

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: November 9, 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, November 9, 2015.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Williams moved the Order of the Agenda be approved moving Item No. 9 from the Consent Agenda to the Regular Agenda and adding an update from Great Rides Fargo to the end of the Regular Agenda.

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

Minutes Approved:

Commissioner Gehrig moved that the Minutes of the Regular Meeting of the Board held on October 26, 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. 1st reading of the following Ordinances:
 - a. Amending Sections 25-1506, 25-1507, 25-1508, 25-1511 and 25-1512 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (Renaissance Venue, Class RZ-V license).
 - b. Amending Sections 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (distillery hours of operation, Class DD license).

2. 2nd Reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Knollbrook Addition to the City of Fargo, Cass County, North Dakota.

3. Assignment of existing tax increment financing note 2007-02 from DFI AL, LLC to Bison Crossing, LLP.

4. Direct City Attorney's office to review and update Article 13-10 of the Fargo Municipal Code relating to Recreational Aquatic Facilities.
5. Grant Agreement with Lutheran Social Services of North Dakota for Refugee Health Services in the amount of \$20,258.00 (Contract #2016-HP 1).
6. 2015 Health Department budget adjustments and Grant Agreement with Dakota Medical Foundation, in the amount of \$12,000.00, for dietitian consulting services provided by Deb Haugen for a Cass-Clay School Wellness Policy Project.
7. 2016 Health Department budget adjustments and Grant Agreement with Dakota Medical Foundation, in the amount of \$12,000.00, for dietitian consulting services provided by Deb Haugen for a Cass-Clay School Wellness Policy Project.
8. Change Orders for the Fargo Cass Public Health Remodeling Project:
 - a. No. F-1 for an increase of \$807.85.
 - b. No. F-2 for an increase of \$59,737.78.
 - c. No. F-3 for an increase of \$248.40.
 - d. No. SG-2 for an increase of \$4,278.00.
9. 2015 Police Department budget adjustment and COPS Hiring Program grant award in the amount of \$428,994.00 (CFDA #16.710) (moved to the Regular Agenda).
10. Applications for Games of Chance:
 - a. Northern Plains Botanic Garden Society for a calendar raffle from 1/1/16 to 6/30/16; Public Spirited Resolution.
 - b. Nativity Elementary School for a raffle on 2/5/16.
 - c. Children's Village Family Service Foundation for raffle boards and raffle on 11/20/15.
 - d. HeartSprings for a raffle on 12/8/15.
 - e. El Zagal Escort Motor Patrol for a raffle on 3/24/16.
 - f. Davies Eagle Elite for a raffle on 11/14/15.
11. Applications for property tax exemptions for improvements made to buildings:
 - a. Richard Lea and Kate Rogness, 2408 26 1/2 Avenue South (3 year).
 - b. Ray and Karen Frohlich, 3025 Peterson Parkway North (3 year).
 - c. James and Elizabeth Berglund, 2530 25th Avenue South (3 year).
 - d. Lee Frigen, 3149 24th Avenue South (3 year).
 - e. Eric and Anne Grande, 3048 Hickory Street North (3 year).
 - f. Kevin and Tannia Miller, 2608 25th Avenue South (3 year).
 - g. Richard Clarens, 417 24th Avenue North (5 year).
 - h. Roger and Cheryl Raaf, 2602 12th Street South (5 year).
 - i. Erik and Jessica Larson, 3608 Evergreen Road North (5 year).
 - j. Jack and Kathleen Barrows, 2508 Columbus Circle South (5 year).

- k. Keith R. and Dorothy M. Mastrud, 5 South Woodcrest Drive North (5 year).
 - l. Bradley and Lisa Jordahl, 2314 21st Avenue South (3 year).
 - m. Lori and Kevin Ellingson, 3038 19th Street South (3 year).
 - n. Joan K. Justesen, 134 35th Avenue Northeast (3 year).
 - o. Daniel and Larae Zutz, 1234 4th Street North (5 year).
 - p. Heidi and Jeffrey Vanlaningham, 96 Meadowlark Lane North (5 year).
12. Purchase of one snow plow, box and wing from Northern Truck Equipment for \$88,460.00.
 13. Amendment of Lease – 2016 Farm Season with Evan Holmen for property in Barnes Township.
 14. Sole source purchase of a used AEBI slope mower from EDM Inc. in the amount of \$40,000.00.
 15. Expenditure of NSP funds for the acquisition and redevelopment of 20 8th Avenue North for \$20,000.00.
 16. ND DOT contract award in the amount of \$61,043.00 for State Aid for Public Transit from 10/10/15-6/30/16 (Contract #38152139).
 17. Submission of grant application for transit funding to the State of North Dakota ND DOT for 2016 Section 5339 Bus and Bus Facilities Grant.
 18. Permanent Easement with Consolidated Communications Enterprise Services, Inc. to jointly use a 10-foot easement with Dakota Carrier Network (DCN) on City owned property at 320 Machinery Row Avenue.
 19. Contract Amendment #3 for an increase of \$55,785.00 for Project No. FM-14-61.
 20. Contract Amendment #2 for an increase of \$9,893.00 for Project No. FM-14-40.
 21. Purchase Agreement – Permanent Easements with Desautels Revocable Living Trust for Project No. 5946-02.
 22. Bid Award for Project No. HD-15-B1 to Industrial Builders, Inc. in the amount \$273,669.00.
 23. Bills in the amount of \$11,136,804.74.

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

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

Bids Rejected for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-15-A1: Project to be Rebid:

The Board received a communication from City Engineer April Walker stating bids were opened at 9:30 a.m., Friday, October 9, 2015 for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-15-A1. She said the low bid exceeded the Engineer's estimate by 38%. The project needs will be reassessed, she said and the plan is to bid the project in February 2016.

Commissioner Sobolik moved the bids for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-15-A1 be rejected and the project be rebid.

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

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

Contract Time Extension for Improvement District No. BN-15-L1 Approved:

Commissioner Sobolik moved approval of a contract time extension to November 30, 2015 for Improvement District No. BN-15-L1.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Williams, Gehrig and Mahoney 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. 6249 Approved:

Commissioner Sobolik moved approval of Final Balancing Change Order No. 1 for an increase of \$21,485.50 for Improvement District No. 6249.

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

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

Change Order No. 1 for Improvement District No. BN-14-51 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 for an increase of \$65,520.09 for Improvement District No. BN-14-51.

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

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

Change Order No. 1 for Improvement District No. PN-14-61 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 for an increase of \$124,100.00 for Improvement District No. PN-14-61.

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

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

Resolution Adopted Authorizing the Issuance of Refunding Improvement Bonds, Series 2015D, Approving Certain Actions, Awarding the Sale Thereof and of the Warrants Related Thereto, Prescribing the Terms and Covenants Thereof, and Creating a Fund for the Payment Thereof (Attachment "A"):

Commissioner Williams moved the Resolution entitled "Resolution Authorizing the Issuance of Refunding Improvement Bonds, Series 2015D, Approving Certain Actions, Awarding the Sale Thereof and of the Warrants Related Thereto, Prescribing the Terms and Covenants Thereof, and Creating a Fund for the Payment Thereof" and referred to as Attachment "A", be adopted and attached hereto.

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

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

Bid Awards for Fire Station No. 1 - Headquarters Remodel Project Approved:

The Board received a communication from Fire Chief Steve Dirksen stating the City Commission authorized spending of up to \$3 million to remodel the Fire Station headquarters with the contract being awarded to Image Group Architecture and Interiors. He said Image Group developed an RFP which included development of a base bid for the entire project. Bids were opened on October 15th, he said, and low bid results were as follows:

General Contractor – Roers Construction	\$1,396,000.00
Mechanical Contractor – Grant’s Mechanical, Inc.	\$ 588,574.00
Electrical Contractor – Laney’s Inc.	\$ 396,800.00
<u>Asbestos Abatement – Environmental Abatement Services</u>	<u>\$ 86,625.00</u>
Total Bid Amount	\$2,467,999.00

He said he was directed to have an alternate deduct from the base bid that removed the cost of the museum and those bids were as follows:

General Contractor – Meinecke-Johnson	\$1,175,000.00
Mechanical Contractor – Grant’s Mechanical	\$ 554,840.00
Electrical Contractor – Laney’s Inc.	\$ 385,300.00
<u>Asbestos Abatement – Environmental Abatement Services</u>	<u>\$ 86,625.00</u>
Total Bid Amount	\$2,201,765.00

The FFD applied for and was awarded an Assistant to Firefighters Grant in the amount of \$100,000.00, he said. The federal share is \$90,910.00, he said, and the local share is \$9,090.00 which will pay a portion of the asbestos abatement and the addition of a sprinkler system.

Commissioner Gehrig said the right way to have a museum in the Fire Station is by privately funding it. He said he does not feel that it is the local government’s responsibility to operate and maintain a museum. This is a want, not a need, he said, and it is not the most cost effective way to move forward by having the taxpayers fund this on their own.

Mayor Mahoney said private funds can still be solicited for the museum.

Commissioner Williams moved the bids for the Fire Station No. 1 – Headquarters Remodel project be awarded to Roers Construction for General Contractor in the amount of \$1,396,000.00; Grant’s Mechanical, Inc. for Mechanical

Contractor in the \$588,574.00; Laney's Inc. for Electrical Contractor in the amount of \$396,800.00; and Environmental Abatement Services for Asbestos Abatement in the amount of \$86,625.00.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Commissioner Gehrig suggested that any funds for the museum be privately funded.

Request for Proposals for Redevelopment of 625 2nd Avenue North Approved:

The Board received a communication from Planning Director Jim Gilmour and Planner Joe Nigg stating they would like to seek proposals from developers or interested investment groups to develop City-owned property at 625 2nd Avenue North. They said the RFP would also make City-owned property at 624 2nd Avenue North available for acquisition or redevelopment. As stated in the RFP, they said, the City is looking for a design concept that would result in an urban scale, mixed-use development with an integrated parking structure that would accommodate approximately 400 spaces. They said the City's development goals are for high quality construction, mixed-use and active street front or alley retail/commercial; urban scale development with consideration to surrounding urban context; and to integrate a parking structure with approximately 400 parking spaces that would be publicly owned following completion of the project. After selection of a proposal, they said, the City would like to negotiate a public/private partnership.

Commissioner Williams moved the request for proposals for the redevelopment of 625 2nd Avenue North be approved.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

2016 Parking Facility Rate Schedule Approved:

The Board received a communication from Planner Joe Nigg stating that over the last few years the Parking Commission has reviewed the parking facility rate schedule on an annual basis and recommended adjustments based on shifting dynamics and economics in the downtown area. In 2014 and 2015, he said, slight rate increases were implemented at a majority of the City's parking facilities. He said Interstate Parking has worked closely with the Parking Commission to establish a pricing strategy that will increase revenue while also creating a greater rate spread between high demand facilities (Civic Ramp, 2nd Avenue North Lots and GTC) and the facilities with less demand. He said with a majority of parking facilities at or well over capacity, the proposed rate schedule recommends increases in 2016 that range from \$2.00 to \$18.00, largely dependent upon location and demand.

Commissioner Williams moved the 2016 Parking Rate Schedule be approved effective January 1, 2016.

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

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

COPS Hiring Program Grant Award Approved:

The Board received a communication from Chief of Police David Todd stating the United States Department of Justice – Office of Community Oriented Policing Services (COPS) has awarded the Fargo Police Department \$250,000.00 for the purpose of adding two police officer positions to the department. He said the money is to be used to pay a portion of the salary and benefits of the two officers over a three-year period. The total cost of funding two police officers for three years is \$428,994.00, he said, with the City's responsibility being \$178,994.00. A condition of accepting the grant award requires that the City retain two positions for a minimum of one year following the three years of federal funding of the positions, he said.

Director of Finance Kent Costin said the City has received COPS grants in various capacities in the past and they are unique in that they provide a cost share with this one being set up with a 75/25 match, he said. He said once the grant is accepted the City is obligated to fund the \$178,000 over the next three years. During the 2016 budget preparations the City did not include any funds in the budget for the local share. He said Commissioner Gehrig came to him today questioning why the City did not include this cost in the budget and his response to that question is that there is never a guarantee that the City is going to get the grant money, so funds were not included in the budget. In addition, he said, in order to be compliant with the Federal grant award requirements, funds cannot be budgeted for these positions.

Commissioner Gehrig said he does not feel that the statute is as clear as being presented. He said it states that the City cannot have funds available for those people; however, it does not state that the City cannot have the local share in place, so at a minimum there should be a buffer in place each year that if the City applies for grants that is included in the budget.

Commissioner Williams said sometimes these grant opportunities just come up and it is hard to predict when grants may become available. He said it may be in the best interest of the City to have a go to strategy for these types of circumstances; however, the City cannot anticipate every opportunity available.

Chief of Police David Todd said he would like to caution the City in creating a line item in the budget of extra money, due to the fact that the Federal government may look at that as planting which could result in them auditing the City.

Mayor Mahoney said the Finance Committee will take a look at the policy to address Commissioner Gehrig's concerns.

Commissioner Williams moved the COPS Hiring Program Grant be approved and an adjustment be made to the 2015 budget in the amount of \$428,994.00.

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

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

Proposal from NTI, Inc. for Geotechnical Work Associated with the Redesign of the City Hall Project Approved:

The Board received a communication from Interim City Administrator Bruce Grubb stating a sole-source proposal has been solicited from Northern Technologies,

Inc. for additional geotechnical exploration and analysis associated with the City Hall project. He said construction bids for the project were previously rejected due to the low bid exceeding the architects estimate and, at the time, the City Commission also instructed staff to look into the possibility of a redesign of City Hall in an effort to reduce costs. He said the proposed geotechnical work will provide a second opinion of the foundation requirements for the City Hall project and was approved by the Finance Committee in an amount not to exceed \$25,080.00.

Commissioner Williams moved the proposal from NTI, Inc, in an amount not to exceed \$25,080.00, for geotechnical work associated with a redesign of the City Hall project be approved contingent upon the City Attorney's review of the contract.

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

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

Update on Great Rides Fargo:

Director of Operations for Great Rides Fargo Sara Watson Curry said Great Rides Fargo is dedicated to building healthy individuals and communities by encouraging the use of bicycles for lifestyle sport and recreation. She said on behalf of the Board of Directors and staff she would like to extend a sincere thank you to the City for supporting this program. Great Rides is the first technological driven bike share system in the state of North Dakota, operating a fleet of 101 bicycles that are available for short point-to-point trips at eleven stations located throughout NDSU's campus and downtown Fargo. She said they just wrapped up an incredible first season November 1st with a typical two to three rides per bike each day with a top day of the program seeing over twenty rides per day. She said it is worth noting that the previous record in the United States set by Austin, Texas was half of this number. Each bike in the system took an average of 1,400 trips, she said, with the top bike "Old Faithful" taking 2,005 trips this season. She said they have received numerous calls and emails from other cities wondering how to accomplish what the City of Fargo has with this program.

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, November 23, 2015.

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

The time at adjournment was 6:06 o'clock p.m.