

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Adjourned Regular Meeting: Tuesday: June 24, 2014:

Agreeable with adjournment the Board of City Commissioners of the City of Fargo, North Dakota, convened in Adjourned Regular Meeting in the City Commissioners' Room at the City Hall at 11:30 o'clock a.m., Tuesday, June 24, 2014.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Walaker presiding.

Oath of Office Administered to Mayor Walaker and Commissioners Mahoney and Piepkorn:

Municipal Judge Steve Dawson administered the Oath of Office to Mayor Dennis Walaker and Commissioners Timothy Mahoney and Dave Piepkorn.

Commissioner Mahoney Appointed Deputy Mayor:

The Board received a communication from Mayor Walaker recommending that Commissioner Mahoney be appointed Deputy Mayor.

Commissioner Sobolik moved Commissioner Mahoney be appointed Deputy Mayor.

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

Commissioner Mahoney abstained from voting.

The motion was declared carried.

Liaison Commissioner Assignments Approved:

The Board received a communication from Mayor Walaker submitting the following recommendations for Liaison Commissioner assignments:

Mahoney

Departments: Health, Finance

Committees: MetroCOG, GFMEDC, Community Development, Finance, Diversion Authority

Board Liaison: Board of Health

Sobolik

Departments: Planning

Committees: MetroCOG, Cass County Planning, Community Development, Fargo Youth Initiative, Metro Area Transit Coordinating Board, Renaissance Zone, Diversion Authority

Board Liaison: Planning, Board of Adjustment, Historic Preservation, Housing Authority, Human Relations, Native American

Walaker

Departments: Engineering, Enterprise, Operations, City Commission, Human Resources
Committees: GFMEDC, Finance, Liquor Control, Position Evaluation, Tax Exempt Review, Utility, Vector Control, Diversion Authority
Board Liaison: Airport Authority

Williams

Departments: Fire, Information Services
Committees: MetroCOG, Cable Review, Metro Area Transit Coordinating Board, Parking, Renewable Energy and Conservation, Traffic Tech, Utility
Board Liaison: Library, Auditorium

Piepkorn

Departments: Police
Committees: MetroCOG, Liquor Control, Position Evaluation, Renaissance Zone, Tax Exempt Review, Fargo Dome Finance Committee
Board Liaison: Fargo Dome Authority, Civil Service, Special Assessment

Commissioner Mahoney moved the recommendations submitted by Mayor Walaker be approved as outlined above.

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

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

Resolution Adopting Rules and Regulations Relative to the Operation of the Agenda and Conduct of City Commission Meetings:

The Board received a communication from Executive Assistant Sharon Odegard submitting a copy of a Resolution adopting rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, It is desirable that the transaction of City business be done in an orderly fashion; and

WHEREAS, The Board of City Commissioners of the City of Fargo deems it desirable and necessary to promulgate rules and regulations for the guidance of commissioners and citizens.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Fargo that the following rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings IS HEREBY ADOPTED, superseding any and all former rules and regulations which have been adopted:

I. AGENDA

- A. There shall be one agenda prepared for each meeting.

- B. Any City Commissioner, City employee or citizen of the City may place an item or issue on the agenda.
- C. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- D. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- E. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public records of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- F. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there, or by his or her duly and properly authorized agent.
- G. Any items or issues which have not qualified for the regular agenda under the rules as stated above, or any new and timely issues which arise after preparation of the regular agenda may, with the consent of a majority of the City Commissioners who are present and voting, be considered as an extra item.
- H. Ordinances shall be sponsored by a member of the Board of City Commissioners or the City Commission as a whole. Any citizen or City employee desiring any ordinance change shall submit such request to a member of the Board of City Commissioners or to the Commission as a whole. No ordinances shall be drafted by the City Attorney, except upon request of a member of the Board of City Commissioners or by the City Commission as a whole.
- I. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
 - 1. Consent agenda at the beginning of the agenda. The consent agenda shall be non-controversial routine items as may be determined by the Executive Assistant.

2. Non-consent agenda at the end of the agenda. Non-consent items shall be as determined by the Executive Assistant.
- J. The calling and conduct of special meetings shall be in accordance with ordinances of the City of Fargo and laws of the State of North Dakota.

II. RULES GOVERNING CONDUCT OF CITY COMMISSION MEETINGS

- A. Meetings shall be conducted in accordance with Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
- B. At each regular meeting, the first item of business shall be the consideration and approval of the agenda, including the deletion of any item which the Commission deems to be frivolous or repetitious and the addition of requested extra items.
- C. The Mayor or other presiding Commissioner will announce the item on the agenda. It is suggested the person who requested placement of the item on the agenda will then be given up to three (3) minutes to present any additional information not included in the letter. There will be opportunity for input after a motion is made and seconded. Proponents will be recognized first, then opponents. It is suggested persons wishing to speak will be allowed no more than three minutes each. Time for each side will be designated by the Chair. Additional time will be allowed only if Commissioners have questions or if there has been a majority vote to allow additional discussion. The item will be voted upon and no further discussion will be allowed.
- D. Each member of the Board of City Commissioners shall vote on every issue unless absent from the meeting or excused from voting. Any member wishing to be excused from voting, or who does not feel qualified to vote because of a conflict of interest, shall ask to be excused from voting and state the reasons therefore. The remaining Commissioners shall, by majority vote, either grant or deny such request to be excused. If the Commissioner making such request is excused, he or she shall be deemed to be disqualified and the abstention shall not be counted as an aye or nay. If the request is denied and the Commissioner refuses to vote, his or her vote shall be deemed to be the same as the majority of those voting.
- E. The Chairman of the meeting shall not refuse to recognize any member who wishes to make a motion or to be heard on a particular item.
- F. A member of the Board of City Commissioners voting with the minority on any issue may not move to reconsider that issue or place the matter on the agenda again until a minimum of 28 days has elapsed since the issue was last considered.

- G. In the event that any member of the Board of City Commissioners moves to reconsider an issue previously decided after formal hearing pursuant to published notice, the Board shall vote on the motion to reconsider, subject to the restrictions contained in rule F above. In the event the motion for reconsideration passes, the matter shall not be reconsidered until all persons appearing at the original hearing on the matter have been advised and offered an opportunity to appear and be heard again, or until notice of rehearing on the matter has been published in the official newspaper of the City.
- H. Any on duty police officer may be considered as a sergeant at arms for Commission meetings and may be summoned to maintain order by any member of the Board of City Commissioners at any time.

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

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

Resolution Adopted Amending that Certain Resolution Creating Funds of Improvement Districts, Providing and Appropriating Special Assessments for the Support and Maintenance of Said Funds and Authorizing the Issuance of Improvement Warrants Thereon Adopted June 9, 2014:

City Attorney Erik Johnson stated the Commission approved the Resolutions; however, in the course of getting ready to close on the bonds he realized that a couple of special improvement districts needed to be added to the Resolution.

Commissioner Mahoney moved the Amended Resolution entitled "Resolution Amending that Certain Resolution Creating Funds of Improvement Districts, Providing and Appropriating Special Assessments for the Support and Maintenance of Said Funds and Authorizing the Issuance of Improvement Warrants thereon Adopted June 9, 2014" and referred to as Attachment "A", be adopted and attached hereto.

Second by Piepkorn. On call of the roll Commissioners Mahoney, Piepkorn, Williams, Sobolik and Walaker 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, July 7, 2014.

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

The time at adjournment was 11:39 o'clock a.m.