

- c. Final Adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Northern Sheyenne Land Addition, Fargo, Cass County, North Dakota; 1st reading, 7/23/12; 2nd reading, 8/6/12.
- d. Receive and file the following Ordinances:
 - (1) Amending Article 11-02 of Chapter 11 of the Fargo Municipal Code Relating to Noise Control and Radio Interference.
 - (2) Amending Section 10-0304 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Breaches of Peace and Order.
 - (3) Amending Section 11-0821 of Article 11-08 of Chapter 11 of the Fargo Municipal Code Relating to Environmental Nuisances.
- e. Recommendations from the PEC for reclassification and market adjustments:

Fire:

Request to reclassify Firefighters from (Grade 11) to (Grade 12).

PEC recommends no change to the job evaluation rating or pay grade due to market. The current ratings reflect the appropriate level for problem solving and environment. Staff will continue to monitor market pay within the region to determine if future adjustments are necessary.

Request to reclassify 1 FTE Firefighter (Grade 11) to Fire Inspector/Investigator (Grade 14).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Firefighter (Grade 11) to Fire Captain-Special Assignment EMS Training (Grade 14).

PEC recommends approval effective January 1, 2013.

Request to reclassify 3 FTE Firefighters (Grade 11) to Battalion Chief (Grade 17).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Fire Captain (Emergency Service Coordinator) (Grade 14) to Battalion Chief - Emergency Services Coordinator (Grade 17).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Fire Marshal (Grade 16) to Assistant Chief Fire Marshal (Grade 19).

PEC recommends approval effective January 1, 2013.

Request to reclassify 4 FTE Assistant Fire Chiefs from (Grade 18) to (Grade 19).

PEC recommends approval effective January 1, 2013.

Request for market adjustment for Fire Chief (Grade 23) to (Grade 24).

PEC recommends approval effective January 1, 2013.

Engineering:

Request to reclassify 1 FTE Engineering Tech II (Traffic Signals) (Grade 11) to Engineering Tech III (Traffic Signals) (Grade 13).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Engineering Tech Supervisor (Grade 14) to Engineering Specialist Mapping and Cartography (Grade 15).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Engineering Tech Supervisor (Grade 14) to Engineering Specialist Utility Locating/ROW Permitting (Grade 15).

PEC recommends approval effective January 1, 2013.

Health:

Request to reclassify 2 Medical Billing and Coding Specialists (Grade 9) to Medical Billing and Coding Specialist (Grade 10).

Request withdrawn by Public Health Director due to current transition in billing and coding processes.

Request to reclassify 1 FTE WIC Coordinator (Grade 14) to (Grade 15).

PEC recommends approval retroactively to July 1, 2012.

Request to reclassify 1 FTE Public Health Nurse (Grade 13) to Occupational Health Nurse Practitioner (Grade 16).

PEC recommends approval effective January 1, 2013.

Request for market adjustment for Chief Chemist (Grade 13) to (Grade 14).

PEC recommends no change to pay grade due to market. Staff will continue to monitor market pay within the region to determine if future adjustments are necessary.

Request for market adjustment for Director of Public Health (Grade 23) to (Grade 24).

PEC recommends approval effective January 1, 2013.

Administration:

Request for market adjustment for City Administrator (Grade 25) to (Grade 26).

PEC recommends approval effective January 1, 2013.

Finance:

Request for market adjustment for Director of Finance (Grade 23) to (Grade 24).

PEC recommends approval effective January 1, 2013.

Police:

Request for market adjustment for Police Chief (Grade 23) to (Grade 24).

PEC recommends approval effective January 1, 2013.

Enterprise:

Request for market adjustment for Enterprise Director (Grade 23) to (Grade 24).

PEC recommends approval effective January 1, 2013.

Library:

Requests for market adjustments for Branch Services Manager (Grade 16) to (Grade 17); Deputy Director (Grade 17) to (Grade 18); and Library Director (Grade 21) to (Grade 22).

PEC recommends approval of market adjustments effective January 1, 2013.

Water:

Request to reclassify 2 FTE PW Supervisors (Operations & Maintenance) (Grade 13) to (Grade 14).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Equipment Tech II (Grade 10) to Equipment Tech III (Grade 12).

PEC recommends approval effective January 1, 2013.

Transit:

Request to reclassify 1 FTE Maintenance Attendant I (Grade 5) to Maintenance Attendant II (Grade 8).

PEC recommends approval effective August 20, 2012.

Request to reclassify 1 FTE Office Associate III (Grade 9) to an Office Associate II (Grade 6).

PEC recommends approval effective upon pending retirement of incumbent.

Planning:

Request to reclassify 1 FTE Assistant Planner (Grade 12) to Planner (Grade 14).

PEC recommends approval effective January 1, 2013.

Request to reclassify 1 FTE Senior Planner (Grade 18) to Planner (Grade 14).

PEC recommends approval effective January 1, 2013.

IS:

Request to reclassify 1 FTE Server Network Tech II (Grade 13) to Server Network Tech III (Grade 15).

PEC recommends approval effective January 1, 2013.

- f. Revisions of Policy Nos. 400-008 and 400-008B.
- g. Receive and file Year to Date – Budget to Actual Report for July 2012.
- h. Independent Auditor's report and City Comprehensive Annual Financial Report for the year ending December 31, 2011.
- i. \$2.5 million cash defeasance (early payoff) of four outstanding State Revolving Loan Fund (SRF) notes held within the State SRF program effective upon an authorization by the Bank of North Dakota.
- j. Resolution calling for a public hearing on 9/17/12 for issuance of revenue bonds on behalf of Sanford (Attachment "A").
- k. Set a public hearing on 9/4/12 for issuance of health care revenue refunding bonds by the City of Moorhead and the Moorhead Economic Development Authority.

- l. Agreements relating to Small Business Credit Initiative (SSBCI) funds from the U.S. Department of Treasury to a consortium of North Dakota cities including Fargo.
- m. Six month extension of the Bertrosa's Class "C" alcoholic beverage license.
- n. Policy to allow eligible veterans free rides system-wide on the fixed transit routes in Fargo.
- o. Expansion of the MATBUS transfer policies to allow mid-route stops for passengers paying with cash or tickets.
- p. Agreements with North Dakota State University, Family HealthCare Center, Sanford Health Medical Center and Innovis Health DBA Essentia Health for the Tobacco Prevention and Control Program.
- q. Contract with ShareHouse to assist in reducing disease, disability and death relative to tobacco use.
- r. Purchase of Service Agreement Amendment with the North Dakota Department of Health for the Ryan White Part B/Case Program/Management for People Living with HIV/AIDS (CFDA #93.917).
- s. Grant Awards from the North Dakota Department of Health for Public Health Emergency Preparedness and Response (CFDA #93.069).
- t. Contracts with the Mapleton School District and Northern Cass School District for nursing services for the 2012-2013 school year.
- u. Contract with the Fargo Public School District for nursing services for the 2012-2013 school year.
- v. Applications for property tax exemption for improvements made to buildings:
 - (1) Russell and Marilyn Quart, 90 Prairiewood Drive South (3 year).
 - (2) Carl and Jane Smith, 1502 1st Avenue South (5 year).
 - (3) Ryan Murphy, 1110 7th Avenue South (5 year).
- w. Site Authorizations for Games of Chance:
 - (1) Fargo Air Museum at the Air Museum.
 - (2) The Arc Upper Valley, Inc. at JT Cigarros (Amended).
- x. Applications for Games of Chance:
 - (1) Spartan Boosters, Inc. for raffles from 8/21/12 to 6/2/13 at the Fargodome, Fargo North High School, the Scheels Center and the Coliseum.
 - (2) North Dakota State University for a raffle on 11/10/12.
 - (3) Rosalynn Anderson Benefit Group for a raffle on 9/8/12; Public Spirited Resolution.

- (4) Knights of Columbus 4th Degree No. 788 for a calendar raffle from 1/1/13 to 1/31/13.
- y. 2012 Title VI Report for the North Dakota Department of Transportation.
 - z. Agreement for Cost-Share Reimbursement with the State Water Commission for 50% participation in the costs for a Water Treatment Plant Improvement Project.
 - aa. Bid award to Fritz Electric in the amount of \$31,680.00 for transient voltage surge suppression in the Public Safety Building.
 - bb. Purchase of one rubber tire backhoe from RDO Equipment for \$56,500.00.
 - cc. Set 10/1/12 as the date for a public hearing on a petition to vacate a public utility easement at 2700 34th Avenue South.
 - dd. Agreement for Entry and Construction with Michael and Elizabeth Rentfrow (Project No. 6043-02).
 - ee. Purchase Agreement – Permanent Easements for Don and Phyllis Sunderland (Project No. 5946-02).
 - ff. Purchase Agreement – Permanent Easements for Roger Jorgenson and Maggie Drahos Jorgenson (Project No. 5946-02).
 - gg. Professional Services Agreements with Houston Engineering, Inc. for Project No. 6153 and Improvement District No. 6104.
 - hh. Bid awards for Project Nos. 5992 to Master Construction Company in the amount of \$34,610.00 and 6148 to Master Construction Company in the amount of \$162,413.05.
 - ii. Bills in the amount of \$6,594,469.32.

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

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

No Protests Received for Street Lighting Improvement District No. 6159:

The Statutory Resolution of Necessity for the construction of Street Lighting Improvement District No. 6159 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 16 and 23, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Street Lighting Improvement District No. 6159.

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

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

Bids Received for Street Lighting Improvement District No. 6159:

The bids for Street Lighting Improvement District No. 6159 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 15, 2012 and the bids were found to be as follows:

Fritz Electric Bid:	Fargo, ND \$98,836.10
Aevenia Bid:	Moorhead, MN \$100,499.45
Strata Corporation Bid:	Grand Forks, ND \$117,764.50
Sun Electric Bid:	Fargo, ND \$129,943.52

Contract for Street Lighting Improvement District No. 6159 Awarded to Fritz Electric in the Amount of \$98,836.10:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Street Lighting Improvement District No. 6159; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 15, 2012 for Street Lighting Improvement District No. 6159 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Street Lighting Improvement District No. 6159 shows the bid of Fritz Electric of Fargo, North Dakota, in the sum of \$98,836.10 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Fritz Electric in the sum of \$98,836.10 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Street Lighting Improvement District No. 6159 in the City of Fargo, North Dakota, be and the same is hereby awarded to Fritz Electric for the sum of \$98,836.10, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Special Assessment Deferral Agreements in Connection with Improvement District Nos. 5904, 5966 and 5969 Approved:

The Board received a communication from Special Assessment Coordinator Danny Eberhardt stating the following property owners have agreed to Special Assessment Deferral Agreements in connection with Improvement District Nos. 5904, 5966 and 5969:

Patrick and Brenda Breen, 2516 58th Avenue South (omitted)
Moravian Church, 6151 25th Street South
Craig and Gail Enkers-Johnson, 6205 25th Street South
Darvin and Marcella Becker, 6217 25th Street South
Shanon Mark Sell, 2505 64th Avenue South
Dennis and Judy Hauschulz, 2705 65th Avenue South
Gary and Diana Buzick, 2712 64th Avenue South
Martin and Roberta Kloster, 2704 64th Avenue South
Thomas and Sarah Bruce, 2604 64th Avenue South
Matthew and Angela Hjelseth, 2512 64th Avenue South
Zoesha, LLP, 2931 64th Avenue South
Clarence and Marguerite Samuel, 2605 and 2611 64th Avenue South

Commissioner Mahoney moved the Special Assessment Deferral Agreements in connection with Improvement District Nos. 5904, 5966 and 5969 be approved.

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

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

Sanitary Sewer, Water Main, Asphalt Pavement and Incidentals Improvement District No. 6158 (37th Street North, North of County Road 20):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Asphalt Pavement and Incidentals Improvement District No. 6158:

Adopt Resolution Creating Improvement District No. 6158:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6158 in the City of Fargo, North Dakota, be created

On 37th Street North from 40th Avenue North (Cass Hwy 20) to approximately 2,600 feet north of 40th Avenue North.

COMPRISING:

All the land in the north half of Section 14, Township 140 North, Range 49 West lying west of Drain No. 10.

The west 1,175 feet of the southwest quarter of Section 14, Township 140 North, Range 49 West.

All of the land in Section 15, Township 140 North, Range 49 West lying east of Interstate 29.

All of the land in west half of Section 10, Township 140 North, Range 49 West lying east of Interstate 29.

All of the land in northeast quarter of Section 9, Township 140 North, Range 49 West lying east of Interstate 29.

All of the foregoing land lying in the City of Fargo, Cass County, North Dakota, said District to include only land lying within the City limits of the City of Fargo and any land lying outside said City limits is deemed not a part of the District.

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Asphalt Pavement and Incidentals Improvement District No. 6158 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. 6158:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6158 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,332,686.00.)

Order Plans and Specifications for Improvement District No. 6158:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6158 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6158:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6158 in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. 6158 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Asphalt Pavement and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Asphalt Pavement and Incidentals Improvement District No. 6158 in the City of Fargo, North Dakota, according to the Engineer's

Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Sanitary Sewer, Water Main, Asphalt Pavement and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6158:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6158 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries-MWR, Inc. for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 Approved:

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

Western Surety Company, in the amount of \$619,744.70, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Wimmer, Sobolik 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. 6154 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6154 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Wimmer, Sobolik 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. 6154 Approved:

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

United Fire and Casualty Company, in the amount of \$1,174,295.00, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6154 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries-MWR, Inc. for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 Approved:

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

Western Surety Company, in the amount of \$1,158,692.50, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 in the City of Fargo, North Dakota.

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

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

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Key Contracting, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 Approved:

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

Western Surety Company, in the amount of \$94,088.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Wimmer, Sobolik 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. 6160 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Ryan Development, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Wimmer, Sobolik 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. 6160 Approved:

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

Arch Insurance Company, in the amount of \$573,173.36, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160 in the City of Fargo, North Dakota.

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

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

Application to Rezone Property in Buland's Subdivision Referred to the City Attorney for Review (1205 16th Avenue South):

The Board received a communication from Planner Nicole Crutchfield stating on July 9th the City Commission held a public hearing for rezoning at 1205 16th Avenue North. The property owner is a dentist who is retiring his business and choosing to sell the building, she said. Due to the neighborhood opposition, she said, the City Commission directed staff and the applicant to revisit with the neighborhood and develop a set of conditions to be applied as a conditional overlay. She said staff has since received a letter from the property owner, Dr. William Hunter, requesting his application be withdrawn.

Bonnie Hansen, 1105 16th Avenue South, said she is extremely dissatisfied with the way the whole application process has been handled. She said the neighbors are concerned that the facts are being construed to benefit one property owner at the expense of everyone else. The neighbors are aware that the application has been withdrawn, however, she said, they are concerned that the realtor who is listing the property is representing it as commercial. She said she would like to know what the property is zoned and what the guidelines are for Special Use Permits.

Mayor Walaker said his recommendation would be to refer Ms. Hansen's questions to the City Attorney for clarification and report back to the Commission.

Commissioner Wimmer moved the City Attorney review this issue and report back at the next regular meeting.

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

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

Communication Regarding the Downtown Surveillance Program Received and Filed:

The Board received a communication from Anthony Gehrig, 806 18th Avenue South, stating the downtown surveillance program was introduced last spring and he publically opposed the spending. He said since the project is moving forward he believes Fargo residents have a right to know the intent of the program and its flaws. He said he feels that the publicly owned cameras will not deter crime and he does not feel that it is the responsibility of the Fargo Police Department to play private security guard. The security of one's own property, business or home is the burden of the property owner, he said, and should not be a burden passed onto the taxpayers. He stated over the past five years crime has decreased in the City and in the downtown area as well.

Chief of Police Keith Ternes said several months ago the Police Department considered the use of cameras in the downtown area on a permanent basis due to the increase of crime in the downtown area. He said the Police Department approached several of the downtown businesses and the Downtown Community Partnership to see if this was a concept that they would be willing to embrace; however, the downtown business community was not ready to do that and the Police Department backed away from that proposition. Since that time, he said, the Police Department has been contacted by a couple of business owners about crime in the downtown area and the idea was resurrected in assisting with fighting crime. Chief Ternes said he would wholeheartedly disagree with Mr. Gehrig's assessment that crime is decreasing in the downtown area. It is true that crime in the City overall has

decreased over the last three years, he said, but specifically in the downtown area there has been a significant increase. He said he does not want to give the impression that downtown is unsafe because most of the crime occurring is of property, thefts, etc. and not of the violent nature. Fargo in general is a safe community, he said; however, when examining the community to determine where the crime is happening there is no question that it is happening in the downtown area. The goal of this tool, he said, is to use it on a temporary basis to see if it will have an impact in reducing the crime that is happening downtown and if it proves to be ineffective, the Police Department will move on to a different strategy.

Bridget Ertelt, 1469 35th Street South, said her concern is that the taxpayers are going to be handling the burden of the cost, and more time and thought should be put into this as \$9,000 is a lot of money. She said she thinks the downtown business owners should be responsible for providing their own cameras and working cooperatively with the Police Department to monitor the crime downtown.

Stephanie Manesis, 112 South 18th Street, said her concern is also about the cost and personally she would not live downtown if she knew there were cameras there and she feels that it would be an invasion of her privacy and constitutional rights. She said she does not think that this is the kind of community the City wants to market.

Kyle Kearns, Jr., 1342 8th Street North, said he does not feel that \$9,000 is a lot of money; however, it should be the business owners taking on the burden of cost, not the taxpayers.

Commissioner Wimmer moved the communication from Anthony Gehrig be received and filed.

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

Hearing on a Petition for a Zoning Change and Plat in Eagle Point First Addition Continued to September 4, 2012 (Between 14th and 15th Street South and between 72nd and 76th Avenue South):

This was the time and date set for a Hearing on a petition for a zoning change from AG, Agricultural, P/I, Public and Institutional, SR-2, Single-Dwelling and SR-4, Single-Dwelling to SR-2, Single-Dwelling and P/I, Public and Institutional of the proposed Eagle Pointe First Addition, however, the petitioner and Engineering Staff have requested that the Hearing be continued to September 4, 2012 to allow for additional time to finalize design elements related to the detention pond.

Commissioner Sobolik moved the Hearing be continued to September 4, 2012.

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

Renaissance Zone Project for Kennelly & O'Keefe, Ltd. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Kennelly & O'Keefe, Ltd. for a business leasing property as part of a zone project at 720 Main Avenue.

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 Law states “a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone”. He said the Fargo Renaissance Zone Development Plan further states “Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration.” He stated the Renaissance Zone Authority felt that lease projects such as the application from Kennelly & O’Keefe, Ltd. would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. He said staff review found the applicant has met the aforementioned requirements. He said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Wimmer moved the Renaissance Zone application filed by Kennelly & O’Keefe, Ltd. for a project located at 720 Main Avenue be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for Prasad Sawardeker Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Prasad Sarardeker at 300 Broadway #202.

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 Prasad Sawardeker 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 Wimmer moved the Renaissance Zone application filed by Prasad Sawardeker for a project located at 300 Broadway #202 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Hearing on Special Assessment List for Maintenance of the Skyway System Approved:

A Hearing had been set for this day and hour on the special assessment list for maintenance of the Skyway System in the City of Fargo, North Dakota

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Wimmer moved that the special assessment list for maintenance of the Skyway System be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor and that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law.

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

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

Hearing on Special Assessment List for the Island Park Ramp Approved:

A Hearing had been set for this day and hour on the special assessment list for the Island Park Ramp in the City of Fargo, North Dakota

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Wimmer moved that the special assessment list for the Island Park Ramp be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor and that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law.

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

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

Hearing on Special Assessments for Sewer Repairs on Certain Properties in the City of Fargo:

A Hearing had been set for this day and hour on the special assessments for sewer repairs on the list of properties on file in the City Auditor's Office.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Wimmer moved the sewer repair special assessment list be approved as submitted.

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

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

Hearing on Special Assessments for Nuisance Abatement Fees on Certain Properties in the City of Fargo:

A Hearing had been set for this day and hour on special assessments for nuisance abatement fees on the list of properties on file in the City Auditor's Office.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Wimmer moved the special assessments for nuisance abatement fees be approved as submitted.

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

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

No Action Taken on a Request for an Extension of the Noise Ordinance from Rhombus Guys:

The Board received a communication from Matt Winjum, co-owner of Rhombus Guys, a pizza restaurant at 606 Main Avenue. The restaurant recently opened patio seating on the rooftop, he said, and there have been a few noise complaints from neighboring apartment residents. He requested an extension of the noise ordinance until 2:00 a.m. each night between the dates of April 1st and September 30th.

Chief of Police Keith Ternes said there are some specific noise regulations that impact the downtown area, one of which is that noise has to cease at 10:00 pm. He said the ordinance was drafted several years ago specifically to deal with the revitalization of cruising. He said he would like to point out that Rhombus Guys is not the only business to have the rooftop feature; however, what makes Rhombus Guys unique is that they are directly across the alley from residential units. His recommendation, he said, would be for them to continue their operations as they have an operating license to do so and be cautious in allowing amplified sounds until 2 am. If the volume of complaints increases, he said, the Police Department may have to readdress the issue.

No action was taken on this item.

2013 Preliminary Budget Received and Filed: Departmental Capital Projects and Budget Amendment Recommendations Approved:

The Board received a communication from Mayor Walaker stating the preliminary budget is complete and ready for review and discussion at upcoming City Commission meetings. He said the budget will be reviewed in more detail at the September 4th meeting, at which time the Board can either adopt or amend the Mayor's preliminary budget so it can be published in accordance with NDCC 40-40. He said the public hearing is planned for September 17th. The preliminary budget contains a 2% cost of living adjustment, retroactive to July 1, 2012, he said. The Board agreed to revisit this issue in last year's budget approval process, he stated, therefore, a recommendation is being made to amend the 2012 budget to include this item so it can be processed on the next payroll. He said a list of mid-year capital funding requests which were not included in the original 2012 budget are being recommended as part of the 2013 budget process.

Commissioner Wimmer moved the 2013 preliminary budget be received and filed and the departmental capital projects and budget amendment recommendations to accommodate a 2% cost of living adjustment retroactive to July 1, 2012 be approved.

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

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

At 6:06 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Voluntary Acquisition Policy Approved:

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) recommending the Voluntary Acquisition Policy be approved. They said the policy would be applied to buyouts determined by the City Engineer and approved by the City Commission. The acquisition price would be established using 110% of the assessed value of the property, they said, or by the actual purchase price if the property was acquired by the present owner between 2006 and 2011.

City Engineer April Walker said this policy is not intended to be the answer for every buyout that is done; it is intended to be the starting point. For the properties that are in a position of welcoming an offer from the City, she said, the proposal is to offer 110% of their most recently assessed value. She said if the homeowners have bought their homes above the 110% assessed value, the City will offer the actual sale price, if they can provide documentation of the sale. In addition, she said, property owners are given 45 days to review the offer, but it will expire after 45 days if it is not accepted. Ms. Walker stated the City is willing to work with property owners as to when the City would physically take possession of the home and in some cases the City will allow the property owners to enter into an occupancy agreement until they find replacement housing. There is also a provision for moving expenses, she said, which is \$5,000 regardless of the homeowners' cost. There is also the stay in town incentive, she said, which is a special assessment credit up to \$15,000 on the replacement property. She said this policy is not the answer for everyone and there may need to be a follow-up program for homes that are assessed incorrectly, but for homeowners who are comfortable with the assessments this is an opportunity to expedite the process.

Judy Schulz, 4477 Oakcreek Drive South, said she is a property owner who is slated to be purchased in the immediate homes. She said she has done a little bit of homework to make sure that the City is using the right information to base their decisions on; therefore, she asked her realtor to give her a list of all the homes that have sold in Fargo for over \$400,000 in the last year. She said she compared all those homes to the assessed values listed on the city's website, going on the premise that properties should be within 10% of the assessed value of the fair market value; however, what she found was less than 50% of the values actually met those parameters. She said she thinks this process would go a lot smoother if there was a readily accessible way to remedy the situation for the homeowners who are below fair market value on their property tax assessed values. Her fix would be to have anyone who feels their assessments are low to contact the Assessor's Office and have them reassess their values, she said.

Commissioner Mahoney moved the Voluntary Acquisition Policy be approved.

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

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

Recommendations Regarding Flood Risk Reduction Projects Received and Filed:
Appropriate Staff Directed to Prepare Implementation and Funding Plans:

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating Engineering staff submitted a preliminary plan for prioritization of flood risk reduction projects that are complementary and necessary to support the FM Diversion Project. They said these projects will also enhance flood hazard reduction until the diversion is functional, hopefully by 2021 or 2022. Completion of these projects has become increasingly urgent with the recent release of the new Flood Insurance Rate Maps (FIRM), they said, with formal adoption of the maps anticipated by the end of 2013. They said approximately 2,400 homes and businesses will get mapped into the 100-year floodplain with 5,000 properties seeing the floodplain coming within 25 feet of their buildings, placing them at risk for flood insurance requirements. The Committee is recommending the following:

1. Presentation of the proposed plan for flood risk reduction at an informal meeting with the City Commission.
2. Develop a flood mitigation capital improvement plan for implementation over a four to six year period.
3. Develop a funding plan to address projects listed as "immediate needs," eliminate the current deficit balances in the City's flood project accounts, investigate other potential internal and external funding sources and develop short and long term financing plans for local flood mitigation projects along with the FM Diversion Project.
4. Establish a protocol and schedule for a series of more detailed presentations of the individual proposed projects at regular City Commission meetings.

City Engineer April Walker said there was an informational meeting held earlier today for staff to walk through where the Engineers are at in the prioritization process. She said what she is looking for from the Commission is direction to continue with the prioritization process and to come up with a funding plan associated with those prioritizations. The immediate need areas, she said, are: the acquisition of seven homes in Oakcreek, three lots in Coulee's Crossing, acquisition of three homes in Harwood Groves and moving forward with the Rosecreek Phase 2 project which will allow the City to start securing the easements necessary to construct that project next year.

Commissioner Mahoney moved the recommendations regarding flood risk reduction projects be received and filed and appropriate staff be directed to prepare implementation and funding plans.

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

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

First Reading of an Ordinance Amending Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Panhandling:

Commissioner Sobolik stated since the last Commission meeting she has talked with several people and received emails from individuals who either think the panhandling ordinance goes too far or that panhandling is not a big enough issue to warrant its own ordinance. Her intent is to make sure that those individuals opinions are aired and that they get the chance to be heard and based on that input, she said, she will not be supporting the ordinance.

Commissioner Wimmer moved first reading of an Ordinance Amending Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Panhandling.

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

Commissioner Sobolik voted nay.

The motion was declared carried.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, September 4, 2012.

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

The time at adjournment was 6:36 o'clock p.m.