

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting: Monday: December 12, 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, December 12, 2011.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved moving Items "a" and "r" 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 November 28, 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. Resolutions prescribing rates and charges for utility services for the Water, Sewer and Forestry utilities for the 2012 calendar year (Attachments "A", "B" and "C") (moved to the Regular Agenda).
- b. Receive GFOA Certificate of Achievement of Excellence in Financial Reporting Award for the 2010 Year.
- c. Year to Date – Budget to Actual Report for November 2011.
- d. Mass Transit Agreement with the City of West Fargo for 2012.
- e. Bid award to Brasco International for purchase of six bus shelters in the amount of \$29,235.00.
- f. Letter of Agreement for design fees for Jackie Brookner in the amount of \$55,000.00 for The Fargo Project.

- g. Applications for tax exemptions for improvements made to buildings:
  - (1) Dell Arneson, 217 38th Street South (3 year).
  - (2) Jeremy and Tiffany Neuharth, 517 24th Avenue North (5 year).
  - (3) Angela Limesand, 1117 Oak Street (5 year).
  - (4) Kimberly Hovland, 2602 3rd Street North (5 year).
  
- h. Site Authorizations for Games of Chance:
  - (1) VFW Club Fargo Post 762 at Rick's Bar.
  - (2) Gilbert C. Grafton Post No. 2, the American Legion at The Pickled Parrot Bar and Grill.
  - (3) West Fargo Hockey Association at Fort Noks (Amended).
  
- i. Applications for Games of Chance:
  - (1) Francis J. Beaton Chapter No. 1 of the Disabled American Veterans for a raffle on 5/24/12.
  - (2) Kiwanis Club of Lake Agassiz for a raffle on 2/13/12.
  - (3) Bennett P.T.A. for bingo on 1/13/12.
  
- j. Joint Powers Agreement for continuation of the Metro Area Transit Coordinating Board.
  
- k. Revised Service Agreement with Valley Veterinary Hospital for animal impound services.
  
- l. Bid awards for a rescue strut system and an airlift bag system for the Fire Department to Metro Fire in the amount of \$56,010.04 and \$30,535.21 respectively.
  
- m. Junk vehicle removal services agreement with Hazer's Auto and Truck Salvage for 2012.
  
- n. Proposals for winter pruning operations: Harles-Cronk for Project 1 in the amount of \$34,896.00 and Cougar Tree Care, Inc. for Project 2 in the amount of \$69,680.00.
  
- o. Bid awards for chemicals for the Wastewater Treatment Plant.
  
- p. Bid awards for chemicals for the Water Treatment Plant.
  
- q. Task Order in the amount of \$37,000.00 and Letter Proposal in the amount of \$86,825.00 from AE2S for Phase 2 upgrades to the Water Treatment Plant Control System.
  
- r. Engineering Task Order with Wenck Associates for a project to cover and heat 750,000 reserve sandbags at the City composting facility (moved to the Regular Agenda).

- s. Task Order with Wenck Associates in the amount of \$32,300.00 for an odor control project at the landfill.
- t. Listing of 282 acres of City-owned land in Harwood Township with Property Resources Group.
- u. Purchase of autotitrator for the Water Plant Lab from Mettler Toledo in the amount of \$38,828.30.
- v. First Amendment (time extension) to the contract with US Peroxide, LLC for PRI-SC Hydrogen Peroxide and services.
- w. Change Order No. 2 for a contract time extension for Project No. WA0903.
- x. Change Order No. 2 for an increase of \$4,073.44 for Project No. WA1101.
- y. Change Order No. 1 for an increase of \$7,572.17 and a time extension for Project No. SW1001.
- z. Change Order No. 1 for an increase of \$16,492.50 for Project No. SW1101.
- aa. Change Order No. 1 for a time extension for Project No. SW1102.
- bb. Bid award to In Situ Engineering in the amount of \$54,800.00 for Project No. 5683-13 Design Soil Exploration Pressuremeter Testing with the approval of and acting as contracting agency for the FM Diversion Authority.
- cc. Declaration of Flood Protection Elevation Agreements with the following:
  - (1) Craig and Julie Johnson, 137 South Woodcrest Drive North.
  - (2) Margaret Bailly, 3538 River Drive South.
  - (3) Tony and Kina Wong, 3902 River Drive South.
- dd. Schedules and priorities for Corridor Study of 19th Avenue North from 10th to 45th Street North (Project No. 5933).
- ee. Application for Federal TCSP funds and Contract Amendment No. 1 in the amount of \$5,000.00 for Project No. 5884.
- ff. Change Order No. 2 for an increase of \$10,175.00 for Project No. 5860.
- gg. Change Order Nos. 1, 2, 3 and 4 for a total decrease of \$21,178.49 for Project No. 5902.
- hh. Bills in the amount of \$5,660,062.45.

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. 1 for Improvement District No. 5822 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$64,430.51 for Improvement District No. 5822.

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.

First Reading of an Ordinance Relating to Signs (Portable):

The Board received a communication from City Attorney Erik Johnson stating the first of three proposed ordinances relating to the new Sign Code was approved by the Board in November. The time period for any referral of that ordinance has since passed, he said; therefore, it would now be appropriate to take action by having first reading of the second of the three ordinances. He said this ordinance was segregated from the rest of the sign code due to the possibility of referral and addresses the portable sign provisions and community wide event signs. If this ordinance goes forward, he said, the third ordinance repealing the old sign code will come in due course

Commissioner Wimmer moved first reading of an Ordinance Amending Section 20-1309 of Article 20-13 of Chapter 20 (Land Development Code) of the Fargo Municipal Code Relating to Signs (Portable).

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.

Appointments to the Housing and Redevelopment Authority:

The Board received a communication from Mayor Walaker recommending that Karen Moore and Ken Krajsa be reappointed to the Housing and Redevelopment Authority.

Commissioner Mahoney moved Karen Moore and Ken Krajsa be reappointed to the Housing and Redevelopment Authority for three-year terms ending September 30, 2014.

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.

Resolution Adopted Prescribing Rates and Charges for Water, Sewer and Forestry Utility Services for the 2012 Calendar Year:

The Board received a communication from City Auditor Steve Sprague submitting resolutions prescribing rates and charges for the utility services for Water, Sewer and Forestry utility funds. He said monthly Forestry rates will increase \$.50 per household, sewer rates on a residence will increase \$.35 and the water utility rate will increase \$.05 per thousand gallons; therefore, a monthly residential bill will

increase approximately \$.95 depending on water usage. He said the rate adjustments were approved by the Board as part of the 2012 budget.

Commissioner Williams stated Fargo's water rates are the highest in North Dakota, and now with the higher than anticipated sales tax revenues from the State, he feels there could be some offsets in some of the rates.

Commissioner Wimmer said he agrees with the recommendation of staff and feels the modest increase now is preferable to larger increases later.

Director of Finance Kent Costin said the funds Commissioner Williams is referring to are accounted for in the general fund. The enterprise funds are self sustaining activities, he said, and incorporate user fees and charges to maintain stability. He pointed out it has not been past practice to take state aid and transfer it into utilities.

Commissioner Wimmer moved the Resolutions prescribing rates and charges for Water, Sewer and Forestry utility rates for the 2012 calendar year and referred to as Attachments "A", "B" and "C", be adopted and attached hereto.

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

Commissioners Williams and Piepkorn voted nay.

The motion was declared carried.

#### Engineering Task Order to Cover and Heat 750,000 Reserve Sandbags Approved:

The Board received a communication from the Utility Committee stating there are 750,000 reserve sandbags being stored outside of the City's landfill composting facility. In previous years, they said, the City utilized indoor heated warehouse space to thaw the reserve sandbags; however, staff is concerned about the structural integrity of the wood pallets if the sandbags were relocated to warehouse locations due to the loading and offloading. They said landfill consultant Wenck Associates was asked to explore the concept of thawing the sandbags in place versus handling, hauling and thawing the sandbags in a heated warehouse. They said the cost is estimated at about \$50,000 versus warehouse space rental which has been estimated at \$80,000 per month.

Enterprise Director Bruce Grubb said the two options researched most thoroughly were the hydronic ground thawing hoses and the forced air option, with the forced air option being the best and least expensive. He said the project involves having the sandbags professionally covered with heavy plastic liner and seamed so it is one continuous piece with openings fabricated for the forced air heaters. He said he would like to cover the sandbags before it snows. Thirty days should be enough time to thaw them, he said, and that process could be started as early as March 1st. He said if the sandbags are not needed this spring, they could be preserved for a number of years as long as they are properly covered and protected from UV rays.

Commissioner Williams moved the Engineering Task Order with Wenck Associates for a project to cover and heat 750,000 reserve sandbags at the City composting facility be approved.

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.

Renaissance Zone Project for Fuji Japanese Seafood and Steakhouse Inc. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Fuji Japanese Seafood and Steakhouse Inc. at 630 1st Avenue North.

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 Fuji Japanese Seafood and Steakhouse Inc. 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 Fuji Japanese Seafood and Steakhouse Inc. for a project located at 630 1st Avenue North be approved and the income tax and property tax exemptions be granted as recommended by staff.

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.

Hearing on Renaissance Zone Project for T & S Investments, LLC Continued to December 27, 2011:

A hearing had been set for this day and hour on a Renaissance Zone Project proposal by T & S Investments, LLC for a lease project located at 35 North 4th Street; however, Senior Planner Bob Stein stated the applicant has requested that the hearing be continued to December 27, 2011 due to changes being made in the applicant's organization.

Commissioner Piepkorn moved the hearing be continued to 5:15 o'clock p.m. on Tuesday, December 27, 2011.

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.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, December 27, 2011.

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

The time at adjournment was 5:19 o'clock p.m.