

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: November 15, 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, November 15, 2010.

The Commissioners present or absent were as shown following:

Present: Piepkorn, Williams, Wimmer, Walaker.

Absent: Mahoney.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Wimmer moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Wimmer moved that the Minutes of the Regular Meeting of the Board held on November 1, 2010 be approved as read.

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

(Commissioner Mahoney present)

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 11/1/10:
 - (1) Amending Ordinance No. 4731 (Amending Section 11-0205 of Article 11-02 of Chapter 11 of the Fargo Municipal Code) Relating to Noise Control and Radio Interference – Compression Brakes Prohibited.
 - (2) Amending Section 1-0305 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Penalties for Ordinance Violations.
 - (3) Rezoning Certain Parcels of Land Lying in Hector's Subdivision to the City of Fargo, Cass County, North Dakota.
 - (4) Amending an Ordinance Rezoning Certain Parcels of Land Lying in Urban Plains by Brandt First Addition to the City of Fargo.
- b. Amendment and 2nd reading of an Ordinance Amending Section 20-0401 and Section 20-0402 of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Use Regulations; 1st reading, 11/1/10.

- c. Purchase Agreement with Corn II, LLC for acquisition of Deer Creek lots.
- d. Receive and file Notice of Appeal from Decision of Local Governing Body Pursuant to N.D.C.C. 28-34-01 filed by D & P Terminal, Inc., Potter Enterprises and William F. Rakowski vs. City of Fargo.
- e. Receive and file Year to Date – Budget to Actual Report for October 2010.
- f. Agreement with Deb Haugen in the amount of \$9,700.00 to support a Cass Clay Healthy People Initiative for the local schools.
- g. Agreement for Provision of City Readiness Initiative Grant Activity in Clay County.
- h. Amendments to the Red River Regional Dispatch Center's Joint Powers Agreement.
- i. Change Order for an addition of \$25,936.26 to purchase two new hybrid buses.
- j. Applications for five-year tax exemptions for improvements made to buildings:
 - (1) John and Sheila Westrum, 1410 11th Avenue South.
 - (2) Justin Hofer, 1330 1st Avenue South.
 - (3) Stephanie Rasmussen, 109 15th Avenue North.
 - (4) Steven Nowacki, 15 14th Street North.
 - (5) Sarah Browning, 620 1st Street North.
- k. Applications for Games of Chance:
 - (1) Fire Relief Benefit for the Ettish Family for a raffle on 12/5/10; Public Spirited Resolution.
 - (2) Nativity Elementary School for a raffle on 2/4/11.
 - (3) Fargo Motor Patrol, Inc. for a raffle on 2/4/11.
- l. Change Order No. 1 for an increase of \$22,344.93 for General Construction, Project No. WA0901.
- m. Property buyout negotiation for 432 and 434 12th Avenue South.
- n. Agreement for Special Improvements with Urban Plains Land Company, LLC for improvements in Urban Plains by Brandt First Addition and Urban Plains Recreational 2nd Addition.
- o. Contract with Kadrmas, Lee and Jackson, in the amount of \$250,000.00 for Project No. 5906.
- p. Change Order No. 3 for an increase of \$124,653.78 for Project No. 5747-22.
- q. Change Order No. 3 for an increase of \$176,131.21 for Project No. 5747-23.

- r. Change Order No. 1 for an increase of between \$161,300.00 and \$305,511.00 for Project No. 5944.
- s. Advertise for bids for Project No. 5153-3.
- t. Bills in the amount of \$7,985,757.04.

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.

First Reading of an Ordinance Repealing and Re-Enacting the Sign Code of the City of Fargo: Resolution Adopted Approving a Map Identifying the Principal Arterial Roads Upon Which Larger Billboards May Be Placed:

Commissioner Wimmer said he felt good compromises were made and a fair middle ground was met. He said the Sign Code needs to move forward; however, it can be looked at again in six months.

Commissioner Williams stated the Sign Code Committee did a good job and there were a lot of good compromises; however, he would feel more comfortable keeping it intact as presented two weeks ago and not making any changes so quickly. He said he feels that it should be looked at again in six months as it is a work in progress.

Commissioner Wimmer moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Repealing and Re-Enacting the Sign Code of the City of Fargo be placed on first reading.

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

Commissioner Williams voted nay.

The motion was declared carried.

Commissioner Wimmer offered the following Resolution and moved its adoption:

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

WHEREAS, Article 20-13 of the Fargo Municipal Code, commonly referred to as the "Fargo Sign Code" calls for the Board of City Commissioners to approve a map of the functional road system for the City of Fargo that identifies principal arterial roads which, therefore, are to be eligible locations for certain types of off premise advertising signs;

NOW, THEREFORE, BE IT RESOLVED, by the Board of City Commissioners of the City of Fargo, North Dakota:

That the functional road system map of the City of Fargo which identifies certain principal arterial roads as being eligible locations for signs as provided in Fargo Municipal Code Section 20-1307.A.2 is hereby adopted as the current map for such purposes (Map on file in the office of the City Auditor).

This Resolution may be amended from time to time upon motion or resolution of the Board of City Commissioners.

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

Commissioner Williams voted nay.

The Resolution was adopted.

City of Fargo Health Insurance Plan Design Changes and Premium Increase Approved:

The Board received a communication from City Administrator Pat Zavoral stating the City has been working with NDPERS over the past year considering a move under their health insurance plan. He said due to complications arising from the Patient Protection and Affordable Care Act, the transition will be delayed by one year as the City continues to work with NDPERS to determine whether the transfer can be done without losing grandfather status. In addition, he said, the City has been reviewing the plan design recommendations that were made by AON Consulting and the proposed changes bring the City more in line with current market conditions. He said it will also reduce the amount necessary to increase premiums while still maintaining the grandfather status. He said the recommendation is to increase the total premium by 10 percent for 2011 with the City's share of the premium increase being \$420,000 which will be drawn from the health insurance reserve fund. The draw from the health insurance reserve fund, he said, will also accommodate a portion of the employee's share allowing for only a 10 percent increase.

Commissioner Mahoney moved the City of Fargo Health Insurance plan design changes and a 10 percent increase to premiums be approved effective January 1, 2011.

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

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

Application Filed by Sanford Research/USD for a Five Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Sanford Research/USD for a five year property tax exemption for the project at 1830 NDSU Research Circle where the applicant will engage in biotech research and supporting activities.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

Commissioner Wimmer moved that the application filed by Sanford Research/USD for a five year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved.

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

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

Renaissance Zone Project for Pamela G. Laliberte Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Pamela G. Laliberte at 300 Broadway, #405.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Pamela G. Laliberte meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by Pamela G. Laliberte for a project located at 300 Broadway, #405 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, November 29, 2010.

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

The time at adjournment was 5:25 o'clock p.m.