



- f. Rezoning Certain Parcels of Land Lying in West Park Subdivision, Fargo, Cass County, North Dakota.
  - g. Rezoning Certain Parcels of Land Lying in Valley View Fourth Addition, Fargo, Cass County, North Dakota.
3. Receive and File Year to Date – Budget to Actual Report for November 2014.
  4. Receive and file limited franchise agreement with Cass County Electric, adding the area annexed by the City of Fargo on 4/29/13.
  5. 2015 MATBUS exterior advertising rates.
  6. Award of contract for security services at the Ground Transportation Center, Downtown Parking Facilities and Courier Services to Sentry Security, Inc.
  7. Tax exemptions for improvements made to buildings:
    - a. Mitchell and Sharon Ruud, 1309 8th Street South (5-year).
    - b. Donald Fischer, 1237 8th Street North (5-year).
    - c. Todd and Donna Morse, 1110 Broadway North (5-year).
    - d. John and Kristen Osborne, 1433 10th Avenue South (5-year).
    - e. David and Lindsey Erickson, 1426 23rd Street South (3-year).
  8. Resolution Approving Plat of Runck's Third Addition (Attachment "A").
  9. Resolution Approving Plat of Adams Ninth Addition (Attachment "B").
  10. Return of the Class "B-Limited" alcoholic beverage license issued to Prairie Grove Liquor.
  11. Purchase of Service Agreement with the North Dakota Department of Health for Tuberculosis screening activities (CFDA #93.116).
  12. Contract Addendum with Northern Cass School District for additional nursing services for the 2014-2015 school year.
  13. Health Department budget adjustments in the amount of \$38,171.00 and Amendment to Purchase of Service Agreement with the North Dakota Department of Human Services for substance abuse prevention activities (Contract #810-09540 Amendment A).
  14. Contracts for the Substance Abuse Prevention Services Program.
  15. Amended grant agreement with Lutheran Social Services of North Dakota for the State Refugee Health Coordinator position (Contract #2013-37 Amendment 2013-37A).
  16. Contract agreement with Lutheran Social Services of North Dakota for Refugee Health Services.

17. Change Order G-8 for an increase of \$1,681.55 for the Fargo Cass Public Health Remodeling Project.
18. Direct City Attorney's office to update Article 13-10 of the City Ordinances regarding swimming and wading pools.
19. Site Authorizations for Games of Chance:
  - a. Fargo Air Museum at the Air Museum from 1/1/15 to 6/30/15.
  - b. Fargo Air Museum at the Air Museum from 7/1/15 to 6/30/16.
20. Applications for Games of Chance:
  - a. Washington School PTA for a raffle on 3/27/15.
  - b. Friends of NRA for a raffle on 1/4/15.
21. Receive and file Compressed Natural Gas Feasibility Study and authorize a QECB bond sale to finance the initial phase of the CNG implementation.
22. Contract Amendment #2 with AE2S/BV, in the amount of \$812,500.00, for the value engineering effort and rebidding of the Water Treatment Plant Expansion Project (WA1301).
23. Reallocation of funds in the 2014 Landfill Capital Improvement budget.
24. Sole source procurement of Water Treatment Plant equipment for bromate analysis in the amount of \$79,923.00.
25. Extension of Agreement for Contract Employment with Kit Powell for 2015.
  - a. Request to reclassify a vacant Sump Pump Coordinator position (Grade 12) and a Sump Pump Inspector position (Grade 8) to Wastewater Compliance Inspectors (Grade 9) and create a Wastewater Operator I - Lift Stations position (Grade 8).
26. Community Acknowledgement form associated with Moorhead's Horn Park Letter of Map Revision.
27. Conveyance of 302 22nd Street North and 322 22nd Street North to Fabricators Unlimited, Inc. for \$20,210.00.
28. 30-day contract time extension for Project SW 14-01.
29. Updated Standard Specifications for Construction.
30. Permanent and Temporary Easements for Project PN-15-A1.
31. Change Order #1, for an increase of \$50,818.00 for Project UR-14-21.
32. Contract time extension for Project HD-14-51 to 5/1/15.
33. Maintenance Certification for Urban Federal Aid Projects for NDDOT.

34. Bid advertisement for Project FM-15-F.
35. Bills in the amount of \$9,131,772.61.

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

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

No Protests Received for Street Lighting Improvements and Incidentals Improvement District No. SL-14-01:

The Statutory Resolution of Necessity for the construction of Street Lighting Improvements and Incidentals Improvement District No. SL-14-01 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on October 20 and 27, 2014 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Street Lighting Improvements and Incidentals Improvement District No. SL-14-01.

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

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

Bids Received for Street Lighting Improvements and Incidentals Improvement District No. SL-14-01:

The bids for Street Lighting Improvements and Incidentals Improvement District No. SL-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., December 17, 2014 and the bids were found to be as follows:

Fargo Electric Construction Bid:	Fargo, ND \$306,363.40
Fritz Electric Bid:	Fargo, ND \$385,428.10
Moorhead Electric Bid:	Moorhead, MN \$386,400.70

Contract for Street Lighting Improvements and Incidentals Improvement District No. SL-14-01 Awarded to Fargo Electric Construction in the Amount of \$306,363.40:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Street Lighting Improvements and Incidentals Improvement District No. SL-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received December 17, 2014 for Street Lighting Improvements

and Incidentals Improvement District No. SL-14-01 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Street Lighting Improvements and Incidentals Improvement District No. SL-14-01 shows the bid of Fargo Electric Construction of Fargo, North Dakota, in the sum of \$306,363.40 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 Fargo Electric Construction in the sum of \$306,363.40 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Street Lighting Improvements and Incidentals Improvement District No. SL-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Fargo Electric Construction for the sum of \$306,363.40, 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney voted aye.

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

No Protests Received for Sanitary Sewer and Incidentals Improvement District No. UR-14-61:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer and Incidentals Improvement District No. UR-14-61 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on August 11 and 14, 2014 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer and Incidentals Improvement District No. UR-14-61.

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

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

Bids Received for Sanitary Sewer and Incidentals Improvement District No. UR-14-61:

The bids for Sanitary Sewer and Incidentals Improvement District No. UR-14-61 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., December 17, 2014 and the bids were found to be as follows:

Ryan Contracting Company	Shakopee, MN
Bid:	\$154,185.00
Key Contracting, Inc.	Fargo, ND
Bid:	\$231,893.50

Contract for Sanitary Sewer and Incidentals Improvement District No. UR-14-61 Awarded to Ryan Contracting Company in the Amount of \$154,185.00:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer and Incidentals Improvement District No. UR-14-61; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received December 17, 2014 for Sanitary Sewer and Incidentals Improvement District No. UR-14-61 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer and Incidentals Improvement District No. UR-14-61 shows the bid of Ryan Contracting Company of Shakopee, Minnesota, in the sum of \$154,185.00 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 Ryan Contracting Company in the sum of \$154,185.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer and Incidentals Improvement District No. UR-14-61 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting Company for the sum of \$154,185.00, 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney voted aye.

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

Change Order No. 1 for Improvement District No. PN-14-C1 Approved:

Commissioner Sobolik moved approval of Change Order No. PN-14-C1 for an increase of \$143,411.50 for Improvement District No. PN-14-C1.

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

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

Change Order Nos. 1 and 2 for Improvement District No. UN-14-11 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 for an increase of \$30,906.25; and Change Order No. 2 for an increase of \$61,312.32 for Improvement District No. UN-14-11.

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

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

2015 Budget Amendment to Add Three Full-time Police Officers Approved:

The Board received a communication from Mayor Mahoney stating the 2015 budget was approved with the addition of six full-time employees for the Police Department, four police officers and two records management staff. He said during the budget development process this summer seven officers were requested to meet the ongoing challenges faced by the Police Department. He said the Finance Committee included this issue in a recent discussion about year-end budget amendments and recommends adding three new FTE Police Officers. He said this will fund the staffing roster at levels previously requested by management and will begin to address some of the staffing issues that surfaced during the recent management review of the Police Department. The estimated cost of this budget amendment is \$210,000.00, he said.

Commissioner Piepkorn said as liaison to the Police Department he feels he should have been included in the decision to bring this before the Board. He said his preference would be to leave it to the discretion of the Police Chief how the \$210,000.00 would be allocated.

Interim Police Chief David Todd said the Police Department has eleven vacancies with six full offers out for people to start the beginning of February, bringing vacancies down to five. He said his biggest need right now is for staffing.

Commissioner Williams moved the 2015 budget amendment, in the amount of \$210,000.00 to add three full-time Police Officers be approved and that the Liaison Commissioner be included in discussions going forward.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Special Election Set for April 28, 2015 to Fill Mayoral Vacancy and Vacant City Commission Seats Known Prior to Publication: City Attorney Directed to Prepare a Resolution to Amend the Home Rule Charter for Citywide Vote to Remove Resignation Requirement:

The Board received a communication from City Attorney Erik Johnson stating there are some open questions from the December 8, 2014 informal City Commission meeting and the informal discussion held by the Board on Tuesday, December 16, 2014. He said suggested timelines for special elections were April 7 or April 14, 2015; however, it appeared from the last discussion that April 28, 2015 might be a suitable date. He suggested a motion preauthorizing the City Auditor to place City Commission vacancies on the election for the same date if the required notice deadlines can be met in doing so. Based on a Tuesday, April 28, 2015 special election, he said, the filing deadline would be February 23rd for anybody seeking the mayoral position, with a January 23rd publication deadline. Any Commissioners choosing to run would have until approximately January 21st as a cutoff for when their vacated seat could be included in that same special election, he stated.

Commissioner Williams moved the special election for the vacant seat of mayor be held Tuesday, April 28, 2015 and the City Auditor be directed to publish the appropriate notices for said special election.

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

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

Commissioner Piepkorn moved appropriate staff be directed to work with the Cass County Auditor and Cass County Commission to make arrangements for the special election.

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

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

Commissioner Williams moved to declare the same special election be used for the election of vacant seats on the City Commission that become known prior to the time the City Auditor publishes notice of such special election; and that the City Auditor be authorized to identify vacancies that may arise on the City Commission and to take such action necessary or appropriate to include vacancies on the same special election as the mayoral special election.

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

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

Mr. Johnson said the Fargo Home Rule Charter requires a seated Commissioner to resign before becoming a candidate for mayor. He said that could take effect after the election so the commissioner remains seated during the election. He said it has been suggested that the resignation requirement be revisited which can be done by placing the item on a citywide vote. He said at the direction of the Board, he could prepare a resolution as a first step to amend the Home Rule Charter to remove the requirement. He said if it were approved April 28th, it would not be in effect until the next election.

Commissioner Sobolik moved to direct the City Attorney to prepare a Resolution to amend the Home Rule Charter removing the resignation requirement, and to place it on the ballot for a citywide vote.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Mr. Johnson said the Board is authorized to amend the term limit requirement by Ordinance and Mayor Mahoney asked him to prepare some proposed language amending the Ordinance. He said the draft amendment would retain term limits but expand those term limits to five 4-year terms. He said the term limits would be the same whether a commissioner is seated as mayor, commissioner or combination during the course of any particular commissioner or mayor's continuous period in office.

Mayor Mahoney said expanding term limits allows someone to serve up to five terms and the Board could retain their value and experience. He said his understanding is that the current limits evolved to prevent a Commissioner from serving thirty or even forty years; however, sometimes there is a need for new blood. He said he is suggesting five terms as a starting point, the Board could choose another number.

Commissioner Piepkorn said he feels this needs to be addressed; however, in the midst of talking about elections, it does not seem an appropriate time. It could be discussed at a later date, he said.

Commissioner Williams said the term limits were created by Ordinance and can be amended by the Commission. Having staggered terms complicates things, he said, and some of the language could be made clearer. The amendment can wait, he said, there is no pressing reason to do it now.

Commissioner Sobolik said she appreciates the clarity in specifying limits would be the same whether a mayor, commissioner or combination. She said she thinks term limits can be good for a turnover of new ideas. She said it seems somewhat opportunistic to vote on it now and suggested the item be delayed until a later date.

Mr. Johnson said based on the conversation at the informal meeting on December 16, 2014, there does not appear to be a desire to select an appointed Commissioner to serve until the seat is filled by special election. He said the City Commission is authorized to make such an appointment at any time 15 days from the date of the vacancy.

Application Filed by Mama Jean's Eatery LLC d/b/a Mama Jean's Custom Catering for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Mama Jean's Eatery LLC d/b/a Mama Jean's Custom Catering for a Class "GH" Alcoholic Beverage License at 3241 42nd Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

City Auditor Steve Sprague said this item was brought before the City Commission on November 24, 2014 and referred back to the Liquor Control Board. He said he and Police Chief David Todd reviewed the process of screening applications and each is reviewed on its own merit and no two applications are the same. He said it is not recommended to have a set policy regarding criminal activity like DUI's. In this case the applicant had 2 DUI's, he said, the most recent occurrence being more than 5 years ago and the recommendation is to approve the license.

Commissioner Sobolik thanked Mr. Sprague and Interim Police Chief David Todd for taking the time to explain to her what is being looked at in the background checks and make it more clear as to what is being looked at and what raises concerns.

Mr. Sprague said each case is different and every item is looked at for its own merits.

Commissioner Piepkorn moved the application be approved.

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

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

Application to Transfer the Alcoholic Beverage License from Apple Acres, Inc. d/b/a Applebee's Neighborhood Bar and Grill to The Herd & Horns Sports Bar & Grill, LLC d/b/a Herd & Horns Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "FA" Alcoholic Beverage License from Apple Acres, Inc. d/b/a Applebee's Neighborhood Bar and Grill at 1414 12th Avenue North, Suite F to The Herd & Horns Sports Bar & Grill, LLC d/b/a Herd & Horns notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

City Auditor Steve Sprague said this item was before the City Commission on November 24, 2014 and referred back to the Liquor Control Board. The applicant has now requested Paul Boerboom be removed as one of the listed owners, he said, and with that consideration in place, the Liquor Control Board recommends approval of the license transfer.

Commissioner Piepkorn moved the application be approved.

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

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

Application Filed by Prairie Rose Meadery, LLC d/b/a Prairie Rose Meadery for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Prairie Rose Meadery, LLC d/b/a Prairie Rose Meadery for a Class "P" Alcoholic Beverage License at 3101 39th Street Southeast, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

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

2nd Street Floodwall Pedestrian Bridge Option with Switchbacks on Both the East and West Sides of the Bridge Approved: Scope of Work to Facilitate the Investigation of a Pedestrian Overpass at 2nd Avenue North and 2nd Street Approved:

The Board received a communication from the Downtown Community Partnership (DCP) thanking the City Commission, City staff and consultants for considering their request to connect the riverfront through the new flood control

system to Downtown along the Second Avenue North Corridor. They said the DCP Board recommends that both a crosswalk and a bridge be considered, the river access be designed to iconic standards, illustrations of future development opportunities of the southeast corner of the Civic Quad be rendered and 24/7 elevator access be included in lieu of the west switchback for bridge access.

City Engineer April Walker said at the September 29, 2014 City Commission meeting, staff was directed to reconsider how to facilitate pedestrian traffic with the construction of the 2nd Street Floodwall. She said staff reached out to the Houston Moore Group as the designer of the floodwall and engaged them to provide recommendations on options. There was discussion at an informational meeting held December 1, 2014 to provide an update on progress of the design, she said, as well as the pros and cons of an at-grade crossing versus a pedestrian overpass. She said an at-grade crossing is more cost effective; however, it is also more impactful to traffic on 2nd Street which will already be strained from a reduction in lanes. She said increased volume on fewer lanes would create a less safe environment for the pedestrian, and in addition it would require an additional opening in the floodwall. She said the construction of a bridge offers a variety of aesthetic options that could enhance the overall place making efforts for the civic quad; however, it does encroach into the 2nd Avenue view shed as it is four feet higher than the flood wall. She said the project team recommends the bridge option be carried forward.

Jeremy McLaughlin, Houston Moore Group, reviewed the two options, an at-grade option or a pedestrian overpass. He said there are significant traffic impacts and safety risks with the at-grade option, as well as an additional closure in the floodwall. Two bridge options were considered, he said, one being a precast beam bridge which was quickly eliminated. He said while functional, it does not offer opportunities for architectural enhancements. The option looked at in more detail is the pre-cast steel structure pedestrian bridge, he said, which offers more for opportunities from the architectural design standpoint. Various opportunities exist for various type fencing, lighting and greenery, he said. He outlined switchback and straight ramp options for the east and west sides. Estimated costs for an at-grade crossing would be \$350,000.00 to \$500,000.00, he said, while a pedestrian bridge with switchbacks on the east and west sides is estimated to be \$1.4 to \$1.7 million. A straight ramp on the west side and switchback on the east side would be about \$1.35 to \$1.65 million, he said, and the cost to add an additional ramp on the east side going north would be an additional \$200,000.00 to \$300,000.00.

In response to a question from Mayor Mahoney about whether these costs are in the budget, Ms. Walker said they are not. She said right now, for the design which is the first phase, a budget adjustment would be needed and the options would need to be worked into the 2017 construction budget. She said a decision must be made because this may affect the design of the floodwall which the Corps is expecting to be submitted in January to begin the review and to remain on schedule in 2015 and 2016 for the wall components. She shared a computer generated flyover of what the project could look like.

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the committee reviewed a scope of work from Houston Moore Group to complete an analysis for a pedestrian overpass and/or at-grade crossing of 2nd Street at 2nd Avenue North. They proposed this work be completed under the existing Diversion HMG Task Order No. 13; however, it is

understood that the City will be responsible for costs of the work without a contribution from the Diversion Authority. The total estimated cost is \$94,125.00 to be funded from Sales Tax funds.

City Administrator Pat Zavoral said he and Finance Director Kent Costin are putting together an overall bonding package which may be in the \$30 million range. He said it is being looked at incrementally, some of it City Hall, some parking, some riverfront development, and some flood protection and it will be presented when financing is formalized.

Commissioner Williams moved the pedestrian bridge option with switchbacks on both the east and west sides of the bridge be approved.

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

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

Commissioner Williams moved the scope of work to facilitate the investigation of a pedestrian overpass, in the amount of \$94,125.00, be approved.

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

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

#### Revised Floodproof Construction Requirements Policy Approved:

The Board received a communication from City Engineer April Walker stating the package presented at the November 24, 2014 meeting regarding the floodproofing rating credit (basement exception) is still under review by FEMA. She said it is anticipated a resolution may not be available by the adoption date of the new FEMA floodplain maps set to be January 16, 2015. At this time, she said, staff would like to move forward with consideration of a couple changes proposed within that package. She said one component to be considered is the review of structural design requirements for floodproof basements. A structural engineer was contracted to assist staff, she said, and some new parameters for the design of floodproof basements are being recommended. She said staff worked closely with the FM Homebuilders Association to make certain final changes being recommended are constructible and do not add significant costs. She presented a structural design report created by KLJ and said that because of the proposed structural design requirements impacting the floodproofing construction requirements policy, the policy was revised to incorporate the changes.

Commissioner Piepkorn moved the revised Floodproof Construction Requirements Policy, including the structural design changes to a floodproof basement be approved.

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

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

#### Resolution Adopted Approving the FIS Report and FIRM Effective January 16, 2015:

The Board received a communication from Assistant City Attorney Nancy Morris stating pursuant to a Cooperating Technical Memorandum of Agreement

between FEMA and Fargo, FEMA completed a re-evaluation of flood hazards in Fargo resulting in a revised Flood Insurance Study (FIS report) and Flood Insurance Rate Map (FIRM). In a letter dated July 16, 2014, FEMA notified the City that the FIRM for Fargo will become effective on January 16, 2015. She said as a condition of continued eligibility in the National Flood Insurance Program (NFIP), Fargo is required to adopt floodplain management regulations that meet NFIP regulations by the effective date of the FIRM. Chapter 21-06 of the Municipal Code has been amended to further conform to the regulations, she said, and the Resolution presented for approval is intended to serve as the legally binding document necessary for continued participation in the NFIP.

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, The city of Fargo and the Federal Emergency Management Agency entered into a Cooperating Technical Community Memorandum of Agreement dated February 4, 2002, to collaborate to improve and expand the collection, development, and evaluation of flood hazard data; and

WHEREAS, As a result of the collaboration, FEMA completed a reevaluation of the flood hazards in Fargo, and on July 31, 2012 FEMA provided Fargo with Preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) that identify existing flood hazards in Fargo; and

WHEREAS, The proposed flood hazard determinations were published in the Forum, the Cass County Reporter and the West Fargo Pioneer on January 7, 2013 and January 14, 2013 and in the Federal Register, at Part 67, Volume 77, Page 73492 on December 10, 2012;

WHEREAS, The statutory 90-day appeal period has ended, and all appeals have been resolved; and

WHEREAS, The flood hazard determinations for Fargo are considered final; and

WHEREAS, FEMA has advised that the FIS report and associated FIRM for Fargo will become effective on January 16, 2015; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of City Commissioners of the City of Fargo, North Dakota, hereby adopts the FIS report and FIRM issued by FEMA, effective January 16, 2015, as the governing standard for the city of Fargo;

BE IT FURTHER RESOLVED, That the Floodplain Management Regulations meeting the standards of NFIP regulations (44 CFR 57, et. seq.) are adopted in accordance therewith, including but not limited to Chapter 21-06 of the Fargo Municipal Code.

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

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

Contract with Land Elements, Inc. to Project Manage and Provide Landscape Architectural Services for The Fargo Project and Letter of Agreement for Lead Artist Jackie Brookner for The Fargo Project Approved:

Planning Administrator Nicole Crutchfield said the Board approved a request for qualifications to seek a landscape architect to manage and provide design services for The Fargo Project: World Garden Commons, a stormwater retrofit project at Rabanus Park. She stated staff received two proposals and recommends approval of a contract with Land Elements, Inc., located in Fargo. She said it is also appropriate as part of reviewing the contract, to present the project management and organizational structure suggested for implementing the design of The Fargo Project. The project is unique, she said, and there are committed obligations to fulfill due to grants and funding from the National Endowment for the Arts (2011) and ArtPlace America (2014). She said part of these obligations include coordinating across city departments, inclusion of local artists and community programming, and working with nationally recognized artist Jackie Brookner. She said the services requested at this time are for the preparation of final design and construction documentation. She said staff will bring requests for the construction of the pond retrofit project once construction documents and estimates are finalized, approximately in May of 2015.

Commissioner Sobolik said this project is exciting and brings in many partners in collaboration.

Commissioner Sobolik moved the contract with Land Elements, Inc. to provide project management and landscape architectural services for The Fargo Project and a letter of agreement with lead artist Jackie Brookner for The Fargo Project be approved.

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

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

State Water Commission Request for Cost Reimbursement for FM Diversion Flood Project Costs Approved:

City Administrator Pat Zavoral said the existing legislation in place for State Water Commission funding related to the FM Diversion Project requires the Fargo City Commission, Cass County Commission and the Cass County Joint Water Resource Board to approve all payment reimbursement requests prior to their submission and ultimate payment. The latest reimbursement request, about \$2.5 million, went toward part of the Oxbow levee construction and about \$1.1 million is eligible for reimbursement by the state, he said. About \$200,000.00 went toward acquisitions with half eligible for reimbursement by the state, he said, bringing the total of this request for funds to \$1,206,310.00.

Commissioner Sobolik moved the State Water Commission request for cost reimbursement for FM Diversion Flood Project Costs in the amount of \$1,206,310.00 be approved.

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

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

2014 Budget Amendments for General Fund Capital Outlay Approved:

City Administrator Pat Zavoral said the 2015 budget approval process included a mid-year 2014 General Fund appropriation of \$500,000.00 for capital outlay funding contingent upon 2014 year end surplus levels. He said revenues have been impacted by stronger than anticipated building permits, capital project administrative fees and interest on capital projects funding. There was uncertainty during the budget development process this year, he said, which is why a contingency was placed on additional capital funding. He said the Finance Committee reviewed revenues achieved and determined adequate surplus levels have been achieved to fund additional capital outlay requests in the 2015 budget. Approval of capital outlay funding of \$606,000.00 for departments within the General Fund is recommended, he said, plus \$200,000.00 for additional squad cars needed for patrol officers approved in the 2015 budget.

Commissioner Williams said adjusting mid-budget helps make better use of resources since it is not known at budget time what revenues will be. Finance Director Kent Costin comes very close in his projections, he said.

Commissioner Williams moved budget appropriations for capital outlay declared contingent upon year end surplus, in the amount of \$606,000.00, be approved and these funds be allocated on a lump sum method of distribution within General Fund Departments and \$200,000.00 additional capital funding needed for three more patrol squad units be approved.

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

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

Revision of the Fire Department Organizational Goals:

The Board received a communication from Fire Chief Steve Dirksen stating efforts are underway at the Fire Department to apply for reaccreditation. He said the process involves reviewing the risk within the City, developing a standard of cover that spells out response to incidents within the City, updating the current strategic plan and completing a performance appraisal. He said the majority of the appraisal is built on the Standard of Cover and Strategic Plan, which the Fire Department has been working to update; however, there is a need to adapt the current planning strategies. In 2002, he said, the Fargo City Commission adopted four planning strategies for the Fire Department which has been the basis for planning since that time; however, now, after many months of work, six goals have been compiled to better assist in meeting community needs. He said they are as follows:

1. Safeguard the community through proactive prevention, preparedness and public education programs.
2. Integrate emergency medical response capability with other service providers to ensure that the needs of the customer are met.
3. Ensure systems and processes are in place to minimize the impact on life and property from fires, disasters and other emergencies.
4. Recruit, develop and retain the highest quality team members and implement a comprehensive training program that provides for continuous education and career preparation opportunities to all personnel.

5. Maintain an organization that effectively administers, plans and manages the physical resources of the department.
6. The Fire Department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations and changes occurring in the community.

He said a site visit from peer assessors is anticipated sometime in April, with an affirmation vote of reaccreditation at the annual Fire Rescue International Chiefs Conference in August.

Commissioner Williams moved the six goals for the Fire Department be approved and appropriate staff be directed to use the goals in revising the department's strategic plan in preparation for reaccreditation.

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

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

#### Summary of 2014 Liquidated Damages Received and Filed:

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating the committee reviewed a summary of liquidated damages incurred for the 2014 construction season. As of December 8, 2014, they said, there was an estimated total of \$742,900.00 in liquidated damages incurred on contracts totaling \$30,335,061.00. It is assumed, they stated, that many of the parties impacted by the liquidated damages will present appeals to City staff for consideration and each appeal will be evaluated and recommendations will be forwarded as appropriate.

City Engineer April Walker said the damages have been communicated to the contractors and some will likely appeal. She said those appeals will be brought before the Board.

Commissioner Williams moved the Summary of 2014 Liquidated Damages be received and filed.

Second by Piepkorn. On call of the roll Commissioners Williams, Sobolik, Piepkorn and Mahoney 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, January 5, 2015.

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

The time at adjournment was 6:26 o'clock p.m.