

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:                                      Monday:                                      October 31, 2011:

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, October 31, 2011.

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 moving Items "aa" and "dd" from the Consent Agenda to the end of the Regular Agenda.

Second by Williams. 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 Monday, October 17, 2011 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. 1st reading of an Ordinance Enacting Section 8-0321 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Regulations Governing Operators (relating to texting).
- b. 1st reading of an Ordinance Amending Section 1-0305.C.8 and Section 1-0305.C.9 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to the Traffic Code (penalties).
- c. Receive and file Ordinance Amending Ordinance No. 4780 Rezoning Certain Parcels of Land Lying in R & B Subdivision, Cass County, North Dakota.
- d. Receive and file Summons and Complaint and Admission of Service in the matter of Nodak Mutual v. City of Fargo.
- e. Appoint Patrick Steven Thomas and Richard Ryan Haskell as NDSU Police Officers.

- f. Third Quarter Financial Status Report for all Major Operating Funds.
- g. Position Evaluation Committee recommendations based on review of appeals submitted in response to the Job Evaluation Study to implement job evaluation rating changes and pay grades (Attachment "A"). Effective January 1, 2012 incumbents in positions resulting in a change to pay grade move to next step in the new pay grade. Total cost of implementing changes is approximately \$78,000 and was accounted for in the 2012 budgeting process.

Civic/Buildings and Grounds:

Maintenance Attendant I (Civic Office Assignment)

Ratings – No change. Grade – No change (Grade 5).

Maintenance Attendant Lead

Ratings – No change. Grade – No change (Grade 10). Draft new job description for MA Lead.

Finance/Auditors:

Special Assessment Coordinator

Ratings – No change. Grade – No change (Grade 17). Job description correction to reflect 7 years of experience.

Assessor:

Appraiser/Land Management Specialist

Ratings – No change to Hazard rating. Decision Making rating changed from D23 to D24. Grade – No change (Grade 13).

Deputy Assessor

Ratings – Qualifications rating changed from Q57 to Q64. Grade – No change (Grade 16). Job description experience requirement adjusted to 3 years.

City Assessor

Ratings – Qualifications rating changed from Q57 to Q67. Grade – Changes from Grade 19 to Grade 20.

Public Health:

WIC Certifier II

Ratings – Qualifications rating changed from Q23 to Q33. Grade – Changes from Grade 6 to Grade 7.

Environmental Health Practitioner

Will review request as a reorganization request separate from the appeal process.

Accountant – PH

Ratings – Qualifications rating changed from Q53 to Q55, Decision Making from D30 to D31 and no change to Hazard rating. Environment rating changed from N4 to N5. Grade – Changes from Grade 13 to Grade 15. Job description changed to reflect four year experience requirements.

**Chemist**

Ratings – Environment rating changed from N9 to N14 and Effort B changed from EB6 to EB10. Grade – Changes from Grade 10 to Grade 11.

**Nurse Practitioner**

Ratings – No change. Grade – No change (Grade 16).

**Office Associate II – Health**

Ratings – No change. Grade – No change (Grade 6).

**Office Associate II**

Will review request as a reorganization request separate from the appeal process.

**Office Associate III**

Will review request as a reorganization request separate from the appeal process.

**Office Associate II – EH**

Ratings – Change ratings to an Office Associate III. Grade – Changes from Grade 6 to Grade 9.

**Nutritionist II**

Ratings – Change Qualification rating from Q54 to Q63. Grade – Changes from Grade 12 to Grade 13.

**Public Information Officer**

Ratings – Effort A changed from EA4 to EA6. No change to Effort B rating. Grade – No change (Grade 13).

**Medical Technologist**

Ratings – No change. Grade – No change (Grade 12). The job description will be changed to reflect two years of supervisory experience. The position is titled appropriately as Medical Technologist.

**LPN**

Ratings – No change. Grade – No change (Grade 9).

**Chief Chemist**

Ratings – Environment rating changed from N4 to N14. No change to Effort B rating. Grade – Based on ratings – position remains in Grade 13.

**Solid Waste:****Equipment Operator II - SW, Recycling, HHW**

Ratings – No change. Grade – No change (Grade 9).

**Equipment Operator II – Collections**

Ratings – No change. Grade – No change (Grade 9).

**Public Works Supervisor – Recycling, SW, Landfill**

Ratings – Relationship rating changed from R18 to R19. Grade – Changes from Grade 13 to Grade 14.

**Water/Waste Water:****Plant Superintendant – Waste Water**

Ratings – No change. Grade – No change (Grade 15).

**Control Systems Manager**

Ratings – Qualification rating changed from Q45 to Q46. Problem Solving rating changed from P14 to P18. Responsibility rating from R13 to R18. Effort A from EA9 to EA6. No change to Effort B rating. Grade – Changes from Grade 12 to Grade 14. Experience requirement increases from 4 to 6 years of experience.

**Public Works Supervisor – Water Utility**

Ratings – No change. Grade – No change (Grade 13).

**Public Works Supervisor – Water Treatment**

Ratings – No change. Grade – No change (Grade 13).

**Public Works Supervisor – Water Utility**

Ratings – No change. Grade – No change (Grade 13).

**Operator II – Water**

Ratings – No change. Grade – No change (Grade 10).

**Equipment Technician II - Water Filtration and Treatment Plant**

Ratings – Qualification rating changed from Q43 to Q44. Decision rating changed from D9 to D16. No change to other ratings. Grade – Changes from Grade 9 to Grade 10. Qualification would increase required experience from 2 to 3 years.

**Operator I - Water**

Ratings – Relationship rating changed from R12 to R8. Grade – No change (Grade 7).

**Residuals Plant Operator**

Ratings – Hazard rating changed from H17 to H18. Environment rating changed from N10 to N14. Grade – Changes from Grade 9 to Grade 10.

**Equipment Technician II**

Ratings – Qualification rating changed from Q43 to Q44. Decision rating changed from D9 to D16. No change to other ratings. Grade – Changes from Grade 9 to Grade 10. Qualification would increase required experience from 2 to 3 years.

**Principal Office Associate**

Ratings – No change. Grade – No change (Grade 10).

**Inspections:****Deputy Inspections Administrator**

Ratings – Qualification rating changed from Q55 to Q47. No changes to other ratings. Grade – Changes from Grade 14 to Grade 15. Qualifications will be changed to Associate Degree and 7-8 years of experience which is a more appropriate level of education and experience for the position.

**Plan Reviewer**

Ratings – Decision rating changed from D24 to D31 and Effort B from EB11 to EB12. No changes to other ratings. Grade – Changes from Grade 13 to Grade 14. The title will be changed to Plan Reviewer II.

**Permit Technician**

Ratings – Effort B from EB11 to EB12. Decision Making rating changes from D24 to D23. No changes to other ratings. Grade – No change (Grade 12). The title will be changed to Plan Reviewer I.

**Building Inspector II**

Ratings – Hazard rating changed from H17 to H18. Decision Making rating changes from D24 to D23. No changes to other ratings. Grade – No change (Grade 13).

**Building Inspector I**

Ratings – Hazard rating changed from H17 to H18. No changes to other ratings. Grade – Changes from Grade 11 to Grade 12.

**Planning/Transit:****Assistant Planner**

Ratings – No change. Grade – No change (Grade 12).

**Transit Reservationist**

Ratings – No change. Grade – No change (Grade 6).

**Police:****Police Captain**

Ratings – Qualification rating changed from Q58 to Q59. Decision Making rating changes from D32 to D33. Problem Solving Rating changed from P15 to P19. Grade – Changes from Grade 18 to Grade 20. The position will move to the same level as Assistant Chief. The Assistant Chief and Captains will be renamed Deputy Chief of Police as a post-study reorganization. The Captain position will be eliminated.

**Police Officer**

Ratings – No change. Grade – No change (Grade 12).

**Police Support Specialist**

Ratings – Effort B rating changed from EB10 to EB 11. Problem Solving rating changed from P9 to P10. Environment rating changed from N5 to N9. Grade – Changes from Grade 7 to Grade 8

**Evidence and Property Manager**

Ratings – Qualification rating changed from Q53 to Q43 (corrected). Problem Solving rating changed from P14 to P15. Environment rating changed from N9 to N10. Hazard rating changed from h2 to h17. Grade – Changes from Grade 11 to Grade 12.

**Crime Free Housing Program Coordinator**

Ratings – No change. Grade – No change (Grade 11).

**Public Works:****Office Associate**

Ratings – No change. Grade – No change (Grade 6).

**Inventory Assistant (Stock and Parts Clerk)**

Ratings – No change. Grade – No change (Grade 6).

Equipment Tech II

Ratings – Qualification rating changed from Q43 to Q44. Decision rating changed from D9 to D16. No change to other ratings. Grade – Changes from Grade 9 to Grade 10. Qualification on job description will increase required experience from 2 to 3 years.

Equipment Tech III - Emergency Services\Supervisor

Ratings – Hazard rating changed from H10 to H14. Effort A changed from EA10 to EA14. No change to other ratings. Grade – No change (Grade 12).

Forestry:Arborist I

Ratings – No change. Grade – No change (Grade 8).

Urban Forestry Programs Manager

Ratings – Decision Making rating changed from D23 to D24. Environment rating changed from N9 to N14. Grade – Changed from Grade 12 to Grade 13.

Arborist Supervisor

Ratings – No change. Grade – No change (Grade 13).

Library:Library Associate II – Tech Services

Ratings – Eliminate LA II – Tech Services and replace as a Library Associate III – Tech Services. Grade – Changed from Grade 6 to Grade 9.

Outreach Librarian and Volunteer Coordinator

Ratings – Hazard rating changed from H17 to H18. Grade – Changed from Grade 11 to Grade 12.

Library Positions – Driving Function

<u>Position</u>	<u>Current Hazard Rating</u>	<u>Proposed</u>	<u>Impact to Pay Grade</u>
Library Associate	h2	h17	Grade 3 to 4
Children's Programming (LA III)	h2	h17	No change
Acquisitions Associate (LA III)	h2	h17	No change
Reference Associate (LA III)	h17	h2	No change
Community Relations Specialist	h17	h2	Grade 11 to 10 (would move incumbent to lower pay grade on 2012 step increase date)
Reference Librarian	h2	h17	No change
Outreach Librarian/Vol. Coord.	h17	h18	No change
Tech/Electronic Resources Lib.	h2	h17	Grade 13 to 14
Circulations Services Mgr.	h17	h2	No change
Collections Manager	h17	h2	No change

Library Associate II – Children's Programming Assistant

Ratings – Eliminate LA II – Children's Programming and replace as a Library Associate III – Children's Programming. Grade – Changed from Grade 6 to Grade 9.

**Community Relations Specialist**

Ratings – Effort B rating changed to EB10. Grade – No change (Grade 11).

**Principal Office Associate**

Ratings – No change. Grade – No change (Grade 10).

**Fire:****Firefighter**

Ratings – Effort A rating changed from EA13 to EA14. Grade – No change (Grade 11).

**Firefighter Specialist**

Ratings – Effort A rating changed from EA13 to EA14. Grade – Changed from Grade 12 to Grade 13.

**Fire Captain**

Ratings – Effort A rating changed from EA13 to EA14. Grade – No change (Grade 14).

**Information Services:****GIS Technician II**

Ratings – Qualification rating changed from Q43 to Q51. Grade – No change (Grade 10). Will add Bachelor's degree requirement to job description.

**GIS Specialist**

Ratings – Problem Solving rating changed from P14 to P18. Grade – Changed from Grade 14 to Grade 15.

**IS Manager - Professional Services**

Ratings – No change. Grade – No change to step.

**Server Network Technician II (3)**

Ratings – No change. Grade – No change to steps.

**Help Desk Associate**

Ratings – Problem Solving rating changed from P10 to P14. Grade – No change (Grade 11).

**Desktop Technician II**

Ratings – Effort A rating changed from EA9 to EA10. Environment Rating changed from N5 to N9. Grade – No change (Grade 11).  
Adjustment also made for Desktop Technician I based on Ron's request.

**Engineering:****Civil Engineer II**

Kristy Schmidt should be moved to Grade 17 to reflect all other CEII positions. PE remains a requirement; however, Kristy will be grandfathered in the CE II level without the PE. Will retro the move to Grade 17 to 1-1-11.

**Survey Specialist**

Ratings – Problem Solving rating changed from P14 to P18. Qualification rating changed from Q47 to Q48. Grade – Changed from

Grade 15 to Grade 16. Change job descriptions to make it 9 years of experience.

Engineering Tech Supervisor – Traffic

Ratings – Hazard rating changed from H17 to H18. Grade – Changed from Grade 14 to Grade 15.

Engineering Tech Supervisor – Street Lights

Ratings – Hazard rating changed from H17 to H18. Grade – Changed from Grade 14 to Grade 15. No title change.

Engineering Tech Supervisor

Ratings – Hazard rating changed from H17 to H18. Grade – Changed from Grade 14 to Grade 15.

Engineering Reorganization Request

Will review request as a reorganization request separate from the appeal process.

- h. Offer on property at 2506 64th Avenue South for \$159,900.00 with the following conditions: \$1,500.00 appliance allowance, \$4,252.84 special assessments and \$439.00 one-year home warranty plan, all to be paid by the City.
- i. Contract with Cassidy and Fishman Agency for a speaker fee, in the amount of \$5,000.00, for a Historic Homeowners Exposition.
- j. Fire Department budget adjustment in the amount of \$326,393.90 for a 2010 Regional Response Water Search & Rescue and Structural Collapse Search and Rescue Grant.
- k. Acceptance of Bureau of Justice Assistance (BJA) Bulletproof Vest Partnership Grant in the amount of \$7,874.90 (CFDA #16.607).
- l. Memorandum of Understanding with the Moorhead Police Department for server training.
- m. Grant agreement with the March of Dimes Birth Defects Foundation for \$1,000.00 for maternal and child health program materials and supplies.
- n. Authorize release of an RFP for a camera system at the Ground Transportation Center.
- o. Five-year lease agreement with Valley Senior Services to provide transportation services to ambulatory Fargo and West Fargo residents over the age of 60.
- p. Amended Site Authorization for Northern Prairie Performing Arts at the Old Broadway.
- q. Applications for Games of Chance:
  - (1) Nativity Elementary School for a raffle on 2/3/12.



- (2) Fargo North Spartacus for a raffle on 12/3/11.
  - (3) North Dakota Chapter of Wildlife Society for a raffle on 2/7/12.
  - (4) Bethany Homes, Inc.; Bethany Auxiliary for a raffle on 12/8/11; Public Spirited Resolution.
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- r. Bid award to Radio Satellite Integrators, Inc. in the amount of \$47,425.00 for a global positioning satellite automated vehicle location system.
  - s. Reciprocal Release and Relinquishment of Easements established by Plat along 25th Street South and abutting portions of Legacy I Second Addition and Legacy I Third Addition.
  - t. Declaration of flood protection elevation with Stephen and KariAnn Garrity and Nathan and Janeen Kobrinsky.
  - u. Capture of digital color aerial photos of 2011 construction project areas focusing on flood mitigation projects completed or in progress and new development areas.
  - v. Engineering Services Contract Amendment in the amount of \$17,575.00 for Project No. 5031-02.
  - w. Magellan Pipeline Company Right-of-Way Encroachment Agreement for the Southwood/Fargo Country Club Flood Risk Management Project (Project No. 6002-2).
  - x. Change Order No. 1 from URS Corporation for an increase of \$130,750.00 for Project No. 5683-08.
  - y. Purchase Agreement with James and Sheila Meyer for property at 2502 58th Avenue South (Improvement District No. 5969).
  - z. \$103,331.72 reimbursement to the Fargo Park District for the Rose Creek levee (Project No. 6044).
  - aa. Proposal from Cable One in the amount of \$14,022.36 and Xcel Energy in the amount of \$108,208.18 for utility line relocation costs within the Southwood/Fargo Country Club Flood Risk Management Project area, and \$10,000 hookup cost for electrical meters to individual residences (Project No. 6002-2) (moved to the Regular Agenda).
  - bb. Contract amendment in the amount of \$7,000.00 for engineering services (Project No. 6050).
  - cc. Change Orders for the following Projects:
    - (1) No. 7 for an increase of \$45,853.50 for No. 5944.
    - (2) No. 3 for an increase of \$73,975.00 for No. 5946-02.

- (3) Final Balancing Change Order No. 2 for an increase of \$13,095.85 for No. 5967.
  - (4) Final Balancing Change Order No. 1 for an increase of \$6,053.05 for No. 6059.
- dd. Contract Amendment in the amount of \$98,979.54 for Project No. 5426 (downtown one-way pair study) (moved to the Regular Agenda).
- ee. Intersection traffic control improvements for Project No. 5922 to be scheduled with future years Capital Improvement Program.
- ff. Contract and bond for Project No. 5958-2.
- gg. Bills in the amount of \$7,295,691.46.  
Second by Williams. On call of the roll Commissioners Mahoney, Williams, Piepkorn, Wimmer and Walaker voted aye.  
No Commissioner being absent and none voting nay, the motion was declared carried.

Final Balancing Change Order No. 2 for Improvement District No. 5938 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 2 for an increase of \$13,714.45 for Improvement District No. 5938.

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

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

Contract Time Extension for Improvement District No. 6020 Approved:

Commissioner Mahoney moved approval of a Contract Time Extension for Master Construction for Improvement District No. 6020.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6055 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Dakota Underground Company for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6055 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6055 Approved:

Commissioner Mahoney moved approval of the following described Contract Bond as to sufficiency:

United Fire and Casualty, in the amount of \$440,387.90, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6055 in the City of Fargo, North Dakota.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6060 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Dakota Underground Company for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6060 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6060 Approved:

Commissioner Mahoney moved approval of the following described Contract Bond as to sufficiency:

United Fire and Casualty Company, in the amount of \$995,396.23, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6060 in the City of Fargo, North Dakota.

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

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

Variance of the City's 30-day Waiting Period Guideline for Transfer of Gaming Operations Approved:      Site Authorization for American Gold Gymnastics at the Penalty Box Approved:

The Board received a joint communication from Keith Severson, Gaming Manager of the Multiple Sclerosis Society and Carrie Luebke, Gaming Manager of American Gold Gymnastics asking that the City's 30-day waiting period for the transfer of gaming operations be waived. They said the Multiple Sclerosis Society and the bar owners of the Penalty Box have agreed that American Gold Gymnastics can take over operations. The Multiple Sclerosis Society would like to operate gaming until December 4, 2011, they said, and American Gold Gymnastics would like to begin gaming on December 6, 2011.

Gaming Auditor Terri Leier-Sprenger said in 2005 charities were only allowed two gaming sites and at that time the Board adopted a 30-day waiting period in order

to prevent pirating when charities want a third location. She said in this case, the Multiple Sclerosis Society has decided to completely remove gaming from their business operations and the bar owner has agreed American Gold Gymnastics can take over operations. Due to the fact that the Penalty Box did not ask the Multiple Sclerosis Society to leave, she said, the bar should not be penalized.

Commissioner Mahoney moved, in consideration of this unique situation, the variance to the City's 30-day waiting period guideline for transfer of gaming operations at the Penalty Box be approved.

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 the site authorization for American Gold Gymnastics at the Penalty Box be approved.

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.

Revised Ordinance Amending Section 20-1309 of Article 20-13 of Chapter 20 of the Fargo Municipal Code Relating to Portable Signs Received and Filed: First Reading of an Ordinance Enacting Article 20-13 of Chapter 20 of the Fargo Municipal Code of the City of Fargo Relating to Signs:

City Attorney Erik Johnson said at the last Board meeting he submitted three separate draft Sign Code ordinances to be presented in sequence. He said tonight the first, which is the new Sign Code excluding the new proposed portable sign provisions, is before the Board for first reading. Initially this first ordinance included high impact signs, he said, and it seems appropriate high impact signs be deleted and inserted in the second ordinance with the portable signs. He also proposed the provision of 30 days to act on a sign permit be revised due to the fact that a building official may need additional information and an allowance should be included to have the 30 day provision stop running for the period when information is being gathered.

In response to a question from Commissioner Wimmer about the definition of a high impact sign, Senior Planner Jim Hinderaker said it is an electronic messaging center (EMC) on wheels; basically a portable sign with a digital display.

Commissioner Wimmer moved the revised Ordinance amending section 20-1309 of Article 20-13 of Chapter 20 of the Fargo Municipal Code relating to portable signs, referred to as Sign Ordinance Number 2 be received and filed.

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

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

Commissioner Wimmer moved first reading of an Ordinance Enacting Article 20-13 of Chapter 20 of the Fargo Municipal Code of the City of Fargo Relating to Signs.

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

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

Parcels of Land in Kings Subdivision of Northern Pacific Addition Rezoned (504 11th Street South):

At a Hearing held on October 4, 2011 the Fargo Planning Commission recommended approval of a change in zoning from MR-3, Multi-Dwelling to NO, Neighborhood Office on Lot 11, Block 41, Kings Subdivision of Northern Pacific Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Senior Planner Jim Hinderaker said this was a unanimous recommendation from the Planning Commission. He said the property is located on the corner of 5th Avenue and 11th Street South. One letter of opposition was received, he said, indicating concerns about the lack of parking as a result of the zoning change; however, staff is comfortable there is adequate parking based on the size of the property. The property owner is interested in using the building for his accounting business as well as a residence, he said. A challenge for the Planning Commission, he said, is whether there are too many properties with an office or commercial zoning designation in the neighborhood. He said the Hawthorne Area Plan is supportive of these types of office uses; therefore, the Planning Commission agreed the criteria has been met.

Commissioner Wimmer offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Kings Subdivision of Northern Pacific Addition, Fargo, Cass County, North Dakota:

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 Rezoning Certain Parcels of Land Lying in Kings Subdivision of Northern Pacific Addition, Fargo, Cass County, North Dakota be placed on first reading.

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.

Project Priorities and Application Submittal to the NDDOT for SRF and TE Funding Approved:

The Board received a Report of Action from the Public Works Project Evaluation Committee (PWPEC) stating the North Dakota Department of Transportation (NDDOT) is accepting project applications for special categories of state and federal funds.

Senior Engineer Jeremy Gorden said the Special Roads Funds (SRF) cost split is usually 60% State, 40% local. In the past ten years, he said, the City has received SRF funding on two projects: Access road and boat ramp at Iwen Park located at 52nd Avenue South on the Red River and access relocation to the Red River Zoo. He said staff and PWPEC are recommending the following for this year's submittal:

1. Special Road Funds (SRF):
  - Priority 1 - Raising the Edgewood Golf Course Access Road.
  - Priority 2 - Borrow Park Access Roads, south of 65th Avenue South and University Drive.
    - Phase 1 - Construction of roads to provide access.
    - Phase 2 - Restoration of 40 acre site.
    - Phase 3 - Construct permanent access roads and walkways.
2. Transportation Enhancement Projects (TE):
  - Priority 1 - 45th Street/12th Avenue North Bike Trail
  - Priority 2 - Drain 53 Bike Trail
  - Priority 3 - Red River Lift Bridge Reconstruction

Commissioner Wimmer moved the project priorities and application submittal to the NDDOT via Fargo-Moorhead Metropolitan Council of Governments (FM COG) for SRF and TE Funding be approved.

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

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

Federal Aid Project Priorities for Years 2012-2016 Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating the North Dakota Department of Transportation (NDDOT) requests that cities, counties and metropolitan planning organizations (MPO's) submit listings of project priorities for funding in part by federal funds. Projects are submitted to Metro COG (Metropolitan Council of Governments) to ensure consistency with the local Transportation Improvement Plan (TIP), they said, and generally have a five year planning horizon. They said project submittals are planned and programmed within the following time frames:

1. Committed projects: Projects that have Federal funds committed for 2012 construction.
2. Programmed projects: Projects that are in the development stage.
3. Request projects: Projects in the major funding categories generally requested five years in advance. This year's submittal contains projects tentatively scheduled for 2016.

Project requests are submitted under the following NDDOT funding categories:

1. Interstate (IM):  
The NDDOT prioritizes interstate projects. Senior Engineer Jeremy Gorden works with NDDOT staff to coordinate local interstate project needs. Interstate projects are funded as follows:
  - 90% Federal, 10% DOT for mainline and ramps.
2. Regional Highway System Projects (RHS):  
RHS routes consist of ND State Highways within the City. RHS routes in Fargo are listed below:
  - 19th Avenue North - 10th Street to I-29.
  - 12th Avenue North - 10th Street to I-29.
  - Main Avenue (all).
  - 13th Avenue South - 10th Street to University Drive.
  - 52nd Avenue South - University Drive to I-29.
  - University Drive and 10th Street - 13th Avenue South to 19th Avenue North.
  - University Drive South from 13th to 52nd Avenue South.

RHS projects are submitted in cooperation with the Fargo District Engineer. Projects are selected on a statewide basis and prioritized by the NDDOT. RHS projects are funded generally as 80% Federal, 10% NDDOT, 10% local.

Mr. Gorden said priorities for the Regional Highway System Projects are as follows:

- Priority 1 - University Drive - 18th Avenue South to I-94.
- Priority 2 - Main Avenue - 2nd Street to 12th Street.
- Priority 3 - Main Avenue - 14th Street to 23rd Street.
- Priority 4 - 19th Avenue North - 10th Street to I-29.

3. URP – Urban Roads Program:  
URP funds can be used on any street functionally classified as collector and higher. URP funds are distributed to the 13 largest cities in the State (generally above 5,000 in population) along with the MPO's. URP funds are allocated according to a formula with a base amount and population base. URP projects are funded as follows:
  - 80% Federal, 20% local.

He said the two priorities for the Urban Road Program are as follows:

- Priority 1 - 32nd Avenue South between University Drive and 32nd Street.
- Priority 2 - 19th Avenue North between 10th Street and the I-29 east ramp.

Mr. Gorden said these requests add up to over \$54 million; however, not all will be funded. He said the area on 13th Avenue South between 42nd and 45th Streets is a high priority and is not on these priority lists because funding is being sought for next year or the following so federal funds cannot happen fast enough.

In response to a question from Commissioner Williams about neighborhood concerns with the upcoming 25th Street and I-94 project and pedestrian issues, Mr. Gorden said pedestrian facilities to cross will be looked at closely, particularly if it becomes a six lane road.

Commissioner Wimmer moved the Federal Aid Project Priorities for funding in the years 2012-2016 be approved as presented.

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

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

Application for Federal Safety Funds for Installation of Pedestrian Countdown Signal Heads Project Approved:

The Board received a communication from the Public Works Projects Evaluation Committee recommending approval of an application for Federal Safety Funds for the installation of pedestrian countdown signal heads project.

Senior Engineer Jeremy Gorden said countdown signal heads are required on new signals. This request is to fund the installation of 150 pedestrian countdown signal heads at 19 locations at a cost of \$56,250.00.

Commissioner Williams moved the application for Federal Safety Funds for installation of pedestrian countdown signal heads be approved.

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.

Discussion Regarding a Proposal to Enroll New Employees (Other than Police Officers or Firefighters) in a 401(k) Style Pension Plan as of January 1, 2012: Appropriate Staff Directed to Present a Timeline for a Series of Informational Meetings on Pension Plans at the Next City Commission Meeting:

Commissioner Piepkorn presented a proposal to transition the current public pension plan to a 401(k) style pension plan for enrolling new employees as of January 1, 2012. He said his plan would exclude the Police and Fire Departments, which would keep their current plan. He said he is aware a commitment has been made to existing employees and those near retirement, which is why he limited his proposal to new hires. He said he is frustrated due to the fact that he has proposed the idea before and it seems his efforts to take action get pushed back.

Director of Finance Kent Costin said an informational agenda is ready for the November 8th Finance Committee Meeting. He said it is important that the Finance Committee weigh in for this important meeting. If the Finance Committee approves the draft agenda, he said, data would need to be validated, information gathered and various questions answered prior to an informational meeting. It is important to bring in the professionals who help with pension administration, he said, and regional and national comparisons would be important. He said if the Board set a timeline, staff would accommodate it.

Commissioner Williams said while staff may know the process is proceeding, the Commissioners and public may not. He said the Mayor has a depth of knowledge on the topic as head of the Pension Board that the other Commissioners do not have. He agreed an informational session should be set to see about sustainable plans for employees that protect the taxpayers.



Commissioner Mahoney said the pension is a large part of the benefit package. He said teamwork is important and problems could develop if police, fire and public employees are treated differently.

Commissioner Wimmer said he would be comfortable to begin informational meetings soon, with a series of meetings over the next six months. He said he does not see the need to jump ahead and do something different with just a few new employees. While Commissioner Piepkorn thinks it should happen sooner, he said he feels a 4 to 6 month timeline is satisfactory.

Mayor Walaker said four retirement plans are currently in existence: the Police plan, the Fire plan, NDPERS plan and the City Employee's Pension Plan and he feels it is ill-advised to add a fifth. He said often decisions made in haste are made incorrectly and he favors allowing six months for the Commissioners to gather information before deciding. He said a big problem is trying to treat everyone the same. The Pension Board has been concerned with funding in recent years, he said, which is part of the reason the City joined the North Dakota Public Employees Retirement System (NDPERS) for new hires in 2008.

Commissioner Williams suggested rather than waiting, informational meetings on current pension plans for Commissioners could be held concurrently with the information gathering and analyzing process for staff.

Commissioner Williams moved appropriate staff be directed to present a timeline for the first of a series of informational meetings on pension plans at the next City Commission meeting.

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.

#### Appointments to the Human Relations Commission Approved:

The Board received a communication from Mayor Walaker recommending that Raul Gomez, Waseem Altaf and David Lanpher be reappointed and Laetitia Mizero and Andrea Nordick be appointed to the Human Relations Commission to fill the unexpired terms created by the resignations of David Danbom and Lori Brownshield.

Commissioner Mahoney moved approval of the reappointment of Raul Gomez, Waseem Altaf and David Lanpher to the Human Relations Commission for three-year terms ending July 1, 2014 and the appointment of Laetitia Mizero and Andrea Nordick for the terms ending July 1, 2012.

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.

#### Contract Amendment for the Downtown One-Way Pair Study Denied:

Commissioner Piepkorn said he asked to move the contract amendment from the Consent Agenda to the Regular Agenda for discussion because he is concerned about spending an additional \$98,979.54 on the study of NP Avenue and 1st Avenue North one-ways. He said the original amount has grown and after spending so much on the project there begins to be pressure to approve it simply because of the amount of money already spent.

Senior Engineer Jeremy Gorden said the Board could deny the contract amendment and hold a public hearing on the NP Avenue and 1st Avenue North Development Plan. He said a large amount of this additional money is for final design options.

City Engineer Mark Bittner said the last time the study was presented, staff understood the Board wanted more information about what the options would look like. He said the project could go back to the Steering Committee for their recommendation if the Board is ready to make a decision.

Mayor Walaker said Randy Thorson, the owner of the Old Broadway, spoke at a public hearing about delivery difficulties to his business if the one-way is changed. Mayor Walaker said in larger cities deliveries are not made during high traffic times.

Commissioner Mahoney suggested someone from Engineering visit with Mr. Thorson prior to another public hearing.

Commissioner Williams moved the Contract Amendment for the Downtown One-Way Pair be denied and the Steering Committee directed to bring forth recommendations to the next City Commission meeting.

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.

Proposal from Cable One and Xcel Energy for Utility Line Relocation within the Southwood/Fargo Country Club Flood Risk Management Project Area and Hook-up Cost for Electrical Meters to Individual Residences Approved:

Commissioner Williams said he had this item moved from the Consent Agenda to the Regular Agenda as an opportunity to inform the public that the Board acknowledges burying lines has aesthetic appeal and although it is inconvenient and costs more, it is preferred.

City Engineer Mark Bittner pointed out there is a big difference in that the City is paying for the burying of the utilities for the proposal presented and in other cases Xcel Energy would pay for burying lines.

Commissioner Williams moved the proposals from Cable One in the amount of \$14,022.36 and Xcel Energy in the amount of \$108,208.18 for utility line relocation costs within the Southwood/Fargo Country Club Area Flood Risk Management Project area and the \$10,000 hook-up cost for the electrical meters to individual residences be approved.

Second by Mahoney. On call of the roll Commissioners Williams, Mahoney, Piepkorn, Wimmer 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 14, 2011.

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

The time at adjournment was 6:33 o'clock p.m.