

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: January 19, 2015:

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 19, 2015.

The Commissioners present or absent were as shown following:

Present: Williams, Sobolik, Piepkorn, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Piepkorn moved the Order of the Agenda be approved, moving Item No. 17 from the Consent Agenda to the beginning of the Regular Agenda.

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

Minutes Approved:

Commissioner Sobolik moved that the Minutes of the Regular Meeting of the Board held on January 5, 2015 and the Special Meeting held on January 14, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

1. Receive and file Year to Date – Budget to Actual Report for December 2014.
2. Pledged securities as of December 31, 2014.
3. Meter Reader I contract with Greg Akason for 2015.
4. 90-day extension of leave for Water Operator II Keith Ward.
5. Dissolve the Access Channel Board and replace with an Access Channel Committee comprised of City staff.
6. Precinct locations for elections held in 2015.
7. Joint Powers Agreement with Cass County detailing 2015 special election responsibilities.

8. Acceptance of a \$270,000.00 Affordable Housing Program grant from the Federal Home Loan Bank of Des Moines to support the City's neighborhood revitalization efforts.
9. Contract with Cass County Social Services for provision of in-home services to eligible individuals in Cass County.
10. Contract with the President's Council on Alcohol and Other Drugs at NDSU to provide substance abuse prevention services.
11. Change Order M-4 for an increase of \$3,612.00 for the Fargo Cass Public Health Remodeling Project.
12. Vehicle lease agreement with Valley Senior Services.
13. Purchase agreement with Dustin Helbling for property at 2929 Parkview Drive South.
14. Direct City Attorney's Office to draft an amendment to make it illegal to park a trailer on a front yard.
15. Receive and file Ordinance Amending Article 13-10 of Chapter 13 of the Fargo Municipal Code Relating to Recreational Aquatic Facilities.
16. Receive and file Ordinance Amending Section 11-0209.F of Article 11-02 of Chapter 11 of the Fargo Municipal Code Relating to Noise Control and Radio Interference (relating to noise in Parks).
17. 1st reading of an Ordinance Repealing and Re-enacting Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire (moved to the beginning of the Regular Agenda).
18. 2nd reading, waive reading and final adoption of the following rezoning Ordinances; 1st reading, 1/5/15:
 - a. Rezoning Certain Parcels of Land Lying in Legacy I Second Addition, Fargo, Cass County, North Dakota.
 - b. Rezoning Certain Parcels of Land Lying in Eagle Valley Addition, Fargo, Cass County, North Dakota.
19. Agreement for Special Improvements in Asleson Farms 2nd Addition with Valley Realty.
20. Partial Release of Deferral Agreements and Assessments for property with McShane Development, LLC.
21. Site Authorization for Sharehouse, Inc. at Rick's Bar.

22. Applications for Games of Chance:
 - a. Muskie's, Inc. F-M Chapter for a raffle on 2/12/15.
 - b. Kiwanis Club of Fargo for a raffle on 5/1/15.
 - c. Ronald McDonald House Charities of the Red River Valley for a raffle on 2/14/15.
 - d. Dakota Medical Foundation for a raffle on 1/23/15.
 - e. St. Mary's Cathedral for a calendar raffle from 3/29/15 to 5/1/15.
 - f. St. Mary's Cathedral for bingo on 3/14/15.

23. Tax exemptions for improvements made to buildings:
 - a. Jason and Shanna Christianson, 2614 33rd Avenue South (3-year).
 - b. Benjamin Davis, 2620 South Bay Drive South (3-year).
 - c. William and Lori Fischer, 3009 Peterson Parkway North (3-year).
 - d. Wanda Hanson and Dan Doyle, 423 7th Avenue South (5-year).
 - e. Larry and Rebecca Audette, 1119 2nd Street North (5-year).
 - f. Duane and Korina Hilsendeger, 1525 5th Street North (5-year).
 - g. Paul and Tanya Light, 207 15th Avenue North (5-year).
 - h. Janice Morley, 422 10th Avenue South (5-year).
 - i. David and Susan Middaugh, 3273 Evergreen Road North (5-year).
 - j. Nancy Rishling, 1726 Plumtree Road North (5-year).
 - k. Patricia Stanley, 3213 Cherry Lane North (5-year).
 - l. Keith and Paula Ternes, 3256 Longfellow Road North (5-year).

24. Engineering Technician I Contract with Angela Ringsaker for management of the Midcontinent build out.

25. Consultant Engineering Services contract with Moore Engineering, Inc. for Project FM-15-C and Houston Engineering, Inc. for Project MS-15-B.

26. Contract Amendment #1 for an increase of \$39,500.00 for Project FM-14-40 (6259).

27. Bills in the amount of \$6,070,600.49.

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.

Change Order No. 2 for Improvement District No. 6104 Approved:

Commissioner Sobolik moved approval of Change Order No. 2 for an increase of \$165,282.62 for Improvement District No. 6104.

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.

Final Balancing Change Order No. 2 for Improvement District No. 5996 Approved:

Commissioner Sobolik moved approval of Final Balancing Change Order No. 2 for an increase of \$7,575.39 for Improvement District No. 5996.

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.

First Reading of an Ordinance Repealing and Re-Enacting Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire: Direct City Attorney to Draft a Separate Ordinance Addressing Transportation Network Companies:

The Board received a communication from Assistant City Attorney Jason Loos stating he drafted an Ordinance which repeals and reenacts the Taxi Ordinance. He said some highlights of the new Ordinance include the following:

1. No longer issuing cab drivers licenses and doing background checks on drivers. A state issued drivers license will suffice and each business is charged with getting background checks done on their drivers.
2. Updating the language in the Ordinance to reflect new technology and new business models in the industry.
3. Regulating "party buses" and other vehicles for hire.

He said the reason for the change is due to the time and expense the Police Department has expended doing background checks and issuing taxi driver licenses. He said there were over 300 requests from taxi companies in 2014. The Ordinance also has some wording to reflect new technology, he said, the old one was written in the 1950's. Perhaps the biggest change, he said, is that it regulates the dispatch businesses rather than the actual cabs. He said media reports on the proposed changes resulted in concerns about regulation of companies referred to as Transportation Network Companies (TNC), such as Uber, Lyft, Haxi, Wingz and Sidecar. Many of those companies have been more willing to work with local governments to exist in harmony with traditional cabs because of lawsuits, he said. It may be a matter of when, not if, these types of businesses come to Fargo, he said. One big difference between TNC's and traditional taxi's is the use of surge pricing in which algorithms, based on a number of factors, are used to set fluctuating prices, he said, while most cabs operate under set fares. He stated insurance is an issue that has come up since the drivers use their own vehicles. The Board could change the proposed Ordinance to regulate TNC's or, he said, another option is to separate traditional taxis from TNC's by having the first reading of the taxi Ordinance and instructing staff to work on an Ordinance addressing Transportation Network Companies.

To clarify that background checks will continue to be done, Commissioner Sobolik asked Mr. Loos if that would change. The Police Department will no longer serve as the middle man, he said, instead the cab companies will be required to obtain background checks directly through the BCI. He said the Ordinance allows auditing of the companies to assure they comply.

Commissioner Piepkorn said he feels there needs to be a level playing field for both; for example, if taxis have to pay sales tax then the TNC's would also need to. He said he is for small business and new technology; however, safety is a concern

and he feels this is something the City should be involved with. He said he has heard many reports that it is difficult to find a ride late at night and this could be a way to help reduce that to avoid DUI's.

Commissioner Williams said the discussion on the transportation network companies is good for moving forward; however, at this time the proposed Ordinance is directed towards traditional taxis. He said he favors going ahead with the proposed Ordinance changes and bifurcating the traditional taxi regulations from the TNC's. He said staff could be directed to continue to look at the best way to move forward on TNCs. It is good to have multiple modes of transportation, he said.

Commissioner Sobolik said she would not want companies like Uber and Lyft to be limited from coming to Fargo. They provide a great service that many young people and professionals would likely use, she said. This is not to prevent them from coming, she said, it is more to get ahead of it and encourage such companies to work with the City.

Commissioner Williams moved first reading of an Ordinance Repealing and Re-Enacting Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire and that appropriate staff be directed to draft a separate Ordinance addressing transportation network companies.

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.

Request for Tax Increment Financing for a Project at 707 10th Street North Referred to Appropriate Staff for Review:

The Board received a communication from Planning Director Jim Gilmour submitting a request for PILOT or Tax Increment Financing (TIF) for a proposed project to be located at 707 10th Street North. He said the proposed project would be redevelopment of the site and the construction of a 16-unit apartment building at a cost of \$1.6 million. The TIF request is for \$339,000.00, he said. He said this property, a former convenience store, is deteriorated and redevelopment would provide more housing around NDSU.

Commissioner Sobolik moved staff be directed to submit the proposal to the City's financial advisors for review, to prepare a renewal plan and to draft a development agreement for the redevelopment of property at 707 10th Street North.

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.

Tom Thompson Reappointed to the City Hall–Auditorium Commission:

The Board received a communication from Mayor Mahoney recommending that Tom Thompson be reappointed to the City Hall-Auditorium Commission.

Commissioner Piepkorn moved Tom Thompson be reappointed to the City Hall-Auditorium Commission for a three-year term ending January 1, 2018.

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.

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

Commissioner Piepkorn moved the cost reimbursement from the State Water Commission for FM Diversion Flood Project costs in the amount of \$4,950,000.00 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.

Parcels of Land in Cedar Crest First Addition Rezoned (3315 and 3321 Westrac Drive South):

At a Hearing held on December 2, 2014 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural and LI, Limited Industrial to GC, General Commercial of the proposed Cedar Crest 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.

Planning Administrator Nicole Crutchfield said this project was somewhat difficult in that there is not an area plan or master plan in place for the 14-acre unplatted parcel. She said there is not a clear picture of what may have been envisioned for the future for some of these infill areas. The applicant is looking to sell off a corner of the parcel at this time, she said, however, plans are not in place for the remainder, which remains unplatted and unzoned. She said staff had concerns there may be some missed opportunities for the parcel as far as emergency and utility access and right-of-ways, and it is unknown whether it will be developed as an entire tract or divided. The applicant agreed to amend the plat to preserve possibilities for future right-of-way dedications and the Planning Commission and staff recommend approval.

Commissioner Williams said he feels this particular zoning change will be fine; however, there are other undeveloped and underdeveloped areas in this same category making it important to address area plans to avoid haphazard development in prime areas.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

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

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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.

Resolution Adopted Approving Cedar Crest First Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Cedar Crest First Addition" containing 1 Lot, 1 Block, and 3.193 acres of land more or less, located at 3315 and 3321 Westrac Drive South; and

WHEREAS, A Hearing was held December 2, 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 January 5 and 12, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., January 19, 2015 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 "Cedar Crest First Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

Commissioner Sobolik said, because Nicole Crutchfield could not attend, she had the privilege of attending a summit and presentation in San Francisco on creative place making put on by the Federal Reserve Bank of San Francisco and the National Endowment for the Arts. She said Ms. Crutchfield is one of twenty-some authors featured in a journal on creative place making issued by the Federal Reserve Bank. She said Ms. Crutchfield wrote about The Fargo Project, and she congratulated and thanked her for bringing such quality work to the City of Fargo.

Site Authorization for West Fargo Hockey Association Approved:

The Board received a communication from Mayor Mahoney stating a meeting was held on January 12, 2015 with representatives of the West Fargo Hockey Association (WFHA). The purpose of the meeting, he said, was to discuss the WFHA request for approval of their annual gun raffle. There appears to be problems with their Limited Scope Review, he said, which according to the City of Fargo Gambling Guidelines has to be completed prior to a Site Authorization being approved by the City Commission.

Mr. Lester said due to the fact that most of their records are with the State Attorney General's office for gaming audit purposes, WFHA was not able to complete the Limited Scope Review with the City. He said he is requesting that their application for this year's gun raffle, tentatively scheduled for March 21, 2015 at the Holiday Inn, be allowed to go forward.

Mayor Mahoney said Mr. Lester has committed to meet again with Gaming Auditor Terri Leier-Sprenger at a set date and has assured him that future rules and guidelines will be followed by WFHA.

Commissioner Piepkorn moved the Site Authorization for the West Fargo Hockey Association to conduct a raffle at the Holiday Inn on March 21, 2015 be approved, with the assurance that all raffle records for the activity conducted will be provided to the City of Fargo by May 1, 2015 and with the understanding that no further gaming will be approved for the WFHA without compliance of the City of Fargo Gambling Guidelines.

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.

Professional Services Agreement for Project No. MS-15-E0 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the City Hall parking lot is being impacted by the FM Diversion project and as part of that project the City will receive a payment associated with the project impacts to the parking lot. They said that with the roadway moving west, infrastructure currently under the parking lot needs to relocate and the lot will be used as a staging area for the construction of the flood risk reduction project. The remainder of the parking lot will need to be reconstructed at the end of the flood control project, they said. The City has subsequently determined that City Hall will be located in the northern portion of the parking lot, they said; therefore, the agreement will cover the design associated with the remainder of the area to the south of the new building's footprint and plaza. The Finance Committee has determined that hiring Houston Engineering as a sole source to complete the work would be

appropriate, they said, continuing the work that they have already performed on the flood control project.

City Engineer April Walker said it would be beneficial for coordination and staging to work with a single design engineering firm and Houston Engineering has already been awarded some of the work. She said the interim design for the parking lot looks at lowering the grade for the short term, until redevelopment on the site.

Commissioner Piepkorn said he supports the study; however, his main concern is the cost involved to excavate and lower the lot if it may be changed later for redevelopment.

Commissioner Williams said initial renderings for City Hall had a flat parking lot and now it appears there will be parking below the new City Hall. This work is needed to make way for possible future plans for the southeast portion of the City Hall quadrant, he said.

Commissioner Williams moved the Professional Services Agreement with Houston Engineering in an amount not to exceed \$137,459.00 for Project No. MS-15-E0 be approved.

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.

Contract Time Extension for Improvement District No. 6104 Approved:

Commissioner Piepkorn moved approval of a contract time extension to October 29, 2014 for Improvement District No. 6104.

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.

Discussion on the 12th Avenue Toll Bridge:

Commissioner Piepkorn said he would like to discuss removing the toll on the 12th Avenue North Bridge before road construction begins on Second Street North. He said he knows the toll bridge is still in litigation; however, it would be tremendously helpful if it could be opened up soon due to the work on the levee that will push traffic onto 4th Street North.

City Attorney Erik Johnson said the lawsuit is brought by the City of Moorhead against the Bridge Company. He said the City of Fargo is a defendant as well, although in a more passive position. Moorhead got a judgment in District Court that said the Bridge Company had to turn the property over to the two cities, he said, which has been appealed. There is a question about what happens to the underlying decision when a case is under appeal like this, he said, and that issue is being worked on now. It is possible the District Court Judge could tell the Bridge Company to turn the bridge over immediately. He said there is a hearing coming up very soon, and that could put it into the possession of the cities fairly quickly, prompting the issue of what to do about the toll.

In response to a question from Mayor Mahoney about the condition of the bridge, April Walker said there have been several inspections on the bridge which found it in fairly good shape.

Mayor Mahoney said he would visit with Moorhead Mayor Del Rae Williams in preparation for the end of litigation to find out what Moorhead's intent is. He said it is possible Moorhead may want to leave the toll in place for awhile.

In response to a question from Commissioner Piepkorn about the timeline for the Second Street project, April Walker said it is envisioned that a single contract will be let for everything south of Third Avenue. She said it would be a multi-year contract beginning in 2015 and carrying it into 2016. She said they will push to get First Avenue reopened to traffic by fall of 2015. Depending on contractor resources, she said, potentially Second Street could be open another winter; however, once work begins it will remain closed through 2016 when the road is relocated and the flood wall is built. She said work will be done from Fourth Avenue down to Third Avenue in 2016, with the only work being done in that area in 2015 being the demolition of the buildings needed to be acquired to make room for the road relocation.

Discussion on Road Construction Policies:

Commissioner Piepkorn said he would like to discuss road construction policies including burying overhead lines to include lines underground for new technology, as well as completion of major thoroughfares as quickly as possible including incentives and requirements for longer work days. He said it bothers him to see how beautiful trees have been trimmed due to overhead power lines. He said a good time to bury power lines and conduits for technology is when the roads are torn up.

Mayor Mahoney said he and April Walker have discussed scheduling a brown bag meeting to discuss this in more detail, inviting Xcel and Cass County Electric, as well as other stakeholders who may be engaged in the topic.

Division Engineer Brenda Derrig said there are different categories of rights-of-way, particularly for overhead power lines:

1. The utility company has a franchise agreement to service all of the City.
2. If not franchised, a right of occupancy permit is done.
3. Some utility companies do easements prior to platting.

The existing overhead lines are transmission lines going through town or to a substation, she said, or they are in the older areas of town. She stated the current practice is to not allow overhead power lines in new developments and to not allow expansion of the existing ones. Whether the easement was in place prior to platting is a factor in reimbursement for a project that involves relocation, she said. Costs for burying lines are very expensive, she said, as an example, when 52nd Avenue was done in 2007 it cost about \$1.5 million for 3,000 feet. She said the local utility companies have been cooperative with joint trenching which has been successful in arterial corridors where room is limited.

Commissioner Williams said it is wise to maximize opportunities for burying lines when streets are being dug up anyway. He said co-location makes sense and the City has placed innerduct when possible.

Ms. Walker said recently additional funds were requested from the Finance Committee to place additional conduit when utilities are moved for the Second Street flood project. She stated this will provide for expansion and prevent additional disruption in the future should new users emerge. This could be done more aggressively, she said; however, the upfront investment needs to be recognized. As far as completion incentives, she said, that tool has to be implemented ahead of

bidding and is generally used in areas of high impact to the traveling public. As of now, she said, an incentive is being proposed for the 13th Avenue South project and will be coming before the Board.

Commissioner Piepkorn said incentives are a positive reinforcement and he feels they are necessary for projects in high traffic areas. He said his intention in proposing longer work days be required for some projects is not to ask for 24 hour days, but to encourage the best use of summer's longer hours so projects finish faster.

Mayor Mahoney said this could be looked at in more detail in meetings with staff to discuss pros and cons as well as costs. He said it does increase costs since Engineering staff would incur longer hours for oversight of projects.

Discussion on One-Stop Shop for Developers, Builders and New Businesses:

Commissioner Piepkorn said when touring Lincoln, Nebraska, he was impressed with their customer-friendly concept of one central go-to place for developers.

City Administrator Pat Zavoral said the One-Stop Shop idea for cities has been around for some time and the City of Fargo embraces that idea.

Commissioner Williams said having a go-to person for Renaissance Zone and parking downtown was really helpful; however, recently some duties have been divvyed up. He said having one person or department to go to is an advantage for businesses and citizens. The City has fine staff and it is not a matter of talent, he said, it is more a matter of coordination.

Commissioner Sobolik said staff does a good job and often the Planning Department is the spot everyone goes to. The new City Hall will help with the efficiencies, she said.

Planning Director Jim Gilmour said there is decent coordination and staff does their best at helping residents and businesses work through the process. He said cross training staff is important for when a go-to person may not be available.

Commissioner Piepkorn said it seems developers tell the City what they want and, within reason, it gets done rather than a long term vision being enforced. He said there is a need to do a better job of looking 20-50 years down the road and telling developers what is wanted and how they can fit in.

Mr. Gilmour said a long term vision is important. He said the City needs to be relatively firm on arterial collector streets and general land use transitions; however, there is a need to respond to changes and flexibility is important. Good area plans are in place down to 64th Avenue South, he said, although the pace of development has gotten ahead of planning, there is a need to catch up.

Commissioner Williams said staff does a good job; however, the Board does not always take the time to discuss the way to go forward. A self analysis to see where the City is at is in order, he said. Although it was not really a factor in the past, he said, land is limited and things are changing.

Mayor Mahoney said some of these issues could be discussed in an informal setting as well.

Legislative Update:

City Administrator Pat Zavoral reviewed the 2015 Legislative issues matrix and shared the week's legislative hearings and a document outlining how State revenues

are impacted when the oil prices rise or fall. Today is the last day the House of Representatives can submit bills, he said, with the Senate's last day being next Monday, so there will be new bills coming. He said HB1137 creates a capital infrastructure revolving loan fund which the City currently has concerns about because of limited funding and it favors cities with growth rates over 6%.

Director of Finance Kent Costin said the City supports HB1067 which addresses the allocation of revenues using the most current census data to determine State Aid and gets aid to the faster growing cities. There are currently six sales tax exemption bills and the City opposes them because of their affect on revenue, he said, with the exception of one for thrift stores.

Fire Chief Steve Dirksen said HB1011 is for building a new Highway Patrol Center in Bismarck for training, and he would like fire training added for regions due to it being cost prohibitive to send staff to Bismarck for training. HB1112 deals with disaster funding, he said, and opens up dollars for disasters without a Federal disaster declaration. He said his understanding of HB1241 is that it allows medical workers to have firearms in their vehicles, which he does not feel is a good idea although he would like to look into it further.

City Assessor Ben Hushka said there are several homestead credit property tax reduction bills proposed and currently the City is only supporting SB2221 which benefits the lowest income property owners.

City Attorney Erik Johnson said HB1341 is opposed because it makes special assessments citywide unless there is clear evidence there should be a smaller district. He said this conflicts with Fargo's Home Rule Charter amendment that says specials cannot be citywide without approval by a 60% citywide vote. This not only creates problems with the current method for specials assessments, he said, but also with bonding. A modification is suggested to section 4 of the Governor's budget, SB2144, he said, which includes a provision that impedes an Airport Authority's ability to issue general obligation bonding.

Mr. Zavoral said SB2126 is supported because it provides affordable housing. He said the Housing Authority is seeking \$20 million in that budget for the High Rise. He asked the Board to endorse the staff's recommendations on whether to support or oppose current legislation.

Commissioner Williams moved approval of the support and oppose matrix of bills as presented.

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 Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, February 2, 2015.

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

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