

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Tuesday: November 13, 2012:

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., Tuesday, November 13, 2012.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Sobolik moved that the Minutes of the Regular Meeting of the Board held on October 29, 2012 be approved as read.

Second by Mahoney. 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. Receive and file Year to Date – Budget to Actual Report for October 2012.
- b. Auditing Services contract with Eide Bailly, LLP for 2012-2014 audit engagements.
- c. Early debt defeasance refinancing for outstanding Parking Authority bonds in the amount of \$1,860,000.00, using General Fund cash to fund the transaction.
- d. 2nd reading and final adoption of the following Ordinances; 1st reading, 10/29/12:
 - (1) Amending Section 20-0305.J.1 of Article 20-03 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Specific Historic Overlay (H-O) Districts.
 - (2) Rezoning Certain Parcels of Land Lying in Calico Prairie Addition, Fargo, Cass County, North Dakota.

- e. Agreement with Patricia Pederson for transcription services for the nursing program.
- f. Applications for five-year tax exemptions for improvements made to buildings:
 - (1) Dustin Armbrust, 1621 16th Street South.
 - (2) Stephen Wilson and Sarah Clark, 1123 6th Street South.
- g. Purchase of IBM Power System/IBM i from High Plains Technology for \$59,932.00.
- h. Contract with the North Dakota Association of Counties for Next Generation E911 services effective January 1, 2013.
- i. Twenty-five year lease at 1101 4th Avenue North to be used as the Emergency Food Pantry.
- j. Offer to purchase property at 5437 12th Street South for \$249,000.00.
- k. Declaration of Easement for property at 5437 12th Street South.
- l. Resolution approving Plat of JMP Addition (Attachment "A").
- m. Application filed by PATH ND, Inc. for a raffle on 11/19/12.
- n. Agreement for special improvements with Cass 20 Storage, LLC for Improvement District No. 6158.
- o. Purchase of one street sweeper from Swanston Equipment for \$167,300.00.
- p. Solicitation of proposals for MF/UF membrane equipment for the Water Treatment Plant expansion project (Project No. WA1203).
- q. Special industrial wastewater discharge permit for Norwood Sales, Inc.
- r. Change Order Nos. 5 and 6 for a total increase of \$72,514.11 for Project No. 5657.
- s. Reciprocal Release and Relinquishment of Easements for property located in Dakota West Addition.
- t. Purchase Agreements:
 - (1) Anand Kantak and Sunita Kantak for Permanent Easements (Project No. 5946-02).
 - (2) Davies Second Addition, LLC for Permanent Street and Utility Easement (Improvement District No. 6171).
- u. 2013 Joint Funding Agreement with USGS for \$1,040.00 to fund the IP camera at 2nd Street, downstream of the midtown dam.

- v. Authorize RFP for appraisal services for various projects.
- w. Professional Services Agreement Amendment No. 2, in the amount of \$15,676.55 for Project No. 5681-02.
- x. Professional Services Agreement Amendment No. 3, in the amount of \$15,400.00 for Project No. 5958-02.
- y. Water main burial in connection with the Drain 10 slide at 3155 44th Avenue North at a cost of \$9,620.00.
- z. Change Order Nos. 1 and 2, for a total increase of \$10,631.22 for Project No. 5698.
- aa. Final Balancing Change Order No. 3 for an increase of \$66,971.10 for Project No. 5951-02.
- bb. Change Order No. 1 for an increase of \$12,514.00 and time extension to 10/26/12 and total liquidated damages of \$2,400.00 for Project No. 6107.
- cc. Bills in the amount of \$7,015,241.37.

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

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

Change Order Nos. 4-6 for Improvement District No. 5202 Approved:

Commissioner Mahoney moved approval of Change Order Nos. 4-6 for a decrease of \$33,562.41 for Improvement District No. 5202.

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

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

Change Order Nos. 1-9 for Improvement District No. 5699 Approved:

Commissioner Mahoney moved approval of Change Order No. 5699 for an increase of \$70,700.72 for Improvement District No. 5699.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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. 5730 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$176,062.50 for Improvement District No. 5730.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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. 6055 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$26,902.57 for Improvement District No. 6055.

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

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

\$5,000.00 Presented to the American Red Cross for Hurricane Sandy Response:

Interim Regional Executive Director of the American Red Cross for the Minn-Kota Region Judy Green said the American Red Cross has responded with what could be the Red Cross's biggest US disaster response in the past 5 years. She said as of yesterday, the Red Cross has served over five million meals and snacks, and provided over 49,000 health services and emotional support contacts to individuals that have been affected by Hurricane Sandy. Red Cross has deployed over 5,700 disaster workers from all 50 states, she said, and has distributed over 983,000 relief items to victims. The American Red Cross, she said, has activated over 300 emergency response vehicles, three of which are from the State of North Dakota, and are currently on site. She said the American Red Cross has had a larger response with Hurricane Sandy than with Hurricane Katrina.

Mayor Walaker presented the American Red Cross with a check for \$5,000.00 on behalf of the Spirit of Fargo Fund.

Appropriate Staff Directed to Appoint an Individual to Serve on the F-M Ambulance Service Community Advisory Board:

The Board received a communication from Executive Director of F-M Ambulance Service, Inc. Sherm Syverson inviting a Fargo City Commissioner(s) to serve on the F-M Ambulance Community Advisory Board (FMA-CAB). He said the purpose of the FMA-CAB is to educate the members about F-M Ambulance, Inc., provide an open forum for members to discuss how F-M Ambulance might improve and sustain the delivery of high quality pre-hospital emergency care to the counties and communities it serves, and to serve as a mechanism by which members can bring forth issues related to emergency medical services in the interest of their commissions and councils. The FMA-CAB will meet no more than three times each year and no less than twice, he said.

Commissioner Mahoney said he is a bit confused about this request and has spoken with the City Attorney in regard to this request and about the ambulance ordinance. He said he thinks the City still needs to determine how this Advisory Committee will work in conjunction with the ordinance.

Fire Chief Steve Dirksen said this is a different Board altogether and what they are asking from the Commission is to appoint someone to the Board and to continue working on the ordinance.

Commissioner Wimmer moved Commissioner Mahoney, Pat Zavoral, Fire Chief Steve Dirksen and the Mayor be directed to work together in appointing an individual to serve on the F-M Ambulance Service Community Advisory Board.

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.

Carol Grimm Appointed to the Board of Health:

The Board received a communication from Mayor Walaker recommending that Carol Grimm be appointed to the Board of Health to fill a vacancy created by the death of Kathryn LeClerc, whose term would have expired on December 31, 2012. After conferring with the Director of Fargo Cass Public Health Ruth Bachmeier, he said, he is recommending that Carol Grimm be appointed to fill the vacancy, serving as the community representative, but also be appointed for a full three-year term expiring on December 31, 2015.

Commissioner Mahoney moved Carol Grimm be appointed to the Board of Health as the community representative for a three-year term ending December 31, 2015.

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.

Phase 2 of the Rose Creek Flood Risk Reduction Project Approved (Project No. 5958-03):

The Board received a communication from Division Engineer Nathan Boerboom stating the "Immediate Phase" of the flood reduction projects included the second phase of the Rose Creek Flood Risk Reduction Project, which was approved at the August 20, 2012 City Commission meeting. He said since that time the Engineering Department has held a public meeting to discuss the project with the affected property owners and has also been working with Ulteig Engineers on the final design of the project, along with the easement descriptions.

Brian King, Ulteig Engineers, gave a power point presentation on the project history and the anticipated project schedule. He said the structural walls will be built to a flood stage of 45 feet and will allow for a 1 foot temporary levee above.

Commissioner Mahoney moved Phase 2 of the Rose Creek Flood Risk Reduction Project (Project No. 5958-03) be approved and appropriate staff be directed to complete the final design and begin acquiring the necessary easements.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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 26, 2012.

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

The time at adjournment was 5:36 o'clock p.m.