

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: January 7, 2013:

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, January 7, 2013.

The Commissioners present or absent were as shown following:

Present: Sobolik, Williams, Wimmer, Walaker.

Absent: Mahoney.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Wimmer moved the Order of the Agenda be approved.

Second by Sobolik. All the Commissioners present 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 December 24, 2012 be approved as read.

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

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

- a. Resolution Authorizing Officers to Make Deposits and Withdrawals and approval of designated depositories (Attachment "A").
- b. Agreement Amendment for Tobacco Prevention and Control Local Grants Program (Contract #G11-64A).
- c. 5-year Memorandum of Agreement between Northland Community and Technical College and the Fargo Fire Department to provide a precept site for students enrolled in the Fire Technology Program at Northland Community and Technical College.
- d. Grant award and fund distribution for the Juvenile Accountability Block Grant.
- e. 2013 update to the 3-year contract with Parking Services for operation of the City's parking facilities from January 2013 through June 2014, subject to annual CPI adjustments.

f. Recommendations from the Position Evaluation Committee:

Health Department:

Request to increase one Cass County Jail LPN from a part-time benefitted to a full-time benefitted position (Grade 9). Effective upon approval. Annual cost of request: \$0

Request to add one full-time temporary Environmental Health Practitioner I/II (Grade 12/Grade 13) position paid through a Bush Foundation Grant. Effective upon approval. Annual cost of request: \$0

g. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 12/24/12:

- (1) Amending Section 25-3501 of Article 25-35 of Chapter 25 of the Fargo Municipal Code Relating to Secondhand Goods Dealers.
- (2) Enacting Section 25-1506.Y of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (Establishing a Class "Y" license for a production brewery).
- (3) Amending Sections 25-1507 and 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (Setting license fees for a Class "Y" License).

h. Applications for five-year tax exemptions for improvements made to buildings:

- (1) Kim and Deb Kaul, 1337 8th Street South.
- (2) Matthew Freitag and Daisy-Leigh Eck, 2320 11th Street South.
- (3) Igor and Kristin Svidersky, 606 South University Drive.

i. Five-year snow removal service contract with Grasshopper Lawn Service for transit passenger shelters.

j. Applications for Games of Chance:

- (1) Bennett PTA for bingo on 1/25/13.
- (2) Muskie's, Inc. F-M Chapter for a raffle on 2/7/13.
- (3) F-M Rotary Foundation for a raffle on 1/31/13.

k. Contract with Cougar Tree Care, Inc. for 2013-2015 tree and stump removal and 2013 residential brush chipping program.

l. Lease of new Ford Explorer from Kinetic Leasing, Inc. for \$25,845.00.

m. Purchase of a new truck chassis from the North Dakota State Equipment Contract #TC378 for \$75,761.00.

n. Change Order No. 1 for an increase of \$5,668.00 for Project No. WW1103.

o. Bills in the amount of \$5,045,407.35.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 (Park Drive South):

Commissioner Sobolik moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179:

Adopt Resolution Creating Improvement District No. 6179:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6179 in the City of Fargo, North Dakota, be created

On Park Drive South

COMPRISING:

Lots 1 through 24, Block 7

Lots 1 through 16, Block 8

All platted in Harry A. Schnell 2nd Addition.

All of the foregoing located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 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. 6179:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6179 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 \$928,607.00.)

Order Plans and Specifications for Improvement District No. 6179:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6179 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6179:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6179 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. 6179 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 Water Main Replacement, Street Reconstruction 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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 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 a portion of said Water Main Replacement, Street Reconstruction and Incidentals improvement is to be paid from Street Sales Tax Funds and approximately 26% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main replacement, Street Reconstruction and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 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. 6179:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6179 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

2013 City Social Service and Arts Fund Allocations Approved:

The Board received a communication from Senior Planner Dan Mahli stating the City's Social Service and Arts Fund budget is \$328,000 and on December 20th the Community Development Committee unanimously recommended the Board approve the 2013 Social Service and Arts Fund allocations. He said the proposed budget is listed as follows:

Arts Partnership of the Red River Valley - \$90,000 to support the Arts partnership's re-grant program and \$10,000 in matching funds for a public art project.

CHARISM - \$15,000 to support youth development programs and skill building for low income and refugee youth.

Children's Museum - \$5,000 to support the "Hands On" educational and recreational programming for children.

Cultural Diversity Resources - \$15,000 for diversity training, financing, annual conference, leadership building, education and events.

Fargo Human Relations Commission - \$10,000 to provide opportunities for fair housing education in Fargo.

FM Homeless Coalition - \$8,000 to administer an emergency taxi ride program and work on Fargo's 10-year plan.

FM Community Bicycle Workshop - \$3,000 to support an Earn-A-Bike program.

Fargo Native American Commission - \$20,000 to provide support for Native American programs.

Fargo's Older Neighborhood Associations - \$5,000 to develop brochure on housing in Fargo's older neighborhood, promote NRI and ownership.

Fargo Youth Commission/Boys & Girls Club - \$10,000 to offer scholarships for before/after school programs and youth development programs.

First Link - \$5,000 to fund the information and crisis services program.

Handi-Wheels Transportation - \$20,000 to provide accessible and affordable transportation to people with disabilities and/or the elderly.

Great Plains Food Bank - \$5,000 to assist in the recovery and distribution of surplus and donated food.

Metro Interpreter Resource Center - \$5,000 to support interpreter resources in the FM Area.

New Life Center - \$10,000 to provide emergency shelter, meals, clothing and other basics of life services.

North Dakota Coalition for Homeless People - \$5,000 to support the development of HUD's Continuum of Care application for housing programs across the state of North Dakota.

Rape and Abuse Crisis Center of FM - \$15,000 to provide crisis support and follow-up services for victims of domestic violence and assault.

Red River Human Services Foundation - \$12,000 to support educational and social activities for people with developmental disabilities.

Red River Zoo - \$5,000 to provide scholarships to underprivileged youth for educational and leadership programming.

River Keepers - \$5,000 to support seasonal staff to work on the riverfront.

Valley Senior Services - \$30,000 to support the Meals on Wheels and Senior Ride programs.

Nokomis Child Care Centers - \$5,000 to support scholarship program for low-income families.

YWCA Cass Clay-YWCA Emergency Shelter - \$15,000 to support shelter and housing programs, case management and advocacy services.

Commissioner Sobolik moved the 2013 City Social Service and Arts Fund Allocations be approved.

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

Absent and not voting: Commissioner Mahoney.
The motion was declared carried.

Service Vehicle Permit Program Changes in the Downtown Business District
Approved:

The Board received a communication from Planning Director Jim Gilmour stating at the December 20th Parking Commission meeting a recommendation was made to amend the Service Vehicle Permit Program Policies in the Downtown Business District. He said parking complaints have been received from Downtown retail businesses adjacent to construction projects. The concern about the availability and turnover of customer parking on Broadway spurred the evaluation of the Service Vehicle Permit program's policies, he said. He said notifications of possible changes were distributed to Downtown property owners, businesses and service vehicle permit holders seeking suggestions and comments. The recommended changes are a compromise to provide both parking availability for service vehicles and turnover for customers of retail businesses on Broadway during peak business hours, he explained. The fee of \$100.00 per year has not changed in at least 15 years, he said, therefore, the proposed fee of \$25.00 per month would be the same as the Downtown Residential Permit Program. We outlined the proposed changes as follows:

- Restricting the time period and locations of the permits to be invalid on Broadway (between 6th Avenue North and the south set of railroad tracks) and within one half block off Broadway on the Avenues between the hours of 10:00 a.m. and 3:30 p.m.
- Increasing fees to \$25.00 a month.

Commissioner Williams moved the recommended changes to the Service Vehicle Permit Program in the Downtown Business District be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Final Design and Bidding Task Order for the Water Treatment Plant Expansion
Project Approved:

The Board received a Report of Action from the Utility Committee submitting a communication from Enterprise Director Bruce Grubb stating the consultant team of Advanced Engineering and Environmental Services (AE2S) and Black & Veatch (BV) submitted a Task Order Proposal for the final design and bidding work associated with the Water Treatment Plant (WTP) Expansion Project. He said the consultant team of AE2S/BV recently completed an updated Facility Plan for the WTP due to a number of water quality and quantity issues facing Fargo's municipal water system. He said the issues included the following:

- Devils Lake Discharges (Sheyenne River Sulfate Concentrations).
- Addition of Sulfate Treatment Processes at the WTP.
- Timeline for Expanded Capacity at the WTP.
- Potential for Supplying Water to West Fargo.
- Potential for Supplying Water to Harwood.
- Timeline for Red River Valley Water Supply Project (Missouri River).

Mr. Grubb said the consultant team of AE2S/BV completed a new Facility Plan for the WTP and recommended an expansion involving a separate 15 million gallon per day treatment train utilizing membrane treatment technology. He said the new membrane treatment train would also address current and future issues associated with water quality and quantity. The Facility Plan, he said, also included some recommended "Next Steps" based on the schedule for construction and operation of additional outlet facilities at Devils Lake. He said the recommended "Next Steps" for the WTP expansion are as follows:

- Preliminary Design
- MF/UF Equipment Procurement
- Final Design
- Bidding
- Construction

At this point, he said, the Preliminary Design has been completed and the MF/UF Equipment Procurement is in progress. He said staff is recommending proceeding with the Final Design and Bidding phases as quickly as possible to achieve the needed sulfate treatment processes to address water quality impacts on the Sheyenne River. He said the Final Design and Bidding scope of work includes the following components:

<u>Phase #</u>	<u>Description</u>	<u>Professional Fee</u>
100	Final Design – Sitework (Bid Package #1)	\$ 549,500.00
200	Final Design – WTP Expansion (Bid Package #2)	\$5,294,600.00
300	Bidding – Sitework (Bid Package #1)	\$ 47,000.00
400	Bidding – WTP Expansion (Bid Package #2)	<u>\$ 101,000.00</u>
		\$5,992,100.00

Based on the estimated construction cost of the WTP Expansion Project (\$94.81 million), he said, the professional fees associated with the Final Design and Bidding Task Order represents 6.3%, which is reasonable compared with the industry standard for this type of technically complex project. Funding for the professional service fees has been included in the Water Infrastructure Sales Tax Budget and financial model, he said.

Enterprise Director Bruce Grubb gave a power point presentation

Commissioner Williams moved the Final Design and Bidding Task Order with Advanced Engineering and Environmental Services, and Black & Veatch for the Water Treatment Plant Expansion Project be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Communication Received from American Water Resources of North Dakota:

City Administrator Pat Zavoral said Executive Assistant Sharon Odegaard received a letter from American Water Resources of North Dakota informing the City that they would be sending out a mailing to homeowners in the City of Fargo

informing them of their responsibility for the water lines running through their property. According to the letter, he said, American Water Resources of North Dakota offers a Water Line Protection Program as a means to protect homeowners from expensive service line repairs. Mr. Zavoral said he would like the Commission to make it clear to the citizens of Fargo that the City does not in any way promote or endorse this company.

In response to a comment made by Commissioner Wimmer about forwarding this letter and the Commission's motion to the Attorney General's Office, City Attorney Erik Johnson said he would take care of doing so.

Commissioner Wimmer moved to advise the homeowners of Fargo that the City does not endorse or support the work of American Water Resources of North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, January 21, 2013.

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

The time at adjournment was 5:37 o'clock p.m.