

can be resubmitted to the PEC for a market adjustment for the incumbents as well as the incoming employee.

Public Health:

Request to create a full-time contract Public Health Nurse (Grade 13) to serve as a Refugee Health Coordinator in collaboration with the ND Department of Human Services and Lutheran Social Services. The position would be fully funded by NDDHS and LSS. Effective upon approval. Annual cost of request: \$0.

PEC recommends approval of a full-time contract Public Health Nurse (Grade 13) to serve as a Refugee Health Coordinator funded by NDDHS and LSS effective upon approval.

Request to reclassify a full-time benefitted OAll position (Grade 6, currently vacant) to a full-time benefitted Billing/Coding Specialist (Grade 9) to address the expanding workload due to third party billing and coding which is leading to an increase in reimbursement. Effective upon approval. Annual cost of request: \$7,613.

PEC recommends reclassification of a vacant full-time benefitted OAll position (Grade 6) to a full-time benefitted Billing/Coding Specialist (Grade 9) effective upon approval.

Request to reclassify a part-time benefitted (24 hrs/wk) LPN (Grade 9, currently vacant) to part-time benefitted Medical Assistant (24 hrs/wk) Grade 7, which would allow for a more flexible position that can fill more needs within the clinic. Effective upon approval. Annual cost of request: - \$3,158.

PEC recommends reclassification of a vacant part-time benefitted (24 hrs/wk) LPN (Grade 9) to part-time benefitted Medical Assistant (24 hrs/wk) (Grade 7) effective upon approval.

- c. Financial Advisory Services Agreement with the PFM Group for a five-year period ending December 31, 2017.
- d. Year to Date – Budget to Actual Report for August 2012.
- e. North Dakota Department of Health Grant award for Public Health Emergency Preparedness and Response (CFDA #93.889).
- f. Contract with the North Dakota Department of Health for Local Public Health Immunization Billing (CFDA #93.539).
- g. Police Department budget adjustments and grant funding from the North Dakota Department of Transportation for Seat Belt Enforcement and Education (CFDA #20.600) and Impaired Driving Enforcement (CFDA #20.601).

- h. Agreement with Blue Line Media for Health and Human Services for interior advertising on 25 buses for 4 weeks for \$500 plus installation and production costs.
- i. Receive and file an Ordinance Amending Section 1-0305.C.6 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations (to include the panhandling violation).
- j. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 9/4/12:
 - (1) Amending Section 10-0304 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Breaches of Peace and Order.
 - (2) Amending Section 11-0821 of Article 11-08 of Chapter 11 of the Fargo Municipal Code Relating to Environmental Nuisances.
 - (3) Rezoning Certain Parcels of Land Lying in Eagle Pointe First Addition, Fargo, Cass County, North Dakota.
 - (4) Rezoning Certain Parcels of Land Lying in Agassiz Crossing Fifth Addition, Fargo, Cass County, North Dakota.
 - (5) Rezoning Certain Parcels of Land Lying in Original Townsite Addition, Fargo, Cass County, North Dakota.
- k. Sale of home at 5437 12th Street South and listing agreement.
- l. Applications for Games of Chance:
 - (1) JDRF for a raffle on 10/20/12.
 - (2) Forney Benefit Fund for a raffle on 9/29/12; Public Spirited Resolution.
- m. Warranty Deed conveying a tract of land from Brandt Crossing, LLC to the City.
- n. Purchase of one snow plow, box and wing from Northern Truck Equipment for \$71,969.00.
- o. Purchase of one CSI truck from Herr Display Vans for \$144,691.00 (moved to the Regular Agenda).
- p. Engineering Contract Amendment #1 with AE2S, in the amount of \$10,000.00 for the Public Works fueling depot.
- q. Purchase and installation of a permanent flow meter on the Broadway Interceptor Sewer for \$16,920.00.
- r. RFP for geotechnical services related to the Water Treatment Plant expansion.
- s. Change Order No. 1 for an increase of \$19,309.50 for the Landfill gas wellfield expansion.
- t. Agreement for Special Improvements with Brookstone Properties LLC for Improvement District No. 6147.

- u. Agreement for Special Improvements with Carefree Investments LLC for Improvement District Nos. 6161 and 6162.
- v. Purchase Agreement – Permanent Easement for Rick and Kim Rayl (Project No. 5949-3).
- w. Purchase Agreement – Permanent Easement for Chris and Mary Daly (Project No. 5946-02).
- x. Deferral Agreement with Casey and Valerie Andersen for Project Nos. 5969, 5966, 5904 and any additional districts.
- y. Concur with the City of West Fargo in bid award for Project No. 6143 to Strata Corporation in the amount of \$256,666.80.
- z. Bid award for Project No. 6169 to Opp Construction Company in the amount of \$19,894.40.
- aa. Change Order No. 1 for an increase of \$1,650.00 for Project No. 6043-02.
- bb. Contract time extension for Project No. 6110.
- cc. Bid advertisement for Project No. 6168.
- dd. Contract and bond for Project No. 6113-04.
- ee. Bills in the amount of \$5,558,664.71.

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.

No Protests Received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 30 and August 6, 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 P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162.

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.

Bids Received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162:

The bids for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 12, 2012 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,376,969.48
Master Construction Company, Inc. Bid:	Fargo, ND \$1,491,744.48
Northern Improvement Company Bid:	Fargo, ND \$1,531,494.57
Border States Paving, Inc. Bid:	Fargo, ND \$1,549,415.92
Opp Construction Company Bid:	Fargo, ND \$1,574,420.58

Contract for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162 Awarded to Dakota Underground Company in the Amount of \$1,376,969.48:

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 P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 12, 2012 for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,376,969.48 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 Dakota Underground Company in the sum of \$1,376,969.48 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6162 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,376,969.48, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

Final Balancing Change Order No. 2 for Improvement District No. 5969-03 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 2 in the amount of \$301,454.34 for Improvement District No. 5969-03.

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.

Change Order No. 2 for Improvement District No. 6110 Approved:

Commissioner Mahoney moved approval of Change Order No. 2 in the amount of \$22,543.93 for Improvement District No. 6110.

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.

Change Order No. 1 for Improvement District No. 6139 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 in the amount of \$19,147.36 for Improvement District No. 6139.

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.

Contract for Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Key Contracting, Inc. for Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147 Approved:

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

Western Surety Company, in the amount of \$67,062.00, for Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147 in the City of Fargo, North Dakota.

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.

Receive and File Request from Lee Bonn for Waiver from the River Setback Ordinance: Appropriate Staff Directed to Evaluate the Waiver for Property Located at 4435 Riverwood Drive North:

The Board received a communication from Lee Bonn, 4321 Riverwood Drive North, requesting a waiver of the river setback Ordinance for property located at 4435 Riverwood Drive North.

Mr. Bonn said this will be his primary residence. He said his family already lives in the area and are very comfortable with the location.

Commissioner Mahoney moved the request from Lee Bonn for a waiver from the river setback Ordinance be received and filed and that appropriate staff be directed to evaluate the waiver for property located at 4435 Riverwood Drive North, and submit their recommendation in two weeks.

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.

Second Reading and Final Adoption of an Ordinance Relating to Noise Control and Radio Interference Delayed Until October 1, 2012:

Assistant City Attorney Jason Loos asked that this item be delayed due to a request received on behalf of bar owners for additional changes to the Ordinance.

Commissioner Wimmer moved second reading of the Ordinance be delayed until the October 1, 2012 City Commission meeting.

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.

Appointments to the Tax Exempt Review Committee:

The Board received a communication from Mayor Walaker stating the Tax Exempt Review Committee is made up of the Mayor, the City Administrator, the Finance Director, the Finance Commissioner, the City Attorney and two members of the business community. He said the City Attorney has suggested that he serve in an advisory capacity rather than as a voting member. He said other advisory members are the City Assessor, the Director of Planning and Development and representatives of the Fargo Public Schools and the West Fargo Public Schools. The two business representatives have been Jim Buus and Billy Nustad, he said, and Mr. Nustad has recently resigned from the Committee. Mayor Walaker recommended the appointment of Charles Hoge and Jessica Magness as voting members of the Tax Exempt Review Committee. He said one would fill the vacancy created by the removal of the City Attorney as a voting member and the other would replace Mr. Nustad.

Commissioner Wimmer moved Charles Hoge and Jessica Magness be appointed to the Tax Exempt Review Committee.

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.

Purchase of a CSI Truck from Herr Display Vans Approved:

The Board received a communication from Director of Operations Ben Dow stating on September 11, 2012 proposals were received from three vendors for a Crime Scene Investigation (CSI) Unit from the following vendors:

Herr Display Vans	\$144,691.00
LDV Inc.	\$197,271.00
Specialty Vehicle Solutions	\$322,433.00

He said the review committee consisting of Deputy Chief Pat Claus, Lt. Joel Vettel, Sgt. Jason Nelson and Allan Erickson determined that the proposal submitted by Herr Display Vans met all of the required specifications. Funding for the purchase is from the 2009 Recovery Act JAG account PDJ69R, he said.

Deputy Chief Pat Claus said this unit is designed to fill a function that has been missing at the last couple of homicides and major crashes, and will provide two important functions. One is that it will be a standalone crime scene rig to house equipment for the Police Department and two it will provide for a command and control center, he said.

Commissioner Wimmer moved the purchase of one CSI Truck from Herr Display Vans in the amount of \$144,691.00 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.

Parcels of Land in Asleson Farms 1st Addition Rezoned (4105 34th Avenue South):

At a Hearing held on September 4, 2012 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to MR-2, Multi-Dwelling Residential of the proposed Asleson Farms 1st 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.

Commissioner Sobolik 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Wimmer, Williams, Mahoney 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 Asleson Farms 1st Addition, Fargo, Cass County, North Dakota:

Commissioner Sobolik 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 Asleson Farms 1st Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Asleson Farms 1st Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Asleson Farms 1st Addition" containing 4 Lots, 1 Block, and 7.99 acres of land more or less, located at 4105 34th Avenue South; and

WHEREAS, A Hearing was held September 4, 2012 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on September 10 and 17, 2012 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., September 17, 2012 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Asleson Farms 1st Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

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

Resolution Adopted Authorizing the Issuance of Revenue Refunding Bonds by the South Dakota Health and Educational Facilities Authority for Sanford:

The Board received a communication from Director of Finance Kent Costin stating IRS regulations require a public hearing and local approval for the issuance of Revenue Bonds, due to the fact that a portion of the bond proceeds will be used on a project located in Fargo. He said there is no liability assumed by the City of Fargo relating to the approval of this bond transaction.

In response to a question from Mayor Walaker as to the amount of the bonds, Mr. Costin said the bond total is for \$150 million with \$55 million being the local portion.

Commissioner Wimmer moved the Resolution entitled "Resolution Providing for Issuance of Revenue Bonds by the South Dakota Health and Educational Facilities Authority for Sanford and Authorizing the Execution of Certain Documents in Connection Therewith" and referred to as Attachment "A", be adopted and attached hereto.

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

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

Communication Regarding Changes to the National Flood Insurance Program:

The Board received a communication from City Engineer April Walker stating on August 21, 2012 FEMA advised insurance agents that properties that are newly mapped into a special flood hazard area that are eligible for a Preferred Risk Policy (PRP) will be able to retain that policy indefinitely. She said the previous practice was to roll the PRP over to a standard rate after two years. She said while this is good news for Fargo residents affected by the remap process, it is also important to remember that insurance is only one part of the puzzle and flood protection of areas at risk remains a high priority. Ms. Walker said with this change she is wondering if the City needs to change their approach and halt spending at the rate that has been discussed in the past.

Mayor Walaker said he feels that the City needs to continue with the approach that has been taken as there is no guarantee that the City will receive the funding for a diversion.

At 5:35 p.m. the Board took a twenty-minute recess until 6:00 p.m. the time advertised for a public hearing on the 2013 budget.

After recess: All Commissioners present. Mayor Walaker presiding.

2012 Total Property Tax Mill Levy Approved:

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for a Hearing to increase the 2012 property tax levy by 2.52% at which time all interested persons could appear and would be heard.

Commissioner Sobolik moved the 2012 total property tax mill levy of 58.25 mills be approved as follows:

Preliminary Tax Levies Are:

General Fund	55.15
City Share of Special Improvements	1.00
Noxious Weeds	.10
Airport Construction	2.00
Total Proposed Mills to be Levied for 2013 Budget	58.25

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

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

Budget List for Year Beginning January 1, 2013 and Ending December 31, 2013
Approved:

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for a Hearing on the 2013 Budget and Tax Levies at which time all interested persons could appear and would be heard.

Commissioner Williams stated when the Commission passed the preliminary budget there were some concerns brought up about staffing in the Planning Department. He said he is aware that two individuals will be lost and only one will be replaced and as Downtown grows it will be important to have a streamlined parking management system. He said he would like to see an allowance set aside to further investigate a Parking Manager position to at least make Planning as strong as it is now or stronger due to the goals of GO2030.

Finance Director Kent Costin said the recommendation from the Planning Department was to shift all of those costs out of grant funding and into the general fund. The budget team did not approve the request due to the absorption into the general fund for the firefighter and police officer positions and as a result, the Planning Department will need to make alternative plans or at least discuss a strategy. He said there are funds in the budget through at least March for those staff that are impacted by the recommendations. He said he does not feel that it is so much a funding issue as it is a management issue on how to accommodate the needs of the department. He continued by saying there are still resources allocated for the parking function but will not be completely dedicated resources in the form of one separate full-time employee that would be working specifically on parking issues.

Commissioner Wimmer moved the 12-month budget beginning January 1, 2013 and ending December 31, 2013 be approved as follows:

General Fund	\$80,814,137
Special Revenue Funds:	
City Share of Special Assessments	\$329,000
Noxious Weeds	50,000
Emergency 911	1,921,000
Convention Bureau	2,081,610

Regional Law Enforcement Training Center	90,534
Downtown Business Improvement District	193,542
Court Forfeits	200,000
Broadway Mall Maintenance	49,000
Skyway Maintenance	86,425
Winter Lights Maintenance	21,000
Neighborhood Revitalization Initiatives (NRI)	110,175
Community Development Block Grants	717,006
HOME Program	30,000
Neighborhood Stabilization Grant	614,576
HOME Projects	485,631
Parking Authority Operations	958,836
Parking Repair and Replacement	75,000
Newman Outdoor Stadium	185,080
Total Special Revenue Fund Expenditures	\$8,188,446
Debt Service Fund Expenditures	\$66,253,603
Enterprise Funds:	
Water	\$19,349,577
Water Revenue Bond	3,962,050
Wastewater	9,225,453
Southeast Cass Sewer	48,550
Storm Sewer	1,491,876
Vector Control	683,190
Street Lighting	1,680,578
Solid Waste	13,164,415
Forestry	1,720,515
Total Enterprise Fund Expenses	\$51,326,204
Pension Trust Funds:	
City Employee Pension	\$2,354,500
Police Pension	3,175,800
Pension Stabilization	300,000
Total Pension Trust Funds	\$5,830,300
Airport Authority:	
Operations & Maintenance	\$3,932,772
Airport Construction	3,590,000
Passenger Facility Surcharge (PFC)	1,375,000
PFC Bond Fund	1,425,889
Total Airport Authority Expenses	\$10,323,661
FargoDome:	
Operations	\$5,135,027
Sales Tax Surplus	50,000
Restricted Capital	2,054,868
Total FargoDome	\$7,239,895

Convention Bureau:	
Operations	\$1,641,188
Restricted Capital	627,490
Total Convention Bureau	\$2,268,678
 Grand Total - All Funds	 \$232,255,433

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

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

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, October 1, 2012.

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

The time at adjournment was 6:21 o'clock p.m.