

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: January 15, 2007:

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 15, 2007.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Coates moved the Order of the Agenda be approved moving Item No. "F" from the Consent Agenda to the Regular Agenda after Item No. "5".

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

Minutes Approved:

Commissioner Coates moved that the Minutes of the Regular Meeting of the Board held on December 18, 2006 and January 2, 2007 be approved as read.

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

Consent Agenda Approved:

Commissioner Coates moved the Consent Agenda be approved as follows:

- a. Receive and file Ordinance Relating to Storm Water Management and Guide to Erosion and Sediment Control Practices.
- b. 2nd reading, waive reading and final adoption of the following Ordinances (1st reading, 1/2/07):
 - (1) Amending Section 1-0305(C) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Penalties for Ordinance Violations (urinating in public).
 - (2) Rezoning Certain Parcels of Land Lying in Osgood Townsite 8th Addition to the City of Fargo.
- c. Applications for five-year property tax exemptions for improvements made to buildings:
 - (1) Christian Braden, 445 Oakland Avenue South.
 - (2) Daniel and Maggie Lindquist, 1402 8th Street South.

- (3) Thomas and Jean Picard, 1717 4th Street North.
 - (4) Paul and Dawn Hvidsten, 1509 11th Street South.
- d. Applications for Games of Chance:
- (1) Aaron Johnson Benefit for a raffle on 3/14/07.
 - (2) F-M Walleyes Unlimited, Inc. for a raffle on 4/19/07.
 - (3) NDSU Judging Club for a raffle on 2/10/07.
 - (4) Cathedral of St. Mary for a calendar raffle from 3/1/07 to 3/31/07.
 - (5) MDA for a raffle on 6/2/07.
 - (6) Oak Grove Lutheran School for a raffle on 4/22/07.
 - (7) Cass County Wildlife Club for a raffle on 1/27/07.
 - (8) Home Builders Care of Fargo Moorhead for a raffle on 3/27/07; Public Spirited Resolution.
 - (9) Clara Barton/Hawthorne PTA for a raffle on 2/24/07.
- e. City Attorney contract.
- f. Expenditure of up to \$50,000 of Fargodome excess sales tax funds to retain an architect for a possible addition to the Fargodome (moved to the Regular Agenda).
- g. Resolution Authorizing Officers to Make Deposits and Withdrawals and approval of the designation depository.
- h. Pledged securities as of December 31, 2006.
- i. Fire Department budget adjustments in the amount of \$2,869.95 for overtime reimbursements from the F-M Haz Mat Team.
- j. Contract amendment with Midwest Testing Laboratory for up to \$12,000 for the main library project.
- k. Change Order No. G-41 for an increase of \$556.94 for the Metro Transit Garage.
- l. Minor changes to two Renaissance Zone projects - Plains Technology at 16-22 Broadway, Suite 214; Erik R. Johnson & Associates, Ltd. at 505 Broadway, Suite 206.
- m. List price of \$135,000 for NRI property at 1226 11th Street North.
- n. Permanent Easement Release Agreement for portions of Sections 4 and 8, Stanley Township.
- o. Amended Engineering Service Contract in the amount of \$12,400.94 for Project No. 5523.

- p. NDDOT Cost Participation and Maintenance Agreement for Project No. 4313-24.
- q. Engineering Services Contract Amendment No. 4 in the amount of \$190,000 for Project No. 5073-1.
- r. Contracts and bonds for improvements to the Public Safety Building and Project No. 5523.
- s. Bills in the amount of \$3,136,348.48.

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

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

Contract for Drain Improvements and Incidentals Improvement District No. 5421-2 Approved:

Commissioner Coates moved approval of the Contract between the City of Fargo and Northern Improvement Company for Drain Improvements and Incidentals Improvement District No. 5421-2 in the City of Fargo, North Dakota.

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

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

Contract Bond for Drain Improvements and Incidentals Improvement District No. 5421-2 Approved:

Commissioner Coates moved approval of the following described Contract Bond as to sufficiency:

Western Surety Company, in the amount of \$778,794.27, for Drain Improvements and Incidentals Improvement District No. 5421-2 in the City of Fargo, North Dakota.

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

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

\$10,000 Allocated for a Needs Assessment Survey for Fargo Students in Connection with the Healthy Community Initiative:

The Board received a communication from George Sinner, 4492 Oakcreek Drive, stating this year's Tri-College Public Policy Symposium concentrated on solutions to the cultural problem of addiction. Mr. Sinner stated the first two symposia made it pretty clear that in almost all age groups, this community has either the highest or nearly the highest incidence of addiction. He said this year's symposium set out to identify things that might help change that flaw and the following courses of action were identified:

1. Try to expand the Moorhead Healthy Community Initiative to Fargo and West Fargo and eventually regionally.
2. Make available to area companies the best drug policies that can be found.
3. Lend as much support as possible to the expansion of drug courts in both Minnesota and North Dakota.

Mr. Sinner said the first effort is the most long-term in its benefits and is the most demanding in the work required to accomplish it. He said Dr. David Flowers, Superintendent of Fargo Public Schools, offered to lead this effort, and support has been received from the local communities' mayors, school superintendents, chiefs of police and sheriffs. He said the Fargo and West Fargo schools are working to incorporate the principles of the program in their long-range plans. Mr. Sinner submitted information explaining the program and stated the simple explanation of the program is the planned emphasis of the positive assets of young people. He said as a result of Moorhead's program, the youth gang phenomenon is gone and youth crime has declined significantly. He said this effort really needs the City's leadership.

Dr. Flowers stated he is excited about expanding the Moorhead Healthy Community Initiative into Fargo and West Fargo and he believes now is the time.

Barry Nelson, Executive Director of the Moorhead Healthy Community Initiative, summarized the program and stated the idea is to bring the community together in this effort. He said there was a 50% reduction in gang activity and juvenile crime through the efforts of this program.

Dr. Flowers stated the first step in this effort will be a needs assessment which will cost approximately \$2.00 per student. He said they will be doing a survey to find out where the students' strengths and weaknesses are. He said they are undertaking some fundraising for this effort and they will be asking for funding from the United Way and other entities.

In answer to a question, Dr. Flowers stated ongoing funding will be needed for the program. He said they do not know the future costs of the program, however, it is a program that does not need an impressive budget. He said what is really needed at this time is start-up money for the needs assessment survey.

Kelli Poehls, Public Affairs Coordinator for the Fargo-Moorhead Chamber of Commerce, stated the Chamber has been involved with the Moorhead Healthy Community Initiative through the last symposium. She said the Chamber is very supportive of the program and plans to be an active participant.

Commissioner Williams moved \$10,000 be allocated from the Social Services fund towards the needs assessment survey for Fargo students.

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

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

Parcels of Land in Town Square Village Addition Rezoned (4555 38th Avenue South):

At a Hearing held on December 13, 2006 the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single Dwelling to LC, Limited Commercial on Lot 9, Block 1, Town Square Village Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Coates 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 rezoning be approved.

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

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

First Reading of an Ordinance Rezoning a Certain Parcel of Land Lying in Town Square Village Addition to the City of Fargo:

Commissioner Coates 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 Town Square Village Addition to the City of Fargo be placed on first reading.

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

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

Parcels of Land in Creekside 2nd Addition Rezoned (4338-4380 39 1/2 Avenue South and 4343-4385 39th Avenue South):

At a Hearing held on December 13, 2006 the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single Dwelling and P/I, Public and Institutional to SR-4, Single Dwelling on Lots 1 through 10, Block 1, Creekside 2nd Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Coates 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 rezoning be approved.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Creekside 2nd Addition to the City of Fargo:

Commissioner Coates 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 Creekside 2nd Addition to the City of Fargo be placed on first reading.

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

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

Parcels of Land in Adams 6th Addition Rezoned (2952 39th Street South):

At a Hearing held on December 13, 2006 the Fargo Planning Commission recommended approval of a change in zoning from MR-3, Multiple Dwelling to GC, General Commercial on Lot 1, Block 2, Adams 6th Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Coates 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 rezoning be approved.

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

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

First Reading of an Ordinance Rezoning a Certain Parcel of Land Lying in Adams 6th Addition to the City of Fargo:

Commissioner Coates 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 Adams 6th Addition to the City of Fargo be placed on first reading.

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

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

Parcels of Land in Osgood Townsite City Centre First Addition Rezoned (4050 47th Street South):

At a Hearing held on December 13, 2006 the Fargo Planning Commission recommended approval of a change in zoning with a Conditional Overlay including, among other conditions, language that prohibits off-premise and portable signs from GO, General Office to LC, Limited Commercial on Lots 1 through 6, Block 1, Osgood Townsite City Centre 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.

Scott and Tracy Slaaen, Scott's Signs, stated they were not informed of the Conditional Overlay prohibiting off-premise and portable signs on the property being rezoned.

Senior Planner Jim Hinderaker stated the Conditional Overlay is only restricting off-premise and portable signs. He said on-premise signs are allowed on the property.

Commissioner Coates stated staff is supposed to be notifying sign companies any time there is a sign restriction issue.

Mr. Hinderaker stated he did not know about the existence of Scott's Signs. He said he will add them to his list and they will be contacted in the future.

Commissioner Coates 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 rezoning and Conditional Overlay be approved.

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

Commissioner Williams voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Osgood Townsite City Centre First Addition to the City of Fargo:

Commissioner Coates 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 Osgood Townsite City Centre First Addition to the City of Fargo be placed on first reading.

Second by Wimmer. On call of the roll Commissioners Coates, Wimmer, Mahoney and Walaker voted aye.

Commissioner Williams voted nay.

The motion was declared carried.

At 6:05 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Parcels of Land in the North Half of the Northwest Quarter of Section 14, Township 138 North, Range 49 West Rezoned (Junction of the Southeast Quadrant of I-29 and 76th Avenue South):

At a Hearing held on December 13, 2006 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to GC, General Commercial on property in the north half of the Northwest Quarter of Section 14, Township 138 North, Range 49 West.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Coates 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 rezoning be approved.

Second by Wimmer.

Commissioner Coates questioned the time line of the new Growth Plan.

Senior Planner Jim Hinderaker stated the Planning Commission will be looking at a draft of the Plan on January 25th.

There was discussion regarding approval of the zoning change before the new Growth Plan was approved.

Mayor Walaker noted the zoning change was approved by the Planning Commission.

It was agreed that the City Commission would wait to have Second Reading of the Rezoning Ordinance until after the new Growth Plan is approved.

In answer to a question, Kyle Anderson, representing petitioner Harold Newman, stated this would be acceptable as long as the Growth Plan is approved within a reasonable time.

On the vote being taken on the question of the adoption of the Resolution Commissioners Coates, Wimmer, Mahoney, Williams and Walaker voted aye.

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in the North Half of the Northwest Quarter of Section Fourteen (14), Township One Hundred Thirty-Eight (138) North, Range Forty-Nine (49) West, City of Fargo, County of Cass, State of North Dakota:

Commissioner Coates 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 the North Half of the Northwest Quarter of Section Fourteen (14), Township One Hundred Thirty-Eight (138) North, Range Forty-Nine (49) West, City of Fargo, County of Cass, State of North Dakota be placed on first reading.

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

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

Renaissance Zone Project Application for Contractor Services, Inc. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Contractor Services, Inc. at 608 and 610 Main Avenue.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Contractor Services, Inc. meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended that the project be approved.

Commissioner Wimmer moved the Renaissance Zone application filed by Contractor Services, Inc. for a project located at 608 and 610 Main Avenue be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project Application for Richard and Arlette Preston Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Richard and Arlette Preston at 505 Broadway, #300.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Richard and Arlette Preston meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended that the project be approved.

Commissioner Wimmer moved the Renaissance Zone application filed by Richard and Arlette Preston for a project located at 505 Broadway, #300 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project Application for Gene Gallagher Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Gene Gallagher at 319 Broadway, #306.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Gene Gallagher meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended that the project be approved.

Commissioner Wimmer moved the Renaissance Zone application filed by Gene Gallagher for a project located at 319 Broadway, #306 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Request to Hire Four Police Officers Approved:

The Board received a communication from Police Chief Keith Ternes stating in August of last year, he received approval to hire four police officers in advance of several anticipated police officer vacancies. Chief Ternes said the request to fill these vacancies was intended to try and stay ahead of the continuous problem wherein the Police Department is understaffed primarily due to officers being summoned to military duty. He said the vacancies he anticipated last August occurred and four police officers were hired to fill those positions, however, the Police Department currently finds itself in basically the same staffing dilemma as it did last August with no immediate relief in sight. Chief Ternes stated the continuous number of police officer vacancies has led to some areas of the department operating without sufficient staff and, in an attempt to address these issues, he is asking for authorization to immediately hire four police officers in advance of positions becoming vacant. Chief Ternes stated hiring the four officers in advance of these impending vacancies will require no increase or adjustment to the department's 2007 budget. He said the portion of the departments' operating budget, which is currently not being expended on the salaries of the officers absent for military duty, will sufficiently cover the costs associated with the advanced hiring of the four officers.

Commissioner Williams moved the request from Chief Ternes to hire four police officers be approved.

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

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

Denial of the Protest for Exterior Transit Advertising Revenue Filed by Trans Ad Upheld:

The Board received a communication from Transit Administrator Julie Bommelman submitting a letter from Trans Ad appealing the award of the exterior transit advertising contract to Mobile Ads and requesting the contract be awarded to

Trans Ad. Ms. Bommelman stated the Fargo City Commission and the Moorhead City Council approved award and authorized a contract with Mobile Ads as the highest ranked proposer. She said the letter is the final appeal outlined in the protest process that Trans Ad has to the Fargo City Commission and the next step, should they choose to exercise it, is an appeal to the Federal Transit Administration. She said the contract was awarded to Mobile Ads for the following reasons:

- “1. The Request for Proposals met the Federal Transit Administration (FTA) procurement standards contained in Circular 4220.1E and was followed by staff.
2. The proposal submitted by Mobile Ads did conform to the RFP.
3. A five-member Selection Committee followed the established evaluation process contained in the Request for Proposals (RFP), whereby they received and reviewed four proposals and interviewed three companies, and applied points for fees paid to the City and experience, qualifications and performance, resulting in a ranking of proposers (Mobile Ads, Custom Graphics Benchworks, Trans Ad and Sign -A-Rama).
4. In the RFP, 70 points were available for fees paid to the City and 30 points were available for experience, qualifications and performance. Although Trans Ad did provide the highest fee for the monthly minimum payment, and the highest percentage of gross revenue, the Selection Committee did not select them. This is due to Trans Ad's poor past sales performance. They were not fully selling the space available. For the City of Fargo, advertising sales under Trans Ad were down 11% during 2006. In addition, for Moorhead they were selling smaller signs rather than side wraps which resulted in less revenue.”

Ms. Bommelman stated the letter from Trans Ad challenges their "next-in-line" status and provides a "Fees Revised" schedule, however, there is not an explanation of how those fees were calculated. She said based on the calculations of the Selection Committee, Trans Ad is third in line to receive the contract. Ms. Bommelman said Trans Ad's letter also claims Trans Ad did not receive a copy of the protest procedures through "official channels" and she submitted a letter, dated November 29, 2006, that was sent to all proposers, including Trans Ad, that contained the protest procedures. She said the revenue received from exterior advertising is utilized to match state and federal grants and staff believes Mobile Ads is more experienced in sales and will produce more contracts, resulting in more revenue. Ms. Bommelman stated the City has the ability to end the contract and rebid with 90-days notice to the contractor and, if the award to Mobile Ads is rescinded by the Fargo City Commission, Fargo may have to repay Mobile Ads for expenses incurred in moving forward under the contract. She requested the recommendation from the Selection Committee to award the contract to Mobile Ads be upheld.

Mark Thelen, representing Trans Ad, stated Trans Ad disagrees with the Selection Committee's recommendation and summarized a number of items they were in disagreement with. He also listed a number of federal regulations they felt the Selection

Committee was in violation of. He said he felt there were a number of items in the RFP and point system used for awarding the contract that were unclear.

Planning Director Jim Gilmour responded to a number of Mr. Thelen's concerns. He also summarized the method used by the Selection Committee for evaluating the proposals.

There was discussion regarding the criteria required by the Federal Transit Administration to protest the award of the transit advertising contract.

Ms. Coates stated this item constitutes Trans Ad's hearing.

Commissioner Coates moved the denial of the protest for exterior advertising revenue by Trans Ad be upheld.

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

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

Expenditure of Up to \$50,000 of Fargodome Excess Sales Tax Funds to Retain an Architect for a Possible Addition to the Fargodome Approved:

The Board received a communication from Fargodome General Manager Rob Sobolik requesting approval of the expenditure of up to \$50,000 of Fargodome excess sales tax funds to proceed with a Request For Proposal to retain the services of an architectural firm to assist in the planning of a possible addition to the Fargodome to be overseen by an appointed task force of Fargo City Commission and Fargo Dome Authority members. He stated the Fargo Dome Authority approved this expenditure at a special meeting held on December 19, 2006.

Fargo Dome Authority President Marilyn Guy stated the Fargo Dome Authority believes it would be good to look at what the costs would be to add an expansion to the Fargodome. She said the Dome Authority has funds available and they feel it would be appropriate to allocate the \$50,000 from the excess sales tax funds. She said if there is an expansion onto the Fargodome, the money from that fund would be used to build the facility in addition to any funds from NDSU. She said the Fargo Dome Authority is expecting to receive a report on the Capital Improvement Plan sometime in mid-February which would tell them what will be needed in the Capital Improvement Fund. Ms. Guy stated the Dome Authority will be receiving information on the Capital Improvement Plan before an architect would be looking at any expansion to the Fargodome. Ms. Guy also submitted a statement from John Adams, Vice President for Business and Finance at North Dakota State University, in support of the work of the Fargodome Expansion Task Force and requesting the Board's approval of the proposal relating to the expansion of the Fargodome.

Commissioner Williams questioned what the rush is and why the City should not wait for the CIP to come in. He said if there is an addition to the Fargodome, the City needs to make sure what the escrow amount needs to be to maintain that addition. He said if there is \$15 million available, he feels there should be another escrow fund set up which would bring in \$900,000 in interest annually.

Commissioner Wimmer stated he thinks the timing has been good on this addition. He said he has not seen a project with this much enthusiasm and excitement and he thinks it will help the Fargodome in the future. He said the City's goal is to keep the Fargodome functioning and marketable.

Ms. Guy stated the architect will not be chosen until after the Capital Improvement Plan comes in.

Commissioner Mahoney stated the City does not want the Fargodome to become something that is not utilized and it should be enhanced. He said no money will be spent until the Capital Improvement Plan comes back.

Commissioner Williams stated with all of the needs in the community, he would like to suggest creating a Community Stewardship Fund with the excess sales tax money.

Nancy Shappell, 1314 3rd Street North, questioned why the City is proposing to build onto a facility that is not being utilized.

Barry Nelson, representing the nonprofit organizations, spoke on behalf of Commissioner Williams' plan to retain a new source of funding due to the rising needs of nonprofits in the area.

Commissioner Wimmer moved the expenditure of up to \$50,000 of Fargodome excess sales tax funds to proceed with a Request for Proposals to retain an architectural firm to assist in the planning of a possible addition to the Fargodome be approved.

Second by Mahoney.

Mayor Walaker stated he is very concerned the Dome will come back to the City if it is not made more viable. He said the City will be getting a list of the Capital Improvement Plan projects in mid-February and they can go from there.

Commissioner Coates stated the long-term viability of the Fargodome is a major concern. She said the RFP for the architect will not go out until the Capital Improvement Plan comes in.

On call of the roll Commissioners Wimmer, Mahoney, Coates and Walaker voted aye.

Commissioner Williams voted nay.

The motion was declared carried.

Dr. Roger Gilbertson Reappointed to the Renaissance Zone Authority:

The Board received a communication from Mayor Walaker recommending that Dr. Roger Gilbertson be reappointed to the Renaissance Zone Authority.

Commissioner Coates moved the reappointment of Dr. Roger Gilbertson to the Renaissance Zone Authority for the term ending January 1, 2010 be approved.

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

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

Linda Klebe and Steve Stoner Reappointed to the Community Development Committee:

The Board received a communication from Mayor Walaker recommending that Linda Klebe and Steve Stoner be reappointed to the Community Development Committee.

Commissioner Coates moved the reappointment of Ms. Klebe and Mr. Stoner to the Community Development Committee for terms ending December 31, 2009 be approved.

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

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

Action Taken on One Unanswered Question from the Resolution Adopted on January 2, 2007 Relating to the City's Involvement in the Regional Ad Hoc Committee Regarding the Smoking Issue:

Commissioner Coates stated at the last Commission meeting, the Board adopted a Resolution Relating to the City's Involvement in the Regional Ad Hoc Committee Regarding the Smoking Issue which answered a number of questions posed by the Committee. Commissioner Coates said No. 7 in the questions asked what other neighboring jurisdictions the Fargo City Commission would consider as necessary if a more restrictive no-smoking ordinance were proposed and the Commission answered N/A. She said she thought the Commission should clarify their answer to that question and she questioned which communities would be important, if the City is looking at a metro-wide smoking ban.

Commissioner Wimmer stated he was under the assumption it would include Dilworth, West Fargo, Moorhead and Fargo.

"7. If yes to Question #6, what other neighboring jurisdictions would the Fargo City Commission consider as necessary? On call of the roll Commissioners Wimmer, Mahoney, Williams, Coates and Walaker all voted aye to the cities if Moorhead, Dilworth and West Fargo."

Commissioner Wimmer moved this additional information be sent to the City of Moorhead.

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

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

(Commissioner Mahoney absent)

2007 Legislative Issues Discussed:

City Administrator Pat Zavoral reviewed the matrix indicating the 2007 Legislative bills the City supports and opposes. He said during the first two weeks of the Legislative Session, 90 bills were introduced that had some implications to the operations of the City. He said he only listed the bills the City supports and opposes on the matrix at this time.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, January 29, 2007.

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

The time at adjournment was 7:49 o'clock p.m.

