

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: November 10, 2014:

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, November 10, 2014.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on October 27, 2014 be approved as read.

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

Consent Agenda Approved:

Commissioner Piepkorn moved the Consent Agenda be approved as follows:

1. Recommendation to direct staff to finalize agreement with PCs for People, a non-profit organization that refurbishes and distributes desktops to low-income families.
2. Joint Powers Agreement for South East North Dakota Public Health Collaborative.
3. Receive and file GFOA Certificate of Achievement for Excellence in Financial Reporting.
4. Tax exemptions for improvements made to buildings:
 - a. Darren Huber, 220 8th Street South #C3 (3-year).
 - b. Harold and Beverly Johnson, 1317 10th Avenue South (5-year).
 - c. Jennifer Erickson, 1542 8th Street South (5-year).
 - d. Ronald and Elizabeth Cantler, 1702 7th Street South (5-year).
 - e. Connie Jadrny and Clark Olson, 1825 5th Street North (5-year).
5. Receive and file Ordinance Amending Sections 8-1401 and 8-1425 and Repealing Sections 8-1402, 8-1403, 8-1404, 8-1405, 8-1406, 8-1407, 8-1408

and 8-1424 of Article 8-14 of Chapter 8 of the Fargo Municipal Code Relating to Bicycles.

6. Applications for Games of Chance:
 - a. Dakota Medical Foundation for a paddle game on 11/24/14.
 - b. Handi-Wheels Transportation for a raffle board on 11/15/14.
 - c. NDSU Judging Club for a raffle on 3/18/15.
7. Resolution Approving Plat of T Sloan Addition (Attachment "A").
8. Task Order with AE2S for the Computer Maintenance Management Software system.
9. Project to improve Sanitary Lift Station No. 46 at a cost of \$314,000.00.
10. Change Order No. 2 for a decrease of \$6,500.00 for HMGP Projects 5-R and 6-R and time extension to 8/15/14.
11. One-year extension to the Guaranteed Cost Contract with Aqua-Pure, Inc. for polymer chemicals at the Water Treatment Plant.
12. Joint Powers Agreement and Easement for the flood risk reduction Project FM-14-11 with SECWRD.
13. Change Order No.1 for an increase of \$170,400.00 for Project No. FM-14-61.
14. Contract and bond for Project No. HD-14-51.
15. Bills in the amount of \$11,422,056.37.

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

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

Contract Time Extension for Improvement District No. PN-14-61 Denied:

Commissioner Piepkorn moved denial of a contract time extension for Improvement District No. PN-14-61.

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

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

Contract Time Extension for Improvement District No. UN-14-11 Approved:

Commissioner Piepkorn moved approval of a contract time extension to November 15, 2014 for Improvement District No. UN-14-11.

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

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

Contract Time Extension for Improvement District No. PN-14-91 Approved:

Commissioner Piepkorn moved approval of a contract time extension to May 29, 2015 for Improvement District No. PN-14-91.

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

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

Contract Time Extension for Improvement District No. PN-14-E1 Approved:

Commissioner Piepkorn moved approval of a contract time extension to November 29, 2014 for Improvement District No. PN-14-E1.

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

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

Utility Permit with Southeast Cass Water Resource District for Improvement District No. PN-15-A1 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the proposed roadway improvements that are scheduled for 12th Avenue North from 45th to 57th Streets will require modifications to the storm sewer in the tie back levee for the Sheyenne Diversion project. In order to perform these modifications, they said, a Utility Permit will be needed from the Southeast Cass Water Resource District.

Commissioner Piepkorn moved the Utility Permit with Southeast Cass Water Resource District for Improvement District No. PN-15-A1 be approved.

Second by Williams. On call of the roll Commissioners Piepkorn, Williams, Mahoney, Sobolik 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. 6251 Approved:

Commissioner Piepkorn moved approval of Final Balancing Change Order No. 1 for an increase of \$5,115.51 for Improvement District No. 6251.

Second by Williams. On call of the roll Commissioners Piepkorn, Williams, Mahoney, Sobolik 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. 6247 Approved:

Commissioner Piepkorn moved approval of Final Balancing Change Order No. 1 for an increase of \$9,443.70 for Improvement District No. 6247.

Second by Williams. On call of the roll Commissioners Piepkorn, Williams, Mahoney, Sobolik 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. 6159 Approved:

Commissioner Piepkorn moved approval of Final Balancing Change Order No. 1 for an increase of \$5,383.10 for Improvement District No. 6159.

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

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

Street Reconstruction and Incidentals Improvement District No. PR-15-G (5th Avenue South from 25th Street to Leahy Avenue):

Commissioner Piepkorn moved the following action be taken in connection with Street Reconstruction and Incidentals Improvement District No. PR-15-G:

Adopt Resolution Creating Improvement District No. PR-15-G:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PR-15-G in the City of Fargo, North Dakota, be created

On 5th Avenue South from Leahy Avenue to 25th Street.

COMPRISING:

Lots 1 through 5, Block 2.
All in Pete's Addition.

Lots 4 through 6, Block 2.
Block 3.
Lots 1 and 2, Block 5.
All in Tennesfos 1st Subdivision.

Lot 1, Block 5.
All in Westrac Second Addition.

Lots 7 through 9, Block 2.
Lots 1 and 2, Block 3.
All in S & W Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Street Reconstruction and Incidentals Improvement District No. PR-15-G 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. PR-15-G:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-15-G 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 \$1,575,874.00.)

Order Plans and Specifications for Improvement District No. PR-15-G:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PR-15-G in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PR-15-G:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-15-G 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. PR-15-G 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 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 Street Reconstruction and Incidentals Improvement District No. PR-15-G 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 Street Reconstruction and Incidentals improvement is to be paid from Street/Infrastructure Sales Tax and approximately 47% 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 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. PR-15-G:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-15-G in the City of Fargo, North Dakota.

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

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

Presentation of the PFM Purchasing Card Rebate Check for FY 2014:

The Board received a communication from Director of Finance Kent Costin stating the City of Fargo has been operating a purchasing card program since August of 2012. He said since the inception of the program the business volume with this program has risen from \$2 million per year to just over \$15 million this year. This program has been very successful, he said, and as a result the City's rebate check has increased substantially. He said the City of Fargo is one of eight hundred PFM clients and the City is ranked number one for this past year's participation in the program.

Mr. Costin presented a refund check to Commissioner Tim Mahoney on behalf of the City of Fargo in the amount of \$163,830.00

Preliminary Approval of \$235,400.00 of PILOT Assistance to Daxter Properties, LLC for a Proposed Project at 1022 and 1026 15th Street North:

The Board received a communication from Planning Director Jim Gilmour stating Daxter Properties, LLC has requested \$235,400.00 of PILOT assistance for a proposed project to be located in the 1000 Block of 15th Street North (1022 and 1026 15th Street North) near North Dakota State University. He said two older houses are now located on this property and the proposed project would be the redevelopment of the site and the construction of two, townhouse-style apartment buildings with a total of 12 units. He said Fargo PILOT policy calls for the Board to review the request to determine if staff should proceed to work with the developer on the project and forward the PILOT application to the City's financial advisors for review.

Commissioner Sobolik moved preliminary approval of \$235,400.00 for a proposed project at 1022 and 1026 15th Street North and staff be directed to submit the proposal to the City's financial advisors for review, and to draft a development agreement for the redevelopment of the property.

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

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

Preliminary Approval of \$235,400.00 of PILOT Assistance to Northside Properties, LLC for a Proposed Project at 1122 and 1126 19th Street North:

The Board received a communication from Planning Director Jim Gilmour stating Northside Properties, LLC has requested \$235,400.00 of PILOT assistance for a proposed project to be located in the 1100 block of 19th Street North (1122 and

1126 19th Street North) near North Dakota State University. He said two older houses are now located on this property and the proposed project would be the redevelopment of the site and the construction of two, townhouse-style apartment buildings with a total of 12 units. He said Fargo PILOT policy calls for the Board to review the request to determine if staff should proceed to work with the developer on the project and forward the PILOT application to the City's financial advisors for review.

Commissioner Sobolik moved preliminary approval of \$235,400.00 for a proposed project at 1122 and 1126 19th Street North and staff be directed to submit the proposal to the City's financial advisors for review, and to draft a development agreement for the redevelopment of the property.

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

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

Bruce Grubb Appointed to the Fargodome Building Committee:

The Board received a communication from City Administrator Pat Zavoral stating he has represented the City of Fargo on the Fargodome Building Committee since its inception prior to the construction of the facility. He stated it is time for another staff member to represent the City and he recommends Bruce Grubb as a likely candidate with his background in engineering and construction.

Commissioner Piepkorn moved Bruce Grubb be appointed to the Fargodome Building Committee.

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

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

Appropriate Staff Directed to Investigate the Purchase of the Fargo School District Warehouse Located on Second Street and Fourth Avenue North:

The Board received a communication from City Administrator Pat Zavoral stating riverfront properties along Second Street are being appraised and reviewed by the Corps so the Diversion Authority can receive federal credit for these acquisitions and allow the Corps to certify the flood protection plan. He said this is being done in anticipation of the river floodwall construction beginning next spring. A peculiar rule within the Corps' guidelines, he said, is the splitting of buildings that makes only portions of the structure eligible for crediting. Only a portion of the warehouse is needed to allow for construction of the floodwall and therefore only that portion receives the federal credit, he said, and a similar issue exists with the Howard Johnson Motel. He said the master planning effort, as presented by Richard Moorhead for the potential of riverfront development, suggests these structures should be purchased in their entirety. He said, staff has worked on a financing plan that would allow the purchase of properties that need to be split for federal crediting purposes but have potential for more robust development if totally purchased. The School District staff would like to continue to have all the uses in the warehouse contained under one roof, he said. Pursuing federal regulations, he said, would require removal of approximately 10,000 square feet of the existing building which

would eliminate enclosed parking and relocate the woodworking shop to a temporary location. He said food service use would remain until the City would see a need for the building or the district found funding and a better location for this use. He said School District and City staff have been discussing an option that would allow the City to purchase the entire building at this time and undertake the required removal of a portion to accommodate floodwall construction next spring. He said the School District would then use the remaining portion until a new building is constructed that would accommodate the existing building activities plus other related functions. He said he would like City staff to continue the discussion with the School District staff to determine the feasibility of purchasing the entire warehouse building.

Commissioner Piepkorn moved appropriate staff be directed to investigate the purchase of the Fargo School District warehouse located on Second Street and Fourth Avenue North.

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

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

Sale of Land at 2929 Parkview Drive South by Public Sale Approved:

The Board received a communication from Assistant City Attorney Jared Hines stating real property located at 2929 Parkview Drive South was acquired by the City by county deed several years ago. He said this is a 5,022 square foot parcel and an adjacent property owner asked if he can acquire ownership from the City. As a result of this request, he said, an inquiry was made of other neighboring property owners to determine if others might be interested in this lot and only the one neighbor was interested. He said the City Engineering Department has no interest in retaining ownership of the lot. The Office of the City Assessor estimated the value of the parcel as \$9,000.00, he said, and property valued over \$5,000.00 may only be sold by way of public sale.

Commissioner Mahoney moved the sale of land at 2929 Parkview Drive South by public sale be approved.

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

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

Application Filed by Novum Pharmaceutical Research Services of Delaware, Inc. for Payment in Lieu of Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Novum Pharmaceutical Research Services of Delaware, Inc. for payment in lieu of property tax exemption for an additional building which the applicant will use in the operation of clinical research, data management, statistical and reporting services to pharmaceutical and related industries at 4901 Amber Valley Parkway South.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

Commissioner Piepkorn moved that the application filed by Novum Pharmaceutical Research Services of Delaware, Inc. at 4901 Amber Valley Parkway

South be granted a five-year, \$0 payment in lieu of tax exemption pursuant to Chapter 40-57.1, NDCC for the portion of the building to be occupied by the applicant.

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

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

Parcels of Land in Brandt Park Addition, Urban Plains Medical Park Addition and Urban Plains by Brandt First Addition Rezoned (4815, 4825, 4840, 5000 and 5022 28th Avenue South; 4977 and 4949 30th Avenue South):

At a Hearing held on October 7, 2014 the Fargo Planning Commission recommended approval of a change in zoning from P/I, Public and Institutional, MR-3, Multi-Dwelling with a C-O, Conditional Overlay, and LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling with the modification of the existing C-O, Conditional Overlay and P/I, Public and Institutional with the extinguishment of the existing C-O, Conditional Overlay on Lots 1 and 2, Block 1, Brandt Park Addition and Lots 3 and 4, Block 1, Urban Plains Medical Park Addition, and Part of Lot 8, Block 2, Urban Plains By Brandt First 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 and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plans, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, 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 Brandt Park Addition, Urban Plains Medical Park Addition and Urban Plains by Brandt First 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 Brandt Park Addition, Urban Plains Medical Park Addition and Urban Plains by Brandt First Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Name Change Plat for the Northeast Frontage Road/36th Street South Between 47th Avenue South and 52nd Avenue South to be Renamed Timber Parkway:

Commissioner Mahoney offered the following Resolution and moved its adoption:

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

WHEREAS, The name of the Northeast Frontage Road/36th Street South between 47th Avenue South and 52nd Avenue South shall be renamed and hereinafter designated and in the future shall be known by said designated name; "Timber Parkway"; and

WHEREAS, A Hearing was held October 7, 2014 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 October 27 and November 3, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., November 10, 2014 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 "Name Change Plat" 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 Recorder of Cass County, North Dakota.

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

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

Parcels of Land in Timber Creek First Addition Rezoned (4730 36th Street South and 4749 34th Street South):

At a Hearing held on October 7, 2014 the Fargo Planning Commission recommended approval of a change in zoning from MR-2, Multi-Dwelling to MR-3, Multi-Dwelling with a C-O, Conditional Overlay on Lot 31, Block 2, Timber Creek First 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 and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plans, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, 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 Timber Creek First 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 Timber Creek First Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Text Amendment to Establish Section 20-0805, Arts and Culture Commission, of the Land Development Code, Chapter 20 of the Fargo Municipal Code Approved:

A Hearing had been held by the Fargo Planning Commission on November 4, 2014 for the purpose of considering a request for a text amendment to establish Section 20-0805, Arts and Culture Commission, of the Land Development Code, Chapter 20 of the Fargo Municipal Code and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

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.

There have been no written or verbal protests to the request and no one is present to protest thereto.

Planning Administrator Nicole Crutchfield said in January 2014 the City Commission approved the creation of a Public Art Taskforce. She said members of this taskforce were asked to review the current status of public art within Fargo, set priorities for future public art and recommend policies for the implementation of a public art plan. She said as a result it was concluded that two key elements needed to be in place in order to offer sustained and reliable support for public art. These two key elements are an Arts and Culture Commission, she said, and a public art master land use plan.

David Bertolini, Professor at NDSU and Member of the Public Art Taskforce, said he would like to point out two things. The taskforce did a great job, he said, and one of the most successful cities in the recent past has proved that a public art engagement by the City proves to make a successful city. He said some examples of successful cities are Houston, Philadelphia and Dallas. He said all of these Cities have proved to move the path forward by engaging in public art by all avenues of public art such as street performances, plays, musical festivals or film festivals. He said Fargo is a beautiful city and one of the things a person will generally remember when they come to a City is the public art. He said the other point that successful cities have figured out about public art is that it is not all about the aesthetic qualities but also about the economic aspects that it brings to a city.

Commissioner Sobolik said she has been asked where the funding is coming from and at this point there is not any funding. She said the City currently has one mill that comes out of the general fund for the social services and arts fund so there is about \$100,000.00 every year that goes towards art and a lot of that goes to the Arts Partnership which then grants that out to artists in our community. This year, she said, the City did set aside \$10,000.00 for public art projects in the community; however, there is so much that can be done with art that does not cost a lot of money. She said some of the things the Arts and Culture Commission can do is to find other funding sources as well as finding ways to create a culture where public art is accepted and encouraged.

Commissioner Williams said the President of the Greater Fargo Moorhead Economic Development Corporation Jim Gartin sent him comments stating the arts in general are a critical factor for community growth. Young and old alike believe that art makes a difference in decision-making processes when considering relocation, he said. The Arts Commission, he said, is another positive step in strengthen the City's ability to sustain growth. He stated workforce is a big issue and when recruiting and retraining the City of Fargo should be a community that enjoys art and engages artists.

Colleen Sheehy, Director of the Plains Art Museum, said it is pretty amazing that there are about 17,000 museums in the US and only 500 are accredited, one of which is the Plains Art Museum. She said it is a critical time for Fargo to bring the community forward with all of the growth that is going on here.

Michael Olson, Chair of the Board of the Arts Partnership, said he was honored to be part of the taskforce and would like to thank the Commission for their support. He said because of that support, the Arts Partnership has been able to support the artists of this community for quite some time and if this ordinance passes the City can look forward to that partnership getting even bigger and better.

Michael Strand, Visual Arts Department Head at NDSU, said he moved back to the Fargo/Moorhead area about six years ago and chose to live in this area due to the progression that is happening in this City in the last twenty years. He said part of that success is the GO2030 initiative which he is very proud of the City for doing and viewing public art as being so valuable. He said seeing the City take the leadership in the arts is a very positive step.

Commissioner Sobolik moved the request be approved on the basis the proposed Text Amendment complies with Section 20-0904.E (1-3) of the Land Development Code.

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

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

First Reading of an Ordinance Enacting Section 20-0805 of Article 20-08 of Chapter 20 of the Fargo Municipal Code Relating to Arts and Culture Commission:

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 Enacting Section 20-0805 of Article 20-08 of Chapter 20 of the Fargo Municipal Code Relating to Arts and Culture Commission be placed on first reading.

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

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

Downtown Community Partnership Presentation and Update on the Business Improvement District (BID):

Commissioner Sobolik said she invited the Downtown Community Partnership to give an update on the Business Improvement District (BID).

Amy Nash, Sustainability Coordinator for the Downtown Community Partnership, said the Business Improvement District was created in 2012. Ms. Nash provided a PowerPoint presentation and update on the success and challenges of the project.

At 6:11 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

2015 Parking Rate Schedule for Implementation on January 1, 2015 Approved:

The Board received a communication from Planning Director Jim Gilmour and Planner Joe Nigg stating every couple years the Parking Commission has reviewed the parking facility rate schedule and made adjustments based on operating conditions. In 2014, they said, the Parking Commission and City Commission approved slight rate increases at a majority of the City's parking facilities. At the September Parking Commission meeting, they said, a proposal to increase rates over the next two years was discussed. They said the rationale for the proposed increases include: the need for additional revenue to pay for a parking ramp, the likelihood the City will need to pay more for a parking operator, and a significant increase at the higher demand facilities may assist in balancing supply and demand. The majority of City parking facilities are at or near capacity, they stated, and the proposed rate schedule recommends increases ranging from \$1.00 to \$8.00, largely dependent upon location and demand. They said the financial implications, assuming similar occupancy rates for 2015, would yield an additional \$65,000.00 annually or \$5,500.00 monthly in parking revenues. The Parking Commission unanimously supported the proposed rate schedule, they said.

Commissioner Williams moved the 2015 Parking Rate Schedule for implementation on January 1, 2015 be approved.

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

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

Parking Ramp Feasibility Study Contract and Scope of Work with Helenske Design Group and Carl Walker, Inc. Approved:

The Board received a communication from Planning Director Jim Gilmour and Planner Joe Nigg stating the Board authorized the Parking Commission to issue an RFP to hire an architect to explore various sites and concepts for future downtown parking structures. They said eight proposals were received and interviews were conducted in August with four consultant teams. Following the interviews, they said, the Parking Commission authorized staff to pursue a contract with the highest ranked consultant team, Helenske Design Group (architect)/Carl Walker, Inc. (parking consultant). The scope is split into three phases, they said: Multiple Site Evaluation, Schematic Design and Architectural Services.

Commissioner Williams moved the Parking Ramp Feasibility Study contract and scope of work with Helenske Design Group and Carl Walker, Inc. be approved.

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

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

Staff Authorized to Negotiate a Contract with Interstate Parking for Parking Management Services:

The Board received a communication from Planning Director Jim Gilmour and Planner Joe Nigg stating the City has a contract with Parking Services, Inc. to operate and manage the City's eight off-street surface parking facilities and three off-street structured parking facilities. He said the City manages approximately 2,000 off-street spaces in the downtown core. He said the contract was originally set to expire in June; however, at the March 31, 2014 meeting the City Commission approved an addendum to extend the contract until the end of December. The Parking Commission has been working over the last couple months to identify a new parking operator, he said, and in July an RFP was issued, with seven proposals received. The Parking Commission interviewed five companies in late October, he said, and requested a final fee proposal from three finalists. He said the three finalists were: ABM Parking Services, Interstate Parking and Republic Parking System. The Parking Commission met on November 6th, he said, and has made a recommendation to pursue a contract with Interstate Parking.

Commissioner Williams moved staff be authorized to negotiate a contract with Interstate Parking for Parking Management Services for a three year term with the option to extend for each of the subsequent two years.

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

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

Conversion of "All Day" Parking Signage to "2 Hour" on a Portion of 12th Street North, South of 1st Avenue North Approved:

The Board received a communication from Planner Joe Nigg regarding a request from Brad Stephenson, owner of B.D.S. Books at 1200 1st Avenue North, to convert six diagonal parking spaces on the west side of 12th Street from an "All Day" parking zone to a 90 minute parking time zone. He said the on-street time zone concept for the downtown core has been discussed at length by the Parking Commission and Phase 1 was recently approved for implementation by the City Commission. The concept is moving forward to simplify the system and reduce the number of time zones and extend time limits in the fringe area, he said; however, it has been acknowledged there will be circumstances where business will need turnover in specific areas and which may not be entirely consistent with the intent of the on-street time zone concept. He said the Parking Commission reviewed the request and recommended the spaces be converted to a "2 Hour" time zone.

Commissioner Williams moved the conversion of "All Day" parking signage to "2 Hour" signage on a portion of 12th Street North, south of 1st Avenue North be approved.

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

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

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, November 24, 2014.

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

The time at adjournment was 6:32 o'clock p.m.