

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: December 19, 2016:

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 19, 2016.

The Commissioners present or absent were as shown following:

Present: Gehrig, Grindberg, Piepkorn, Strand, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Mayor Mahoney read a statement with the following announcements: The Fargo Fire Department asks residents to shovel clear their nearest fire hydrant, which will save the Department valuable time in the event of a fire in the neighborhood; the Fire Department received training on a new component to the records management software which will assist in data analysis to ensure proper deployment, response and identification of risk within the community; the City of Fargo received the Governmental Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the 18th time; the Fargo Public Library has a schedule of programs for all ages during the holiday break; and a reminder about garbage and recycling schedules, as well as changes in the schedule due to the upcoming holidays.

Order of Agenda Approved:

Commissioner Strand moved the Order of the Agenda be approved moving Item No. "11" from the Consent Agenda to the end of the Regular Agenda and omitting Item No. "21."

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

Minutes Approved:

Commissioner Grindberg moved that the Minutes of the Regular Meeting of the Board held on December 5, 2016 be approved as read.

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

Consent Agenda Approved:

Commissioner Gehrig moved the Consent Agenda be approved as follows:

1. Receive and file Ordinance Enacting Article 24-04 of Chapter 24 of the Fargo Municipal Code relating to wireless telecommunication facilities in the public right of way.

2. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 12/5/16:
 - a. Amending Sections 3-2110 and 3-2111 of Article 3-21 of Chapter 3 of the Fargo Municipal Code Relating to Imposition of a Sales, Use and Gross Receipts Tax (Flood Risk Mitigation and Reduction Improvements).
 - b. Amending Sections 3-2210 and 3-2211 of Article 3-22 of Chapter 3 of the Fargo Municipal Code Relating to Imposition of a Sales, Use and Gross Receipts Tax (Infrastructure Improvements Including Flood Protection).
 - c. Rezoning Certain Parcels of Land Lying in Mid America Steel Addition to the City of Fargo, Cass County, North Dakota.
3. Resolution of Necessity and authorize the commencement of legal action to acquire properties located at 4021 and 4033 Copperfield Court South (Attachment "A").
4. Agreement with Richland County Health Department for nurse practitioner services in Wahpeton, North Dakota.
5. Sole source procurement with Target Solutions for a learning management system.
6. Overtime payment for exempt employees designated to assist Morton County in support of Governor Dalrymple's Emergency Declaration pertaining to the Dakota Access Pipeline protest.
7. Receive and file Year to Date – Budget to Actual Report for November 2016.
8. Revisions to the Purchasing Policy effective January 1, 2017.
9. Receive the GFOA Certificate of Achievement in Excellence in Financial Reporting Award for the 2015 reporting year.
10. Applications for Games of Chance:
 - a. Dakota Medical Foundation – Lend A Hand for a raffle on 1/13/17.
 - b. NDSU Saddle and Sirloin for a raffle on 2/11/17.
 - c. Disabled American Veterans, Francis J. Beaton, Chapter 1 for a raffle on 5/11/17.
 - d. Fargo Longfellow Elementary PTO for bingo on 1/26/17.
11. Amendment to the contract with Forecast Public Art in an amount not to exceed \$19,600.00 (moved to the Regular Agenda).
12. Change Orders for the Fargo Project with Earthworks Services for an increase of \$3,602.50 and with Pro Landscapers for an increase of \$3,800.00.

13. Agreements with Stokum Holdings, LLC in the amount of \$7,000.00 for a Sudden Park Art Sculpture and with Tania Blanich – Curator in the amount of \$8,000.00 for Fargo City Hall Art Exhibit.
14. Agreement with Hazer's Auto and Truck Parts, Inc. for junk vehicle removal services for 2017.
15. Thirty-six-month lease agreement with Brennan's Garage, LLC for the use of up to 60 spaces within the impound lot for storage and parking.
16. Resolution prescribing the Forestry rates increase effective January 1, 2017 (Attachment "B").
17. Applications for property tax exemptions for improvements made to buildings:
 - a. James G. and Jane I. Stoutland Life Estate, 2220 24th Avenue South (3 Year).
 - b. Andrew D. and Kara A. Kalbus, 3249 Longfellow Road North (5 Year).
 - c. Robert S. Corwin, 1234 3rd Street North (5 Year).
 - d. James R. Jr. and Chelsea M. Haley, 2826 Longfellow Road North (5 Year).
 - e. Paul R. and Mona P. Lybeck, 2506 East Country Club Drive South (5 Year).
 - f. George Miller, 1646 2nd Street North (5 Year).
 - g. New Direction IRA, Inc. FBO James G. Miller IRA, 1418 12th Street North (5 Year).
 - h. Christopher M. and Julie A. Mostad, 3213 Evergreen Road North (5 Year).
 - i. Old Town LLC, 915 Broadway North (5 Year).
 - j. Gary A. and Carrie B. Rooks, 226 23rd Avenue North (5 Year).
 - k. Tamara A. Splonskowski, 1318 3rd Street North (5 Year).
 - l. Philip CR and Lisa D. Swan, 201 Forest Avenue North (5 Year).
 - m. Tara Vigen, 1126 9th Street North (5 Year).
18. Memorandum of Offer to Landowner for temporary construction easement from Pilot Travel Centers LLC (Project No. PR-17-A0).
19. Memorandum of Offer to Landowner for temporary easement from Thermo King of Fargo and Isuzu Diesel Midwest, Inc. (Project No. PR-17-A0).
20. Conduit Sale Agreement with Midcontinent Communications.
21. Permanent Easement (Underground) with Midcontinent Communications for city owned property at 624 2nd Avenue North (omitted).
22. Development of a Right of Way Occupancy Permit with Xcel Energy to allow for the installation of a proposed transmission power line to connect the Maple River substation to the Red River substation.

23. Reimbursement Agreement with Xcel Energy for Project No. UR-17-E1.
24. Final Balancing Change Orders for the following Projects:
 - a. No. 1 for an increase of \$16,173.70 for No. SN-16-A1.
 - b. No. 2 for an increase of \$2,889.50 for No. SR-16-A1.
25. Bills in the amount of \$12,978,602.47.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Change Order No. 2 for Improvement District No. BN-16-K1 Approved:

Commissioner Gehrig moved approval of Change Order No. 2 for an increase of \$3,211.74 for Improvement District No. BN-16-K1.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Change Order No. 2 and Time Extension for Improvement District No. BR-16-F1 Approved:

Commissioner Gehrig moved approval of Change Order No. 2 for an increase of \$50,409.47 for Improvement District No. BR-16-F1 and time extension to June 1, 2017.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Change Order No. 3 and Time Extension for Improvement District No. BR-16-B1 Approved:

Commissioner Gehrig moved approval of Change Order No. 3 for an increase of \$17,337.53 for Improvement District No. BR-16-B1 and time extension to December 2, 2016.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Final Balancing Change Order No. 5 for Improvement District No. BR-15-B1 Approved:

Commissioner Gehrig moved approval of Final Balancing Change Order No. 5 for an increase of \$11,362.06 for Improvement District No. BR-15-B1.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Contract Amendment No. 1 for Improvement District No. PR-17-B0 Approved:

Commissioner Gehrig moved approval of Contract Amendment Order No. 1 for an increase of \$63,266.55 for Improvement District No. PR-17-B0.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Contract Amendment No. 4 for Improvement District No. PR-17-A0 Approved:

Commissioner Gehrig moved approval of Contract Amendment Order No. 4 for an increase of \$79,754.00 for Improvement District No. PR-17-A0.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Contract Time Extension for Improvement District No. BR-16-A1 Approved:

Commissioner Gehrig moved approval of a contract time extension to December 7, 2016 for Improvement District No. BR-16-A1.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Contract Time Extension for Improvement District No. BN-16-F1 Approved:

Commissioner Gehrig moved approval of a contract time extension to December 10, 2016 for Improvement District No. BN-16-F1.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Update on the Mayor's Blue Ribbon Commission on Addiction:

Director of Public Health Ruth Roman said communities across the nation are dealing with addiction issues and the formation of the Mayor's Blue Ribbon Commission is a step in the right direction. She said help right now is fragmented and not always connected and no one knows what everyone else is doing. The Blue Ribbon Commission is looking at three different areas: prevention and promotion; early intervention; and treatment and recovery. She said expert panels have been meeting every two weeks and are focusing on these three areas. She acknowledged the work and help of personnel from the Health Department including Dr. John Baird and Robyn Litke Sall. She said the groups who meet include people from education, law enforcement, health care and service providers, as well as parents and families. She said they have looked at what the schools have been doing, what is working and what is not. She said they are also looking at what is happening in the workforce. The

Blue Ribbon Commission agrees a community awareness campaign is needed, she said, due to the fact that all the public sees now is the end results of the opioid crisis. She said there has to be a way to take away the stigma so people can find help and resources to get early intervention. What is needed, she said, is a clearing house. She said there are so many service providers and so much information that it is hard for an individual to know where to go. She said she would like to see a system where a person can pick up the phone and call one number, tell someone they need help, then get pointed in the right direction. She said there are transportation issues preventing people from getting to treatment and counseling, and transitional housing or supportive housing is lacking. Reprioritizing funding is needed, she said, to put money where it matters the most based on fact-based data. She said there is a medical detox in Moorhead and not in Fargo. Medication-assisted treatment is needed, she said; however, there are only two providers prescribing methadone, suboxone and other medication treatments. She said there is an entity coming to Fargo that will have a medication-assisted treatment center. She said insurance only pays for services for 28 days, which is not nearly enough time for addiction treatment. She said there are smart, dedicated people around the table who want to collaborate and build partnerships to make a difference. She said the plan is to move forward, dig into the recommendations they have and make goals and strategies and she will come back before the Board with regular updates.

Commissioner Strand said the community has risen up to this and he is proud of the work the Blue Ribbon Commission has done. He and Commissioner Grindberg recently attended the National League of Cities Convention in Pittsburgh and learned this is a crisis everywhere, especially in Massachusetts and West Virginia, where they are not sure what to do, he said. Representatives he met at the convention from those states, he said, were surprised how quickly things were moving in Fargo in dealing with this crisis.

In response to a question from Commissioner Strand on the state of the crisis now, Ms. Roman said there were 46 opiate overdose deaths from 2012-2015, and 14 deaths from January to July 2016. She said that is just heroin. It is important to remember the Blue Ribbon Commission is about addiction in general, she said, and the group is going to focus on all illicit drugs as well as alcohol.

Commissioner Strand said data is important because the Board and the Blue Ribbon Commission cannot just act on hunches. He said the more data there is, the more compelling it is to the region and it is hard, fast numbers.

Discussion on the Recruitment of Wells Fargo Corporate Headquarters:

Commissioner Piepkorn said the Minneapolis City Council recently objected to loans Wells Fargo has given to pipeline companies. He said he thinks this is an opportunity to tell the story about the City of Fargo and encourage Wells Fargo to move to Fargo. He said the City can compare corporate tax rates and regulations between Minneapolis and Fargo. He said as a large employer, Wells Fargo is already in Fargo. He said the City of Fargo has a lot to offer, including great public schools, better transportation times and the fact that Microsoft's second biggest campus is in Fargo. He said there are so many good stories to tell them about Fargo and he thinks this is a great public relations opportunity. He said he is interested to hear the other Commissioners thoughts and comments.

Mayor Mahoney said he will have Director of Planning and Development Jim Gilmour work on ideas for telling the story of the City of Fargo to Wells Fargo.

Application Filed by Midcontinent Communications for a Property and/or Income Tax Exemption Continued to January 3, 2017:

This was the time and date set for a Hearing on the application filed by Midcontinent Communications for a property and/or income tax exemption for property located at 4624 28th Avenue South; however, Planning staff has requested the Hearing be continued to January 3, 2017.

Commissioner Piepkorn moved the Hearing be continued to 5:15 o'clock p.m., Tuesday, January 3, 2017.

Second by Gehrig. On call of the roll Commissioners Piepkorn, Gehrig, Strand, Grindberg and Mahoney voted aye.

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

Resolution Adopted Approving Great Northern Sixth Addition (3500 12th Avenue North):

Planning Administrator Nicole Crutchfield said this would typically be a minor plat; however, during the technical review there were many easements on the plat and some existing documents in the top northeast corner of the plat. She said through the technical review, the Planning Department was able to consolidate some of those easements, which were publically owned and this makes them into public rights of way. She said there were some technicalities in making this a major plat as opposed to a minor plat which caused the delay from June when the Planning Commission approved it and why the Board is not seeing this until December.

Joseph Turman spoke on behalf of Service Oil, Inc., which owns the land in the plat and said this process was cumbersome and there were many details that needed to be resolved in order to get it approved. Service Oil started the process about 15 months ago; however, he said it was worth it and he is glad it is now done right. He said there has never been a disagreement with the City and Service Oil on how this plat was to be done; however, there were many hurdles such as abandoned roads and other things in this area over the years in the location near 12th Avenue North.

Commissioner Strand offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Great Northern Sixth Addition" containing 4 Lots, 1 Block, and 22.22 acres of land more or less, located at 3500 12th Avenue North; and

WHEREAS, A Hearing was held June 7, 2016 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on December 5 and 12, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., December 19, 2016 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Great Northern Sixth Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

Second by Grindberg. On the vote being taken on the question of the adoption of the Resolution Commissioners Strand, Grindberg, Gehrig, Piepkorn and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

Discussion on the Fargo City Commission Code of Conduct:

Mayor Mahoney said it has been six months since the Code of Conduct was approved and since then, things have come up and now is an opportunity to have a discussion. He said one of the issues is if a Commissioner requests information from a department head and it is not just a simple answer and it requires four or five hours of work, who gets to have the information? He said some entities share information with all the Commissioners; however, some information is proprietary and it only goes to one Commissioner. He said he thinks if City staff works on it, it is worthwhile to share with all Commissioners. There are concerns, he said, this violates open meetings law; however, department heads are caught in the middle. The other issue, he said, is the time when requesting information. He said everyone has a different time frame so Board members have to be respectful of staff time and schedules. He said some people have felt pressured to get things done right away.

Commissioner Piepkorn said in reference to Item No. "2" in the Code of Conduct, the Commission member who is a liaison to a department is responsible to work with the department head on budgets and issues in their department. He said the main concept is to stay in your lane. He said if all five Commissioners are contacting the police chief separately, answering questions from every one would be a full time job for the chief. He said each Commissioner has their liaison assignments, it is easy to understand the Code of Conduct and he encourages everyone to do that.

Commissioner Gehrig said Commissioners communicate daily with department heads and employees. He said Commissioners need to have up-to-date information. He said Commissioners all have their own passions and asking for information is common. He said what Commissioners should be doing is if they are not a liaison, do not direct an action or set policy; however, asking for information is common and necessary. He said he sometimes cannot get in touch with other Commissioners, therefore, if an employee or division head is uncomfortable or does not understand the request for information, they should come to him if he made the request. He said if they cannot come to an agreement with him on how to proceed, then they should go to City Administrator Bruce Grubb or Assistant City Administrator Michael Redlinger. He said if that still does not fix the problem, the employee can, according to the Code of Conduct, go to the mayor or other Commissioners. What he does not want, he said, is if he talks to Commissioner Strand because he is concerned about something,

he should be able to ask a City employee to give him information. If the employee then carbon-copy's another Commissioner on an email, open records laws could possibly be broken. He said if an employee is going to bring another Commissioner into the loop, tell him so he can tell the employee what is happening. Or, he said, if he wants to gather information, he will let the employee know when to get it out to rest of the Commissioners at the proper time. He said he has the authority to decide if, when and how the information gets out. He said as a common courtesy to liaisons, he does not want his ability to do that be usurped by the unintended consequence of carbon-copying others when he did not ask for it. He said if there is communication back to the person making the request, no more issues will arise.

Commissioner Strand said he can see both sides. He said with the school district, when a Board member gets information, there are no secrets. He said if someone gathers information, it is their obligation to share it. He said he prefers to bring in the liaison Commissioner; however, there cannot be meetings that are not proper. He said he thinks everyone should get the same information; however, the Board has to meet somewhere in the middle.

Mayor Mahoney said the Commissioners have to maintain confidentiality on sensitive issues; however, if a piece of information is provided to one Commissioner and not the rest and it hits the press, all the Commissioners could be asked questions. He said information should go to everyone. For example, he said, a previous Commissioner wanted the Northern Pacific street done, so their request was for Engineering to come up with a plan. He said it was not on the CIP plan, Commissioner Piepkorn did not know anything about it and the quoted value was \$2 million to \$4 million. The engineer's team is looking at all of this, he said, and wondering what the priority is. The Board needs to be cognizant of that, he said, and if there are any changes or suggestions for the code, department heads want to know the rules. He said they do not want to get lambasted if they share information if they are not supposed to.

Commissioner Grindberg said asking for information is one thing; however, it would be time consuming for him to contact Commissioner Piepkorn if he gets a request for information from a constituent who wants information from City Engineer April Walker. He said it seems like a lot of steps and if there is information and it is a commission action item, then everyone should be brought to the table. He said Item No. "2" is too broad, specifically the word "issue." He said the word liaison is clear in that each Commissioner has a role in the budget; however, to hamstring communication flow with constituents and follow certain protocols is cumbersome.

Commissioner Gehrig said if there is a time he is asking too many questions to let him know. He said he appreciates feedback; however, he wants to be the one employees are talking to, not anyone else. He said if there is ever a problem, talk to liaisons or to him. He said he respects there are liaisons when there is some kind of action taken or policy being set; however, as far as information goes, if there is clear back and forth, that is all I am asking for.

City Attorney Erik Johnson said he will look at the second paragraph in the Code of Conduct and rework it, as it would be a fair thing to do.

State Water Commission Requests for Cost Reimbursement for FM Diversion Flood Project Costs Approved:

Finance Director Kent Costin said the State Water Commission is requesting \$4,676,079.00 for cost reimbursement for the FM Area Flood Risk Management Project for the month of November.

Commissioner Grindberg moved the cost reimbursement request in the amount of \$4,676,079.00 for the FM Diversion Flood Project be approved.

Second by Gehrig. On call of the roll Commissioners Grindberg, Gehrig, Strand and Mahoney voted aye.

Commissioner Piepkorn voted nay.

The motion was declared carried.

Agreement with John Olson to Provide Legislative Counsel Services During the 2017 Legislative Session Approved:

The Board received a communication from City Administrator Bruce Grubb stating the City of Fargo has used the services of John M. Olson, a registered lobbyist from Bismarck for the last four legislative sessions. He said Mr. Olson was originally hired through a competitive Request for Proposal selection process and since then his services have continued to be utilized during North Dakota legislative sessions. He said Mr. Olson has been contacted about providing legislative counsel services again on behalf of the City at the same rate as previous sessions and the rate of \$30,000.000 has been included in the City budget. He said things can move quickly in Bismarck and Mr. Olson helps monitor legislation or can arrange meetings with key legislators. He said every Friday during the Legislative session in the early afternoon, the North Dakota League of Cities hosts a conference call. He said the City participates in the call where he and others review every bill to be presented or a hearing heard the following week and review things done the previous week. He said at every Commission meeting during the session, he will bring a list of bills to try to establish Commission positions of note. He said that is what has been done in the past and he suggests it be done again.

City Attorney Erik Johnson handed out a red-lined version of the agreement and outlined the language modifications to the agreement. He said Mr. Olson is a lobbyist and is also an assistant city attorney who has been appointed by himself and the City Commission. The changes in the agreement are to highlight that relationship and also the agreement conforms with North Dakota law.

In response to a question from Commissioner Piepkorn about whether there is anyone else, even though Mr. Olson has done a good job, Commissioner Grindberg said Mr. Olson has done well and will in the future. He said this will be a very challenging session overall from A to Z and having someone with Mr. Olson's depth and experience is crucial.

Mr. Grubb said when the conference call is initiated, there is a list of bills which are important to the City. He said it has happened when the City gives a position, it does not match with the rest of the League; however, he said he makes sure the City's voice is heard. He said he tries to get the League to support the City's position and the League does a very good job when bills are being discussed.

Commissioner Gehrig said he would like to see some rules of engagement with the lobbyist.

In response to a question from Commissioner Gehrig about Commissioners being able to call Mr. Olson or does the Commission come together and decide the priorities, Mayor Mahoney said department heads identify or he identifies the priorities and the Commission will be asked to support them or not support them. He said if priorities are supported three to two, that is what the City and Commission support. He said if Commissioners want to individually represent a different view, then the Commission is not representing the City of Fargo, they are representing themselves.

Commissioner Grindberg said there needs to be a unified voice. He said Commissioners do not act with their own interests against the Commission actions. He said it does not go well in the Legislature and it is picked up on very quickly.

Commissioner Strand said he does not know if the City should spend \$30,000.00 on a lobbyist. He said he did not know the City had one and is curious about the dynamics if the City's lobbyist has 21 portfolios. He said he wondered if it is effective, are there examples such as what the City could not have accomplished without a lobbyist, what is the success rate and what is the sentiment? He said as for a paid lobbyist for a city, would the Legislature rather hear from the mayor or commissioners and do they look at a paid lobbyist as extravagant.

Commissioner Grindberg said when he served in the Legislature he would have much rather heard from a mayor or a commissioner or a member of a school board or the county, because it is direct to the citizenry. He said it is very common to have representation on a city's behalf. He said it is very important to know, whether it is the League of Cities or a lobbyist, to have eyes and ears when the gavel goes down. He said things move very quickly due to the fact it has to be done in 80 days.

Mayor Mahoney said if there are small changes in a bill, Mr. Olson is good about picking up on those things that might affect the City of Fargo. He said the value is that sometimes things change overnight and it could have a major effect on the City. He said to know the lay of the land, to know who is friendly and who is not, whose ear to bend, all of this helps lay out the network of what is going on and where the City needs to be aggressive. He said the City did not get everything it wanted last time and it helps to have someone on the ground.

Commissioner Piepkorn said the main reason to monitor what is going on in Bismarck is the Commission members are in Fargo, there are many things happening on a daily basis. Mr. Olson keeps the City informed about items which are the most impactful to the City.

Commissioner Strand said he would prefer to open it up to see who is available, there are people in Fargo and one person he knows in Bismarck who would throw their hat in the ring if the opportunity was there. He said he prefers open RFPs.

Mr. Grubb said the session starts after the first of the year, the City has an RFP drafted that was used several sessions ago. He said the advertisement period is a two- to three-week process.

Commissioner Grindberg said the Board needs to act. He said this should have been a discussion six weeks ago because the session starts on January 3 and it is going to go lightning speed and the City needs to be ready.

Commissioner Grindberg moved the Legislative Counsel Agreement with John Olson to provide lobbying services for the City of Fargo during the 2017 Legislative Session for a fee of \$30,000.00 plus out-of-pocket expenses be approved.

Second by Piepkorn. On call of the roll Commissioners Grindberg, Piepkorn, Gehrig and Mahoney voted aye.

Commissioner Strand voted nay.
The motion was declared carried.

Discussion on New Home Abatements:

Commissioner Gehrig said he requested a discussion on new home tax abatements due to the fact that the plan going forward is to not change anything. He said he has never voted to approve new home abatements. He said he looked at other communities, including Moorhead, where every two years the Council votes to approve, disapprove or change the structure. He said the City of Fargo does not have a vote on a regular basis and he would like to vote on it at some time, if not yearly at least every two years. He said it would add transparency in the public arena.

Mayor Mahoney said Commissioner Piepkorn and the Tax Exempt Review Committee are working on a new policy that would require a vote.

Commissioner Gehrig said he would appreciate being able to vote. He said if possible he would like a time frame added to look at the policy every year or two years.

In response to a question from Mayor Mahoney about a new policy, Commissioner Piepkorn said the home tax abatement policy is on the Tax Exempt Review Committee's next agenda.

In response to a question from Commissioner Strand about new home abatements and if it also means new home exemptions and incentives, Mayor Mahoney said the current policy is a tax exemption of up to \$150,000.00 of a building's value for two taxable years following completion of the building and occupancy by the first owner after the builder.

Recommendation for an Interim Safety Project at the Intersection of 52nd Avenue South and 27th Street Approved (Project No. TM-16-C1):

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating there was a discussion regarding the conversion of 27th Street to a three-quarter access intersection using yellow flexible delineators as an interim safety solution until a study can be completed and a more permanent solution can be implemented. The interim project removed a northbound vehicle's ability to make left turn movements onto 52nd Avenue South and was done in response to a concern raised by Police Department staff.

Commissioner Grindberg said he has received feedback from the business community on 52nd Avenue and he is asking the temporary traffic solution be reversed. He said the businesses were not notified of the change. He said the temporary solution needed is to slow down the speeds and altering traffic for businesses and is a much broader engineering study. He said during the school year there are major problems at the intersection and there needs to be a comprehensive look at traffic flow. He said traffic signals are part of the end game; however, a short term fix is needed. He said the long term issue, which is much more than just 27th Street and 52nd Avenue, is there is a major problem on the south end of town on 25th Street and further south as this area is getting more and more congested.

City Engineer April Walker said her department received feedback from the public and complaints from police officers who were concerned about the number of accidents at the intersection where traffic is coming off of 27th Street and 52nd Avenue westbound to the interstate. She said there are no short term fixes other than

eliminating left turns. She said the safety project was approved on the Consent Agenda at the Commission meeting on November 21, 2016, the flexible delineators were installed on December 1st and on December 2nd the phones started to ring. She said a larger study is needed; however, this problem came up at a time of year when Engineering is not able to collect the appropriate data as they normally do not want snow on the ground due to it affecting speed and driver behavior. She said her recommendations would be to leave the northbound left turn blocked or the other option is to remove the temporary measures and work with the North Dakota Department of Transportation to lower the speed limit.

Chelsey Steinlicht, Bright Futures Learning Center, a child care center at the intersection of 25th Street and 52nd Avenue, said there are 160 children at the day care center and this change has had a huge impact on her business. She said her fear is there are all of these children in vehicles and some of these vehicles are making illegal turns at this corner during prime times when Davies students are entering and exiting. She said she tries to find any way to avoid that intersection any time of the day. She said it was one of her business' families who was hit at 52nd and 27th Street and it would be her suggestion to lower the speed limit due to the fact there are two child care centers in the area.

Mike Jesser, a representative of Prairie Grove Development, said he has received many phone calls, including calls from service deliveries. He said their only exit is on 53rd Avenue or further down; however, they still have to cross 25th Street and during school times, traffic is heavy going south. He said lowering the speed limit is ideal and from a safety standpoint, making a U-turn on 25th Street is nearly impossible with a pickup and especially difficult for service trucks.

Jeff Thomas, one of the owners of a business in the Prairie Grove Development, said he wants to echo what other business owners, community members and business patrons have discussed. The largest complaint he said is with suppliers and semi-trucks are now driving through parking lots, which were not made for through traffic, and trying to get on to 25th Street. He said what he is seeing consistently is vehicles going through the cones, heading down 52nd Avenue and people are not yielding. He said a speed limit reduction would certainly help and an ideal solution would be a lighted intersection. He said the corridor is only going to get busier and right now, the current solution is creating more confusion. He said there a lot of cars being funneled into a small congested area right by the day care center.

Commissioner Piepkorn said he is very impressed with the discussion and it is a good example of when people have a complaint, they contact all of the Commissioners, not just the Commissioner who is the liaison to a certain department.

Commissioner Grindberg moved to work with North Dakota Department of Transportation and the North Dakota Highway Patrol to lower the speed limit and remove temporary pylons for the short term and directed the Engineering Department and Ms. Walker to figure out a solution.

Second by Piepkorn. On call of the roll Commissioners Grindberg, Piepkorn, Gehrig, Strand and Mahoney voted aye.

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

Amendment to the Contract with Forecast Public Art in an Amount Not to Exceed \$19,600.00 Approved:

Planning Administrator Nicole Crutchfield said this is a request for additional services from the consultant for the public art work master plan. She said the work started in March; however, it did not get off the ground until April and is now running about three months longer than planned. In the 2016 budget, she said, money was allocated for these planning services and there is a \$60,000.00 surplus. She said she is proposing to use \$19,600.00 of the surplus for additional services and to extend the contract with Jack Becker of Forecast Public Art. She said the master plan will be in front of the Commission in March or April.

In response to a question from Commissioner Grindberg as to if the surplus is due to being fiscally conservative, Ms. Crutchfield said it came from projects planned for 2016 that did not pan out, so this is an end of the year coincidence.

Commissioner Gehrig said many of the things outlined in the contract could have been done by the private sector and he wanted to have an opportunity to vote on it.

In response to a question from Commissioner Strand about the recommendation of the Arts and Culture Commission, Ms. Crutchfield said it is a soft recommendation. She said the Arts and Culture Commission met recently and heard about the surplus; however, the Commission has not seen the terms of the specific amount. She said it is within the 2016 budget and not in the 2017 budget.

In response to a question from Commissioner Gehrig as to whether this is more than what the current contract is, Ms. Crutchfield said \$4,600.00 is but \$15,000.00 is not.

Commissioner Grindberg moved the amendment to the contract with Forecast Public Art in an amount not to exceed \$19,600.00 be approved.

Second by Strand. On call of the roll Commissioners Grindberg, Piepkorn and Mahoney voted aye.

Commissioners Strand and Gehrig voted nay.

The motion was declared carried.

Commissioner Grindberg said he had a few more comments regarding the 52nd Avenue discussion. He said he and Planning Director Jim Gilmour talk often about communication and as the Commission continues into next year, the Commission should look at how to improve the communication process. He said in this instance, the Commission made a sudden change and businesses make investments based on traffic flow and the Commission just changed it without prior notification. He said the Commission needs to think differently on how agenda information is communicated.

Commissioner Strand said he has asked for an agenda item be added for the January 3 meeting for the exact same reason because the citizens who are affected were not aware. He said the Commission as a team needs to improve communications.

Mayor Mahoney said Mr. Grubb is looking at customer satisfaction and telling customers what is going on. He said traditional communication avenues are not all the City needs. "What Works Cities," he said, will also look at how to communicate better in the city and he wants to improve the City's communication plan. He said the Commission cannot assume most people are aware of items on the Regular Agenda

and not everyone reads the newspaper. He said citizens get their news on social media so the City needs to look at different ways to communicate so everyone has an opportunity to weigh in.

Commissioner Grindberg moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, January 3, 2017.

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

The time at adjournment was 6:11 o'clock p.m.