

- f. Three-year extension of operating contract with Parking Service for operation of the City's parking facilities.
- g. Change Order No. 7R2 for an increase of \$10,346 for the US Bank demolition project.
- h. Agreement with FM Ambulance for H1N1 vaccinations.
- i. Purchase of Service Agreement with the North Dakota Department of Health to direct tuberculosis screening activities (CFDA #93.116).
- j. Applications for property tax exemptions for improvements made to buildings:
 - (1) Joe and Lisa Nicholas, 1122 6th Street South (5 year).
 - (2) Steven and Marguerite Lorz, 61 - 16 1/2 Avenue North (5 year).
 - (3) Stephen and Kathleen Shiels, 1134 1st Street North (5 year).
 - (4) William Burchill, 1524 2nd Street North (5 year).
 - (5) Laurie Schlenker, 1112 9th Avenue South (5 year).
 - (6) John and Shirley Carbno, 1506 15th Street South (5 year).
 - (7) Jon and Carol Kauffman, 1524 1st Avenue South (5 year).
 - (8) James and Wendy O'Meara, 2855 Westgate Drive South (3 year).
- k. Applications for Games of Chance:
 - (1) Francis J. Beaton Chapter 1, Disabled American Veterans for a raffle on 5/27/10.
 - (2) Muskies, Inc. F-M Chapter for a raffle on 2/5/10.
 - (3) Make-A-Wish Foundation of North Dakota for a raffle on 2/1/10.
- l. Purchase Agreements – Temporary Construction Easements in connection with Improvement District No. 5700:
 - (1) Town & Country Credit Union.
 - (2) Woodhaven Development, LLP.
 - (3) Synergy Real Estate Investment, LLC.
 - (4) State Bank & Trust.
 - (5) Freedom Community Credit Union.
- m. Local cost share in the amount of \$358,939.23 for supplemental engineering services for Improvement District No. 5601.
- n. NDDOT Cost Participation and Maintenance Agreement for Improvement District No. 5700.
- o. Fargo cost share of \$58,629.00 for Project No. 5852.
- p. Balancing Change Order No. 1 for an increase of \$2,906.16 for Project No. 5807-2.
- q. Bills in the amount of \$5,989,771.97.

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

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

Balancing Change Order No. 1 for Improvement District No. 5776 Approved:

Commissioner Piepkorn moved approval of Balancing Change Order No. 1 for an increase of \$140,448.05 for Improvement District No. 5776.

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

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

City Attorney to Draft an Amendment to the Ordinance Relating to Dogs and Cats:

The Board received a communication from Police Chief Keith Ternes stating, at the December 29, 2008 City Commission meeting, the Board was presented with a letter from Steve Candor who requested revisions to the City Ordinance relating to dogs and cats. He said Mr. Candor requested a revision pertaining to dangerous dogs, cats and other animals found to be at-large. Chief Ternes said, since that time, Police Department staff have been working with a committee consisting of several people, including Mr. Candor, who were interested in assisting the Police Department with revising the current animal Ordinances.

In response to a question from Commissioner Mahoney regarding normal licensing of pit bulls, Chief Ternes said the Ordinance is not breed specific. He said the intent of this Ordinance is not to target a certain breed of dog, but to make pet owners responsible for their pets. Under the proposed Ordinance changes, he said, once a dog is designated potentially dangerous or dangerous by a Municipal Court Judge, there could be any number of requirements the dog owner has to comply with in order to ensure the safety of others. Some of the requirements, he said, would be to have a microchip implanted in the dog at the owner's expense, for the dog to be sterilized, have current vaccinations and pay yearly registration fees. He said, for dogs designated as dangerous, a continuous \$300,000 liability insurance policy for the dog must be provided by the owner.

Steve Candor, 1026 17th Street South, said he is trying to make owners of pets more responsible and to make the City safe for its residents. He said pet owners need to have their animals under control.

In response to a question from Commissioner Mahoney about the high fees, Mr. Candor said he looked at other communities' fees and the proposed fees are in line with other communities.

Commissioner Wimmer stated if the City is going to eliminate the threat of dangerous dogs, the fines need to be a little stiff.

Commissioner Williams moved the City Attorney be directed to draft an amendment to the Ordinance Relating to Dogs and Cats as recommended.

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

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

City Attorney to Draft an Amendment to the Ordinance Relating to Taxicabs:

The Board received a communication from City Auditor Steve Sprague stating the Auditor's office, in conjunction with the Police Department, has been working on updates to article 25-04 of the Fargo Municipal Code, with input from members of the taxicab industry.

In response to a question from Commissioner Mahoney about safety inspections, Mr. Sprague said this is one of the changes that have been recommended to be made to the current ordinance. Under the current ordinance, he said, the Chief of Police would be in charge of the inspections, but under the recommended change the inspection can be made at any garage in the City of Fargo and a certification would be filed with the Chief of Police.

Commissioner Piepkorn moved the City Attorney be directed to draft an amendment to the Ordinance relating to taxicabs as recommended by the Auditor's office and the Police Department.

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.

City Attorney to Draft an Ordinance Restricting the Use of Compression Brakes on Interstate Highways in City Limits:

The Board received a communication from City Attorney Erik Johnson stating Fargo resident James Rutschke requested City Commissioners establish an Ordinance prohibiting semi-truck drivers from using engine brakes, more commonly referred to as "jake brakes", on highways in the City. Mr. Rutschke lives near Interstate 94 in the Prairiewood area and complains of the amount of noise generated by these engine brakes, he said. Currently, he said, the City has a noise Ordinance in place that limits excessive noise, but the roadways in question are Interstate 29 and Interstate 94 which are more frequently patrolled by State Highway Patrol Officers and it is not a general practice for the State Officers to enforce City Ordinances. However, he said, with a very recent change in the NDDOT policy a "No Engine Brakes" warning sign will be erected in the spring, but this does not guarantee compliance. It is possible, he said, for the City Commission to approve an ordinance more specific to the use of engine brakes or compression brakes. Such an Ordinance, he said, may allow more ready enforcement of these noise restrictions, but would still require Fargo police officers to routinely patrol the interstate highways in town.

In response to a question from Mayor Walaker as to whether or not the City has jurisdiction, Police Chief Keith Ternes stated jurisdiction is not a problem. The problem, he said, is the time and the resources it would take for the Fargo Police Department to enforce the Ordinance. He said he feels this is more of a state issue than a City one and recommends addressing the issue with the State Legislature to make a statute to eliminate the brakes in limited areas. Fargo is not the only community with this problem, he said, but with a state statute the State Highway Patrol would be responsible for the enforcement, not the local Police Department.

James Rutschke, 137A Prairiewood Drive South, said he has been researching this issue for the past two years. He said the reason behind implementing the proposed Ordinance is because of all the noise the engine brakes make. He said the

City has three noise Ordinances in place already and he does not see any reason why another one cannot be implemented for engine brakes. He said he was able to find over two hundred cities with Ordinances restricting the use of jake brakes. He said he is not looking for 100% compliance, but 80% would be helpful.

Commissioner Wimmer moved the City Attorney be directed to draft an Ordinance restricting the use of compression brakes on interstate highways in city limits.

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

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

Dr. Roger Gilbertson Reappointed to the Renaissance Zone Authority:

The Board received a communication from Mayor Walaker recommending that Dr. Roger Gilbertson be reappointed to the Renaissance Zone Authority.

Commissioner Mahoney moved Dr. Roger Gilbertson be reappointed to the Renaissance Zone authority for a term ending January 1, 2013.

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.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, January 25, 2010.

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

The time at adjournment was 6:00 o'clock p.m.