U.S. Fish and Wildlife Service to increase funding by \$100,000 for the Christine and Hickson dam projects.
- y. Change Orders for the following Projects:
 - (1) No. 1 for an increase of \$36,538.25 for No. 5693.
 - (2) No. 1 for an increase of \$395.32 for No. 5814.
 - (3) Nos. 1 through 5 for an increase of \$87,072.33 for No. 5523.
 - (4) No. 1, No. 2 and unit price overruns in the total amount of \$17,455.07 for No. 5739.
- z. Bills in the amount of \$4,977,161.69.

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

No Commissioner being absent and none voting nay, the motion was declared carried.

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5855 (Alley North of Radisson Parking Ramp):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5855:

Adopt Resolution Creating Improvement District No. 5855:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5855, in the City of Fargo, North Dakota, be created

From 3rd Avenue North to 175' south of 3rd Avenue North between 4th and 5th Streets North. The alley is located in Block 8 of North Dakota Urban Renewal 1st Addition and in Block 10 of Keeney and Devitts 1st Addition.

COMPRISING:

Lots 1 and 12 through 18 and the west ½ of the vacated alley adjacent to Lots 1, 16, 17 and 18, inclusive, Block 10.
Keeney and Devitts 1st Addition.

Lots 1 through 4 and the east ½ of the alley adjacent to the south 25 feet of Lot 3 and adjacent to Lot 4, inclusive, Block 8.
ND Urban Renewal 1st Addition.

All of the foregoing is located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. 5855, in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost from the City Engineer for Improvement District No. 5855:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5855, in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$39,600.)

Order Plans and Specifications for Improvement District No. 5855:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5855, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5855:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5855, in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. 5855, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Alley Paving and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct PC Concrete Alley Paving & Incidentals, Improvement District No. 5855 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed P.C. Concrete Alley Paving & Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5855:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5855, in the City of Fargo, North Dakota.

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

No Commissioner being absent and none voting nay, the motion was declared carried.

Presentation for "Cans for Cash Challenge" Checks to Angels of Courage Retreats and Roger Maris Cancer Center:

Mayor Walaker stated funds were raised through the "Cans for Cash Challenge" campaign, a yearly competition sponsored by the U.S. Conference of Mayors. He said the recycling strategy used this year was to partner local volunteers and elementary schools to promote "Cans for a Cure", aimed at assisting those whose lives may have been affected by cancer or other long-term illnesses. The campaign, he said, collected over 58,000 pounds of aluminum with Minnkota Recycling matching \$.01 per pound.

Mayor Walaker presented the checks to Don Goering and Kathleen Siewert, Angels of Courage Retreats, and Kathy Hanish, the Roger Maris Cancer Center.

Michael Burns Appointed to the Historic Preservation Board:

The Board received a communication from Mayor Walaker recommending that Michael Burns be appointed to the Historic Preservation Board to replace the unexpired term of Paul Gleye who resigned.

Commissioner Piepkorn moved the appointment of Michael Burns to the Historic Preservation Commission for the term ending October 31, 2009 be approved.

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

No Commissioner being absent and none voting nay, the motion was declared carried.

2009 Legislative Issues Discussed:

City Administrator Pat Zavoral reviewed the matrix indicating the 2009 Legislative bills the City supports, opposes and monitors. He said the City will be sending the recommendations to the local legislators and the City's lobbyist.

There was discussion among the Board and the City department heads regarding changes to the various bills on the legislation matrix.

Commissioner Williams said the bills in question could be considered with amendments or conditions.

At 6:00 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Mr. Zavoral stated there are 3 bills that need to be added to the Support or Oppose matrix.

The Board received a communication from Prairie Rose, chair of the Human Relations Commission, requesting the Board's support of Senate Bill 2278. She said the bill seeks to amend the North Dakota State Human Rights Act and Fair Housing Act to include sexual orientation as a protected class. If passed, she said, the bill will prohibit discrimination in housing, employment, credit transactions and use of public accommodations. She said the Human Relations Commission has a history of supporting human rights legislation in North Dakota and strongly urges the Fargo City Commission to support the passing of Senate Bill 2278 to extend the North Dakota Human Rights Act and Fair Housing Act protections to include a ban on discrimination based on sexual orientation and gender identity.

Commissioner Wimmer moved Senate Bill 2278 be supported.

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

Commissioner Piepkorn passed his vote.

The motion was declared carried.

Commissioner Williams moved House Bill 1471 relating to references to party affiliation in elections for elective county and city offices be opposed.

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

No Commissioner being absent and none voting nay, the motion was declared carried.

Commissioner Wimmer moved House Bill 1398 relating to 60% voter approval of public building projects funding through a building authority or other indirect means for acquisition, new construction and remodeling be opposed.

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

Commissioner Williams voted nay.

The motion was declared carried.

Commissioner Mahoney moved the Support and Oppose matrix be adopted. To include action taken by the Board on SB 2278, HB 1471 and HB 1398.

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

No Commissioner being absent and none voting nay, the motion was declared carried.

In response to a question from Commissioner Piepkorn regarding the City lobbyist, Mayor Walaker said he would be invited to a City Commission meeting later in the session.

Mr. Zavoral said in the future, only new bills and bills that require discussion will be brought forward to the Board.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, February 9, 2009.

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

The time at adjournment was 6:34 o'clock p.m.