



Fargo City Commission - October 19, 2020

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, October 19, 2020.

The Commissioners present or absent were as shown following:

Present: Gehrig, Piepkorn, Preston, Strand, Mahoney.

Absent: None.

Mayor Mahoney presiding.

The Mayor read a message with the following information: October is Breast Cancer Awareness Month and the Women's Way program at Fargo Cass Public Health provides free breast cancer screenings for women ages 40 to 64 who meet income eligibility guidelines; due to the recent rise in area COVID-19 cases, all Fargo Public Library locations will operate with new service hours until further notice; Orange operations for City facilities started October 19th and will remain in place until further notice, which acknowledges the new High-Risk Level for COVID-19 in Cass County and adheres to North Dakota Smart Restart guidance.

Order of Agenda Approved:

Commissioner Piepkorn moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Preston moved that the Minutes of the Regular Meeting of the Board held on October 5, 2020 be approved as read.

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

Consent Agenda Approved:

Commissioner Gehrig moved the Consent Agenda be approved as follows:

1. 2nd reading and final adoption of the following Ordinances; 1st reading, 10/5/20:
 - a. Amending Section 13-0901 of Article 13-09 of Chapter 13 of the Fargo Municipal Code Relating to Junk Automobiles.
 - b. Rezoning Certain Parcels of Land Lying in Madelyn's Meadows Third Addition to the City of Fargo, Cass County, North Dakota.
 - c. Rezoning Certain Parcels of Land Lying in Cedar Crest First Addition to the City of Fargo, Cass County, North Dakota.
2. Findings of Fact, Order and Notice of Entry Order for property at 703 12th Street North.
3. Receive and file Notice of Appeal from a Decision of a Local Governing Body filed by NorthStar Hospitality, LLC d/b/a SouthTown PourHouse.
4. Receive and file the Summons and Complaint relating to Tyler Patel vs. City of Fargo, et. al.
5. Applications for Games of Chance:
 - a. NDSU Judging Club for a raffle on 3/3/21.

- b. Red River Raiders Marine Corps League Det. No. 1453 for a raffle on 11/7/20.
6. Receive and file Financial Status Report Year-to-Date through 9/30/20 for major operating funds (unaudited).
7. Receive and file General Fund-Budget to Actual through September 2020 (unaudited).
8. State Water Commission request for cost reimbursement for the FM Metro Area Flood Risk Management Project for costs totaling \$544,675.95.
9. Public Assistance Grant Program Subgrant Agreement for FEMA-4553-DR with the ND Department of Emergency Services.
10. Property Use Agreement with Faith Journey Lutheran Church.
11. Addendum to Provision of Nursing Services for the Northern Cass School District.
12. Requirements for Boarding Facilities, Animal Boarding Program Inspection Report and Animal Boarding Facility License Application.
 - a. Receive and file an Ordinance Enacting Article 13-16 of Chapter 13 of the Fargo Municipal Code Relating to Animal Boarding Facilities.
13. Declaration of No Build Easement with EPIC Gateway, LLC.
14. Adopt Resolutions Approving the following Plats:
 - a. Urban Plains by Brandt Fifth Addition (Attachment "A").
 - b. Bentley Place Third Addition (Attachment "B").
15. Resolution Approving Written Agreement for the Elliott Place Activity HOME Investment Partnership Program Funds (Attachment "C") and Owner Agreement between the City and Fargo Elliott Place Four, LLLP HOME Investment Partnership (HOME) New Construction at 4462 30th Avenue South.
16. Notice of Grant Award with the ND Department of Emergency Services – Division of Homeland Security for the FY20 State Homeland Security Grant for the purchase of updated ballistic body armor (CFDA #97.067).
17. Snow removal equipment services contracts with Glacier Snow Management, Turf Tamers, Industrial Builders and Master Construction for 2020-2021 winter (RFP20148).
18. Bid award to Northern Improvement Company in the amount of \$51,613.20 for West Acres road repairs (RFP20164).
19. Settlement and Release Agreement with Black & Veatch regarding heating system issues in the membrane at the Water Treatment Plant.
20. Contract Amendment No. 2 with Houston Engineering in the amount of \$255,000.00 for Project No. FM-19-F0.
21. Contract Amendment No. 2 with Braun Intertec in the amount of \$105,852.00 for Project No. FM-19-H0.
22. Change Order No. 3 for a time extension to 10/9/20 for Project No. UR-20-A1.
23. Access Agreement with Park District of the City of Fargo (Project No. FM-19-F).
24. Access Agreement with Oak Grove Lutheran School (Project No. FM-19-F).
25. Private utility relocation payments to Consolidated Communications, Inc. in the amount of \$12,798.89, Cass County Electric Cooperative in the amount of \$5,000.00 and Century Link in the amount of \$54,754.81 for

Project No. FM-16-A1.

26.Easement (Storm Sewer and Outfall) with Station 3700 Apartments, LLC.

27.Declaration of Easement (Amended) (Levee) in association with Project No. FM-16-A.

28. Encroachment Agreement with Northland Educators Federal Credit Union.

29. Variance Acknowledgement and Liability Waiver with 3201 Landlord, LLC d/b/a St. Sophie's for property located at 3201 33rd Street South.

30. Contract and bond for Project No. SW20-01.

31. Bills in the amount of \$18,410,716.91.

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

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

Contract Amendment No. 2 for Improvement District No. TR-18-B0 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating Contract Amendment No. 2 is for additional work related to "Affirmation of Existing Quiet Zones."

Commissioner Gehrig moved Contract Amendment No. 2 with Stantec in the amount of \$7,515.00 for Improvement District No. TR-18-B0 be approved.

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

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

Change Order No. 11 to Modify Contract Language for Full Incentive Approved (Improvement District No. BR-19-A1):

The Board received a communication from the Public Works Projects Evaluation Committee stating Change Order No. 11 is for formal modification to the contract language for full incentive as approved by PWPEC on September 14, 2020 to read: "If all work needed to open the roadway safely to the traveling public, with exception of DMS Sign, HAWK, removals of control box and pedestrian signs on the project is completed on or before October 16, 2020 an incentive payment of \$10,000.00 per calendar day for each day before October 16, 2020 that work is complete. The maximum incentive payment for all work completed on or before October 16, 2020 will be \$400,000.00. Holidays and Sundays will be counted as calendar days for application of the incentive."

Commissioner Gehrig moved Change Order No. 11 to modify the contract language for full incentive for Improvement District No. BR-19-A1 be approved.

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

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

Change Order No. 1 and Time Extension for Improvement District No. BN-20-K1 Approved:

Commissioner Gehrig moved Change Order No. 1 for an increase of \$12,151.53 and time extensions to the interim and substantial completion dates as presented for Improvement District No. BN-20-K1 be approved.

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

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

Payment to Xcel Energy for Private Gas Utility Relocation Approved (Improvement District No. BN-21-A1):

The Board received a communication from the Public Works Projects Evaluation Committee stating Improvement District No. BN-21-A1 is for the new construction of an urban roadway with an overpass at I-29, which will require the relocation of an Xcel Energy gas utility.

Commissioner Gehrig moved the estimated payment of \$72,491.30 to Xcel Energy for private gas utility relocation in association with Improvement District No. BN-21-A1 be approved.

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

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

Incentive for Improvement District No. BR-21-A1 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating that due to the impact to the traveling public, staff recommends to incentivize a portion of the 7th Avenue North project for \$3,500.00 per day for a maximum of 30 days.

Commissioner Gehrig moved the incentive of \$3,500.00 per day for a maximum of 30 days for a total incentive of \$105,000.00 for Improvement District No. BR-21-A1 be approved.

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

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

Red River Valley COVID-19 Task Force Update:

Fargo Cass Public Health Director Desi Fleming said Cass County moved to the Orange High-Risk category effective October 16th due to the fact that since early fall, numbers have steadily increased. She said assessments are measured by three metrics according to the ND Department of Health: the active cases in Cass County are at 48.11 per 10,000 residents, which falls in the Red Critical-Risk category, the testing metric is at 76.7 per 10,000 residents, which is in the Blue New Normal category due to testing numbers in Cass County, which is about 20 percent of the State daily total, and the 14-day rolling test positivity rate is at 10.4, which puts Cass County in the Orange High-Risk category. Since September 1st, Cass County has surpassed the State for rolling positivity rate and that trend is concerning, she said. As the positive numbers increase significantly, so have deaths, she said, and there continues to be a record high death rate in October. She said in Cass County, the death rate has not been as high as the rest of State; however, if numbers continue to rise, there will be spillover to vulnerable populations. She said she cannot stress enough the seriousness of the situation and people have become numb to the statistics and the human factor needs adding back in. Staffing in hospitals is stretched thin, she said, and several hospitals are on “divert,” causing citizens to be transferred away from home. She said the sole reason for capacity is not due to COVID-19; however, the chance of hospitalization will add to the strain. Contact tracing is overwhelmed with high numbers, she said, and Cass County is turning some cases over to the State team for assistance and it is hard to play catch-up. She said 40 percent of Cass County’s cases are from community spread, which is difficult to track and contact tracing helps identify clusters and is important for isolation and quarantine. She said tools needed that offer a line of defense including face coverings, hand washing, social distancing and avoiding crowds. Each of these tools when used individually may not be fully effective, she said; however, when used together, they form added layers to protect everyone until there is a viable vaccine given to enough people to increase immunity numbers. She said the Red River Valley COVID-19 Task Force has many partner organizations in Fargo, Cass County, West Fargo, Clay County, Moorhead and Minnesota and meets weekly. The Task Force formed by request of the Governor, she said, and its main role is to develop strategies to decrease the spread of COVID-19 in the metro area. The Task Force has no authority to create policy or mandates, she said, and serves to provide guidance and recommendations. She said the Chief Operating Officer from the Governor’s office is a member of the Task Force and serves as a liaison to the State for any challenges or concerns the Task Force might have locally. Strategy efforts in the metro area have been in three main areas, she said, which are development of a targeted testing matrix, support for case investigation and contact tracing, and isolation and quarantine resources. Funding for these efforts is provided by the State through the CARES Act, she said, and ends on December 30th with no plan for renewal at this time.

In response to question from Commissioner Strand asking what authority does the Task Force have at the local level, Ms. Fleming said the Task Force has a lot of latitude with developing testing and where testing resources

are going and to identify groups for testing. She said there is only a certain amount of tests allocated in Cass County; therefore, the Task Force knew it would target certain areas and that has been successful due to the fact that there have been less impacts in long-term care facilities due to targeted testing of residents and staff.

In response to a question from Commissioner Strand asking if the local Task Force is in sync with the State and is the State's plan of action the same as the Task Force plan, Ms. Fleming said Cass County has a stronger sense for mask wearing than in the western part of the State.

Mayor Mahoney said the last two weeks have been unprecedented and he asked for some guidance from the City Attorney on what he could do. He said on March 16, 2020, he issued a Mayoral Declaration to denote a State of Emergency in the City as a result of the COVID-19 pandemic, which has since been approved and extended by the City Commission. On July 27, 2020, he said, the City Commission approved a motion directing the public to wear masks where and when appropriate and encouraging businesses to adopt policies prohibiting entry without the wearing of masks. The City appreciates the sacrifices individuals, businesses, employees and other workers are making, he said; however, the number of COVID-19 cases and deaths continues to rise. Everyone needs to do more, he said, and trends the last two weeks have increased hospitalizations due to people delaying medical care, which could overwhelm hospitals. He said in the beginning it was assumed that COVID-19 would run its course and there could be 600 deaths in North Dakota; however, the number as of today is 408 deaths and the State could hit that 600 number if there is not any intervention. He said other changes include the risk level escalation from Yellow to Orange, which means limiting the number of people in a room to 25 percent of capacity and the high level of community spread within Cass County in the 20 to 29 age group. Contact tracing is overwhelmed, he said, and if Cass County cannot keep up and people cannot be isolated, community spread will continue. The ND Board of Health met recently and recommended a mask mandate in the City, which will help plateau the disease. He said 65 pediatricians from across the State contacted him about a mask mandate and he attended a ND American Medical Association meeting and everyone kept asking about a mask mandate that will help bring the virus under control. He said businesses have requested a mask mandate due to concerns for repercussions of the escalation to the Red Critical-Risk level, which would mean shutting down bars and restaurants. He said the City's businesses are struggling and even though the City has been doing well, there is a real fear for what is going to happen when the seasonal flu returns. He said this has also caused a negative impact on the City's more than 1,000 workforce and more and more of those workers have COVID-19 or have had close contact. He said the Governor's recommendation is for local control as necessary and to do what is best for the community. Therefore, he said, under emergency powers, he is issuing a mask mandate to every person, family, business and store in the City to adopt appropriate measures accordingly. He said those measures include: every person within the City shall wear a face covering over the mouth and nose in all indoor environments where a person is exposed to non-household members and where social distancing of six feet or more cannot be assured, and in all outdoor settings where there is exposure to non-household members unless there exists ample space of six feet or more to practice social distancing. He said although the measures are mandated with the strongest possible recommendation, there is no penalty for non-compliance. The mandate takes effect immediately, he said, and shall remain in effect until the underlying State of Emergency has ended unless it is sooner modified or terminated by the Mayor or unless it is modified or terminated sooner by motion or resolution approved by the Board of City Commissioners. He said this is about science, not politics, and it is for the community's health.

Commissioner Preston requested that the following letter dated October 16, 2020 from the Fargo Cass Public Health Board of Health be entered into the public record:

"Dear City of Fargo, City of West Fargo and Cass County City Commission members: Coronavirus (COVID-19), undoubtedly, is the largest public health challenge this community has faced in a very long time. It represents a major health threat to our family members, colleagues, neighbors and friends. In listening to the discussion in our communities around mandating the use of face coverings, parallels can be drawn with the smoke-free efforts of many years ago. The concerns are strikingly similar: businesses have a right to choose, citizens have a right to choose, how will we enforce it and does this really pose a healthcare threat? These are all genuine concerns from citizens; however, as the Fargo Cass Public Health Board, it is our responsibility to advocate for public health and make recommendations to the Fargo City Commission, West Fargo City Commission and Cass County Commission on issues necessary to maintain the health of the public. While what is best for the health of our Cass County citizens is not always popular amongst some within the community, it is

necessary. The scientific evidence is clear: wearing masks is a very effective means for slowing the spread of COVID-19. As our number of active cases and deaths continues to increase, it is no longer time to sit on the sidelines with a 'wait and see' approach. The majority of Americans do support the use of face coverings outside of their homes. They may not show up to your City or County Commission meetings, but trust that the majority of citizens are supportive of protecting the health of their fellow neighbors. Given masking has proven to be an effective means of slowing the spread of COVID-19, the Fargo Cass Public Health Board of Health actively supports legislation, regulation and/or other national, state and local measures to mandate the use of face coverings during this public health emergency. With the absence of statewide efforts, we urge you to pass such legislation at the local level." The letter was signed by Chelsey Matter, Board of Health Chair, Evelyn Telford, RN, Dr. Tracie Newman, Arlette Preston, Nurse Practitioner Kayla Nelson and Amy LaValla.

Commissioner Preston said she supports this move and there may need to be enforcement and she asked the Mayor to correct misinformation and encourage the community to buckle down and wear masks. She said residents are looking to the City Commission for leadership and a large majority of the community supports a mask mandate; however, it cannot end there. She said she is getting reports about overcrowded bars where no one is wearing masks or social distancing and that is an example of where the City Commission needs to make personal requests to try to get them to fall in line. She said she is disappointed in some of the members of the City Commission perpetuating nonfactual beliefs about the virus. Commissioner Piepkorn recently informed residents in the Commission Chambers that they would be removed if they did not follow the rules, she said; however, Commissioners Piepkorn and Gehrig both came into the Chambers tonight without masks, which is not following City policy for wearing a mask in City buildings. She said she watched the Police officers here tonight trying to regulate individuals coming in without masks and Commissioners Piepkorn and Gehrig not wearing masks makes it difficult for the officers. She said the community is better than this and if everyone pitches in, which has been done many times with flood fights, Fargo will come out of this as a better community. She said everyone is tired of the virus; however, it is going to continue for a while and people cannot see each other as expendable. She said if the rate of infection does not slow down, there could very well be an economic shutdown due to the fact that people will stop going to restaurants and stores, quit traveling and using hotels, they will be fearful of going to work and will button down to safeguard themselves and their families. She said healthcare workers need protection or they will not be available to care for those who need them. If for no other reason, she said, do this to spare healthcare workers.

Commissioner Strand said the mandate is a start and he thanked the Mayor for his leadership even though the pressure from both sides was immense. He said the Mayor balanced his medical knowledge and the community's desires and concerns and he stands behind the Mayor 100 percent. He said if this does not satisfy the need, the City Commission needs to be prepared for enforcement. He said he applauds the Mayor for leading the City forward and is hopeful this mandate will have a positive impact despite the pushback.

Ordinance Amending the Number of Board Members on the Human Relations Commission to be Placed on First Reading at the Next Regular Meeting of the Board:

The Board received a communication from Assistant City Attorney Alissa Farol stating at its September 17, 2020 meeting, the Human Relations Commission unanimously approved a motion to increase the number of members from nine to eleven. As a result, to conform to the change, City Ordinance must be revised, she said.

Planning Director Nicole Crutchfield said the Human Relations Commission requested this change due to the fact that the Commission said it needs more representation, diversity and input.

Commissioner Strand moved the Ordinance Amending Section 15-0202 of Article 15-02 of Chapter 15 of the Fargo Municipal Code Relating to the Human Relations Commission be received and filed and placed on first reading at the next Regular Meeting of the Board.

Second by Preston. On call of the roll Commissioners Strand, Preston, Gehrig and Mahoney voted aye. Commissioner Piepkorn voted nay. The motion was declared carried.

Hearing on Exclusion of Property Located at 5218 68th Street South in part of Government Lot 4 of Section 5, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota Continued to November 2, 2020:

A Hearing had been set for this day and hour on an exclusion of property located at 5218 68th Street South in part of Government Lot 4 of Section 5, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.

Commissioner Preston moved the Hearing be continued to 5:15 o'clock p.m. on Monday, November 2, 2020.

Second by Gehrig. On call of the roll Commissioners Preston, Gehrig, Piepkorn, Strand and Mahoney voted aye. No Commissioner being absent and none voting nay, the motion was declared carried.

Annexation of Property Located in the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West Approved (7269 25th Street South): No Protests Received:

A Notice was published in the official newspaper for the City of Fargo, as required by law, on October 7, 2020, stating that a petition had been filed with the City of Fargo for annexation of approximately 35.44 acres of a portion of the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West Approved (7269 25th Street South).

No protests have been filed with the City Auditor's Office after publication of the Notice.

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

Current Planning Coordinator Donald Kress said the petition for annexation was brought forward by the property owner, Sitka Investments, LLC, and no existing residences or businesses are included in the annexation area. He said the primary reason for annexation at this time is related to the reconstruction of County Drain 53 adjacent to the east side of the property. He said the property is outside Fargo city limits and the annexation will not change any of the zoning. The Planning Commission found the proposed annexation consistent with the 2007 Growth Plan at its June 2, 2020 public meeting, he said.

In response to a question from Commissioner Preston asking how long has the development north of this lot been in place, Mr. Kress said the development to the north is Madelyn's Meadows and has been in place for two years.

In response to a question from Commissioner Strand asking if there flood protection in place for the land, City Engineer Brenda Derrig said the City is in the process of deepening and widening County Drain 53 and installing levees. She said the developer would construct a temporary levee on the south side.

In response to a question from Commissioner Strand asking if and when the Diversion is finalized as a project and in place, permanent flood protection would be in place for the entire area, Ms. Derrig said once the Diversion is in place this property would no longer be in the flood plain. She said the levee on the south side is for overland water and the developer still has to build to the 41-foot flood elevations and meet LOMR requirements.

Commissioner Strand said he will be voting "no" on this annexation; however, he will be happy to reconsider his vote when assured flood protection is in place. He said he is hesitant to support expansion of City boundaries until that time.

First Reading of an Ordinance Annexing a Certain Parcel of Land Lying in the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West in Cass County North Dakota:

Commissioner Preston moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and moved the Ordinance Annexing a Certain Parcel of Land Lying in the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West in Cass County North Dakota be placed on first reading.

Second by Gehrig. On call of the roll Commissioners Preston, Gehrig, Piepkorn and Mahoney voted aye. Commissioner Strand voted nay. The motion was declared carried.

Special Assessment List for Business Improvement District (BID) Fees Approved:

A Hearing had been set for October 5, 2020 on a Special Assessment List for Business Improvement District fees.

At the October 5, 2020 Regular Meeting the Hearing was continued to this day and hour.

No appeals have been filed in writing against any item appearing on such special assessments list and no person is present at this Hearing to appeal or offer any objection thereto.

City Auditor Steve Sprague said this is a one-year extension of the Downtown Business Improvement District (BID). He said the first assessment established in 2012 was for five years then there was a three-year extension in 2017, which expires in 2020. He said the BID is set up to provide services to the Downtown businesses that normal City operations would not provide.

Jesse Helland, BID Board Member, said BID allows property owners to use City assessment powers to fund services beyond City services. He said the dynamics of Downtown have shifted significantly since 2017 and BID staff is responsible for the maintenance and beautification of many things Downtown. There are five zones in the BID, he said, including Broadway, off Broadway and periphery zones stretching from University Drive to 2nd Street and from 1st Avenue to 9th Avenue North. He said BID considered reshaping some of the zones to bring them more up to date with the current growth of Downtown; however, given current conditions, it was decided to keep the zones the same this year, look for approval of a one-year extension and to potentially make some changes to those zones next year. He said the services BID provides include litter control, graffiti and sticker removal, maintenance, trash removal, upkeep of planter beds, hospitality, snow removal on Broadway at the railroad crossings, safety escorts as needed for businesses and residents, Ordinance enforcement, security collaboration with Police and other agencies, beautification, winter lights, seasonal flags, flower baskets, parklets, alfresco islands and other amenities. He said the current assessment is approximately \$350,000.00, which was approved on a three-year renewal and has not changed since 2017. With what has come online since 2017, he said, the 2021 assessment is approximately \$487,000.00. He said BID would continue to work on what that looks like in the years to come with all of the new projects and new services. He said there are many things taken for granted that happen on a daily basis throughout Downtown, for example about two hours of every day is dedicated just for trash removal. The difference in assessment from 2017 until now is a culmination of all the great opportunities to serve new ventures Downtown, he said.

In response to a question from Commissioner Gehrig asking if the assessments are voluntary, Mr. Sprague said a business cannot opt out on an individual basis; therefore, it is the whole Downtown or nothing. He said there is a low bar of 30 percent to protest out and in comparison, if it were an alley paving project, there would be a 50 percent protest requirement. He said he has not received any communication that someone did not want to participate and this is something Downtown business owners and residents are willing to pay for.

In response to a question from Commissioner Piepkorn asking if the BID Board met with property owners and discussed the assessments, Mr. Helland said in discussions with property owners and residents, he has received zero negative feedback about the services BID provides. He said all appreciate the timeliness of snow removal and BID is receiving requests to add more services.

Commissioner Piepkorn said the Finance Committee should monitor the BID due to the fact that it is going to be a considerable amount of money to provide the requested services and he wants to make sure the money is spent wisely. Another point, he said, a fair amount of money is spent for snow removal in the City and it does cost more than the BID specials to get rid of snow.

In response to a question from Commissioner Preston asking if the assessment is approved every year, Mr. Sprague said when BID was first created it was a five-year assessment and the property values were captured at the time the BID was created; therefore, the assessment was locked in for that period. After the first five years, he said, a three-year renewal was done and primarily, due to the economic uncertainty of Downtown, the BID requested a one-year renewal. He said since this is a renewal, the values are locked in as of May 2020, which is when Assessors set valuations for the coming year.

In response to a question from Commissioner Preston asking if this will come back in January with an annual report and financial statements that would be reviewed by staff and the City Commission, Mr. Sprague said the City meets monthly with the BID Advisory Committee, reviews financial statements and expenditures and makes sure everything is tracking where it was anticipated. He said he can come back at year-end with a summary of what the year has been like.

Commissioner Preston said as a resident of Downtown, she benefits tremendously from what is being done by BID and it is a great service.

Mr. Sprague said the City also contributes to the BID with a Memorandum of Understanding (MOU) in which the City provides some in-kind services. He said there are some services that are outside the scope of the BID and the City pays BID to take care of, for instance snow removal at the railroad crossings. He said that service comes out of the Public Works budget.

Commissioner Piepkorn said people's standards for snow removal on Broadway is going to rise and he thinks Roberts Streets is going to be an additional area that will want this service.

In response to questions from Commissioners Strand and Piepkorn stating they own buildings Downtown and if it would be a conflict for them voting on this item, City Attorney Erik Johnson said there is not a direct or substantial personal pecuniary interest and he does not see it as a conflict.

Commissioner Piepkorn moved that the special assessment list for Business Improvement District (BID) fees be and the same is hereby approved and confirmed, and ordered filed in the office of the City Auditor and that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law.

Second by Preston. On call of the roll Commissioners Piepkorn, Preston, Gehrig, Strand and Mahoney voted aye. No Commissioner being absent and none voting nay, the motion was declared carried.

Concur with the Recommendations from the Finance Committee for Parcel No. 01-8070-00021-000 (Improvement District No. BN-19-A):

The Board received a communication from the Finance Committee stating Improvement District No. BN-19-A was pulled from the Special Assessment list for Improvement Districts at the October 5, 2020, Regular Meeting to review the findings of the Special Assessment Commission and consider whether a reduction or deferral would be appropriate for the referenced parcel.

City Engineer Brenda Derrig said she and Special Assessment Coordinator Dan Eberhardt provided background information to the Finance Committee on how the assessments were calculated. She said even though it is an irregular shaped lot, some of those irregular areas could be used for water retention requirements. Therefore, she said, the decision by the Finance Committee is to concur with the findings of the Special Assessment Commission and to recommend that there be no reduction. As for deferral, she said, requirements of the deferral policy are that the land cannot be platted and undevelopable.

Commissioner Piepkorn moved to concur with the recommendation from the Finance Committee that there be no reduction or deferral for Parcel No. 01-8070-00021-000 in association with Improvement District No. BN-19-A.

Second by Strand. On call of the roll Commissioners Piepkorn, Strand, Gehrig, Strand and Mahoney voted aye. No Commissioner being absent and none voting nay, the motion was declared carried.

Resolution Extending the Moratorium Pertaining to the Retail Sale of Alcoholic Beverages Adopted:

The Board received a communication from City Auditor Steve Sprague stating the Moratorium pertaining to the retail sale of alcoholic beverages was passed by the Board on March 23, 2020, and extended on April 20th and May 18th. He said the Board extended the Moratorium until August 24, 2020 and also expanded the original Moratorium to include mixed drinks and ended the delivery of alcoholic beverages on June 15th. He said the industry is requesting an extension so it can offer meal kits with wine and cocktails for the holidays due to the fact that many companies will be forgoing traditional holiday parties.

Commissioner Piepkorn moved the Resolution Extending the Moratorium Pertaining to the Retail Sale of

Alcoholic Beverages be adopted and extended to 11:59 p.m. on Monday, January 11, 2021, unless it is otherwise terminated or further extended by Resolution or on a motion by the Board of City Commissioners.

Second by Gehrig.

Commissioner Gehrig said he would like to see this extended indefinitely due to the fact that it adds stability to some businesses and they can plan. He said no one has complained about this and the only ones who may complain are those who have off-sale; however, he does not see the correlation due to the fact that no one orders a case of beer to go with a meal. He said the City has had time to look at this and it has proven to be successful and he would like to see it become indefinite.

Commissioner Piepkorn said people who paid for very expensive licenses are not going to be happy and the City will have to be prepared to compensate them. He said when the Governor says a business can only be open 25 percent something like this will kill those businesses.

Commissioner Gehrig said his concern is these are small businesses that are barely getting by and many of them are not open anymore due to the fact that they cannot get enough people to come in. He said off-sale is booming; however, restaurants and small bars are not doing well and this gives them some additional revenue and it has caused zero problems.

Commissioner Piepkorn said what concerns him is the word “indefinitely.”

Commissioner Preston said she does not have a problem with extending the time spans; however, she does have a problem with doing it indefinitely due to the fact that there has not been any talk about the impact, whether it be off-sale licenses or other impacts. It is not an inconvenience to extend this every three months, she said, and she does not understand the urgency for doing it indefinitely.

Commissioner Gehrig said there are businesses investing in a new venture of specialty bags or bottles for alcohol. He said if the businesses are told this is okay for another two months, the businesses are going to buy a hundred bags instead of a thousand bags and those hundred bags will cost more per unit. If the business knows it is going to go on for six months or more, they can get a better deal on packaging materials and that makes for more profits, he said.

Commissioner Preston said she would suggest that this go back to the Liquor Control Board for a public hearing.

Commissioner Strand said he does not know when talk of COVID-19 will be over and his suggestion would be that when the Emergency Declaration and mask mandate are lifted that the Liquor Control Board bring this up to consider curtailing the extension. He said he does not see a problem with continuing to go forward.

Commissioner Preston said she would like to see the extension tied to the Emergency Declaration.

In response to a question from Commissioner Gehrig asking if a City Ordinance is needed to tie the extension to the Emergency Declaration, City Attorney Erik Johnson said the extension would be in alignment with the State of Emergency declared March 16, 2020 for COVID-19 matters.

Commissioner Gehrig moved the Resolution Extending the Moratorium Pertaining to the Retail Sale of Alcoholic Beverages be amended to terminate at the same time as the State of Emergency, unless it is otherwise terminated or further extended by Resolution or on a motion by the Board of City Commissioners.

Second by Strand. On call of the roll Commissioners Gehrig, Strand, Preston, Piepkorn and Mahoney voted aye. No Commissioner being absent and none voting nay, the Resolution was adopted.

On call of the roll on the original motion, as amended, Commissioners Piepkorn, Gehrig, Preston, Strand and Mahoney voted aye.

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

At 5:56 p.m., the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

76th Avenue South Corridor Study Approved:

The Board received a communication from Transportation Division Engineer Jeremy Gorden stating the 76th Avenue South Corridor Study is near completion by the Metropolitan Council of Governments (MetroCOG) and Stantec Consulting. The corridor study runs from the Sheyenne Diversion in Horace to the Red River, he said, and identifies two design alternatives that could be constructed over time. The approval of this study does not mean the City is locked into one or the other alternative, he said. The two design alternatives include a traditional design, he said, with signalized intersections set a quarter mile apart, and a different design, which focuses more on alternative intersections such as roundabouts, RCUTS and a diverging diamond interchange with I-29. He said the study highlights the pros and cons of each design.

Michael Maddox, MetroCOG Senior Transportation Planner, said for the past few years Fargo and Horace have been looking at the future of the 76th Avenue corridor, which will have a significant role in the transportation system in the future. He said the major thoroughfare would have a mix of uses including commercial, office, high-density residential tapering off into lower-density residential and connecting to Horace, which is growing rapidly. He said the study looked at traffic volumes, access management and tried to take a visionary approach to some of the goals listed in GO2030. The planning themes used throughout the course of the study were to integrate mixed-use opportunities, walkability, higher density near the I-29 interchange, and more single-family homes in the eastern and western termini supported by a network of collector streets, he said. The study looked at two alternatives, he said, a regional arterial, which is used in more major urban areas as a way to promote travel through the area, and a commercial arterial, similar to 32nd Avenue and 52nd Avenue, to prioritize traffic east/west utilizing traditional signalized intersections. This area is the prime growth area of the City, he said, and what this study does is get out ahead of development and lay down a vision for that roadway. The purpose of the 76th Avenue South Corridor Study is to identify transportation improvement projects that consider all transportation aspects for all modes of transportation, he said. The process needs to consider existing and future land uses and development growth along the corridor so transportation projects can be phased to accommodate the growth as it occurs, he said. The study considers what 76th Avenue South will look like in the long-term when the surrounding area is fully developed. He said it is important to identify and develop the final aspects of the corridor such as roadway capacity needs, typical sections, right of way for both the corridor and a future interchange with I-29 and functional classification.

In response to a question from Commissioner Preston asking if there has been any consideration to try to decrease traffic flow due to the fact that people inside a neighborhood where they can get services do not have to travel as much, Mr. Maddox said that one of the core philosophies was to look at direct connections from neighborhoods to commercial areas without having to get out onto a major roadway or being able to walk or bike to those destinations, therefore reducing traffic volumes. He said MetroCOG and the City have a Complete Streets Policy and with that philosophy, they try to integrate multimodal transportation amenities into a roadway.

Commissioner Preston said she participated in a focus group for Veterans Boulevard and was impressed with the interest making that area walkable, the street design and traffic calming and she hopes amenities such as those are incorporated into the phases as 76th Avenue moves forward.

Mr. Maddox said a Diversion Greenway Plan along the 76th Avenue corridor is being studied and the corridor will have bridge over the Diversion and MetroCOG is looking at a large linear park aspect that would contain a path that would connect to the grade separations.

Commissioner Piepkorn said he would rather build a very good road the first time rather than build a road and then later have to rebuild it.

Mr. Maddox said most of the portion of the Fargo jurisdiction in the corridor will be not developed any time soon and if a big road is built, it will have to be maintained for 20 years or more.

Commissioner Piepkorn said prices and interest rates are low and if the City waits to build this it will cost more. He said the City should build aggressively due to the fact that once the Diversion is completed this area will fill

in shockingly fast and, fortunately, Horace and Fargo work well together.

Commissioner Preston said she is more agreeable with a phased project due to all the special assessment deferrals that would have to occur.

Commissioner Preston moved the 76th Avenue South Corridor Study be approved, as presented. Second by Piepkorn. On call of the roll Commissioners Preston, Piepkorn, Gehrig, Strand and Mahoney voted aye.

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

Resolution of Support MATBUS Transit Authority Study Adopted:

The Board received a communication from Transit Director Julie Bommelman stating the Metropolitan Council of Governments (MetroCOG) recently conducted a study regarding a MATBUS Transit Authority, which provides a long-range vision roadmap for implementation of an Authority structure, while providing interim solutions to streamline leadership and governance of transit service within the region.

Michael Maddox, MetroCOG, said the study process was guided by a two-tiered structure, consisting of technical representatives, city leadership and elected officials representing Fargo, Moorhead and West Fargo alongside State and Federal partners. He said the Resolution of Support would not result in any immediate organization changes; however, it does lay the groundwork for continued discussions, strategizing and coordination between local jurisdictions and State and Federal partners. He said when the 2020 Census is released the federal formula grants will likely change and the Fargo metro area will become a Transportation Management Association (TMA) and will not be eligible or have the flexibility for some of the funding sources it currently receives. He said this will leave a funding gap that will require local or State funding assistance and Minnesota has already pledged to fill in Moorhead's gap with State funds. In the last few years, he said, the system has been growing, especially with the addition of student ridership, which comprises about 50 percent of the Transit riders. The region is growing quickly and as the region grows so must Transit services, he said. There are some interagency issues regarding duplication and management of the system, he said, and other existing systems that need improvement are communication among partner agencies, staff and management, decision-making processes and equity with funding and representation. The long-term recommendation is for a ND Transit Authority and Moorhead and Dilworth would purchase transportation under contract with the new Authority. He said a Transit Director position would be an employee of MetroCOG and would oversee and coordinate decisions for internal MATBUS operations, be the single point of contact for management and operations with a unified approach to capital and service planning. The cumulative impact of becoming a TMA, he said, would be an approximate \$1.2 million operating funding gap and the target portion of that gap consists of federal dollars designated for the ND portion of the MATBUS service area. He said while no single financial alternative is perfect, a ND Transit Authority with the ability to levy a sales or property tax would have the greatest potential to address current and future funding needs. A sensible approach, he said, would be to pursue this as a long-term solution, while implementing several other locally adoptable interim solutions.

Commissioner Gehrig said Fargo now has control over the MATBUS system and services subbed-out to Moorhead, West Fargo and other places. He said his concern is if there is a multi-jurisdictional Authority, Fargo loses all control and that means how people pay taxes. He said Moorhead may have a great idea about a way to improve its system which might raise taxes in ND and that is concerning.

Mr. Maddox said Fargo operates the Transit service for the ND side of the river and Moorhead operates on its side of the river; however, it is still under the MATBUS moniker and that was the recommendation of a study done in 1999. He said there are more than 13 operation agreements between Fargo and Moorhead and they are very wide ranging, for instance, one is that Fargo has 100 percent control of the Ground Transportation Center and Moorhead pays a lease. He said the problem with these agreements and how they operate is Moorhead would like to move forward due to the fact that they do have funding from the State and the State has a goal of increasing operating hours and because there is this difference between ND and Minnesota, Moorhead cannot initiate some of these things.

Commissioner Gehrig said he is giving a cautionary tale of when unelected people say how much people pay in taxes. He said sometimes those taxes go up due to the fact that there is no accountability and then the City takes the heat for appointing “Bob” and now “Bob” is trying to raise taxes. Transit is very expensive, he said, especially regional Transit, and the amount of taxes needed from property or sales taxes or fees is going to be substantial. If the mills for property taxes start rising or if it is a quarter-cent sales tax, people are going to notice.

Mr. Maddox said how funds are raised is a sensitive issue and the City currently pays for Transit out of its millage and a large portion is paid for with federal funds; however, that will decrease about 25 percent in the future. He said there has to be a way to maintain the Transit service as it is today, let alone having it grow into the future.

Commissioner Gehrig said he would be highly uncomfortable with appointing an Authority, which is a legal term, due to the fact that it would have taxing abilities.

Mr. Maddox said the long-term recommendation of the study is to create an Authority; however, that would require legislation. He said a variety of things are going to be studied and this Resolution is just a way to get started in the right direction.

Commissioner Strand said the area’s population is growing and he hopes future smart technologies are studied as a way to reduce the funding gap. He said as long as there is a study going on, he hopes the group can visualize what transit will look like in 10 or 20 years and embark on futuristic exploration.

Mr. Maddox said MetroCOG is looking at doing stakeholder outreach and perhaps Commissioner Strand could be engaged in that process. He said MATBUS has won many awards over the past years with its implementation of Transit technologies. For example, he said, Tap Ride is very successful on the NDSU campus and in the Industrial Park and more on-demand services, which are less expensive to operate than fixed routes, are definitely something that will be explored further.

Commissioner Strand said he also hopes that with future technologies the delivery of Transit services can be free.

Commissioner Strand moved the Resolution titled “Resolution of Support MATBUS Transit Authority Study” and referred to as Attachment “D,” be adopted and attached hereto.

Second by Preston. On the vote being taken on the adoption of the Resolution Commissioners Strand, Preston, Piepkorn and Mahoney voted aye.

Commissioner Gehrig voted nay.

The Resolution was adopted.

Option 3 for the Hourly Parking Rates at the ROCO and Mercantile Parking Ramps Approved: Parking Options to be Reviewed when the State of Emergency Declaration is Lifted:

The Board received a communication from Assistant Planning Director Mark Williams stating the Mercantile Ramp will be opening soon and an hourly parking rate has yet to be established. He said a proposal to establish a \$1.50 an hour parking rate was presented to the Parking Commission and following the proposal, the Parking Commission discussed removing the free two-hour parking at the ROCO Ramp and applying the \$1.50 an hour parking to both facilities. The Parking Commission voted 3-2 to establish an hourly parking rate of \$1.50 for the ROCO , he said, and Mercantile Ramps with an all day limit of \$8.00. He said the Civic Center Ramp also has an hourly rate of \$1.50. Since the Parking Commission meeting, he said, staff has received comments and concerns about discontinuing the free two-hour parking at the ROCO Ramp. The concerns came from the Downtown Community Partnership (DCP), Downtown residents and businesses, he stated, and based on the concerns from the public, staff is recommending one of the following three options:

Option 1: Accept the Parking Commission’s recommendation and establish an hourly rate of \$1.50 with an all day limit of \$8.00 for the ROCO and Mercantile Ramps.

Option 2: Establish an hourly rate of \$1.50 with an all day limit of \$8.00 for the Mercantile Ramp and continue the current hourly rate of 0-2 hours free, 2-4 hours \$3.00, 4-6 hours \$5.00 and an all day limit of \$8.00.

Option 3: Continue the current hourly rate of the ROCO Ramp and apply that rate to the Mercantile Ramp. The

current hourly rate of the ROCO Ramp is 0-2 hours free, 2-4 hours \$3.00, 4-6 hours \$5.00 with an all day limit of \$8.00.

In response to a question from Commissioner Gehrig asking about the discussion after the Parking Commission vote, Mr. Williams said it went from wear and tear to the overall business plan of the ROCO ramp as far as being able to finance repairs and maintenance. He said there was some discussion about all the ramps being free from 5 p.m. until 8 a.m. and on the weekends, and trying to make all the ramps consistent.

Commissioner Gehrig said the rates should be consistent since they are all a short distance from each other. He said if there are different funding sources or methods, it is confusing to people. He said the City loses money on the parking ramps and he is sure people love the two hours free; however, that little bit of extra income could mean hundreds of thousands of dollars a year for the City. He said his inclination is to do a flat \$1.50 an hour up to a certain amount per day and keep it free during the times already free. That is the simplest approach for him, he said, and the City could use the revenue.

Commissioner Piepkorn said he agrees that it could eventually go that way; however, for now the City should leave it with the two-hour free option. He said there are many challenges with businesses and the current economic situation; therefore, the City should do all it can to encourage people to use the ramps and perhaps, down the road, institute some type of increase. He said he would support having all of the ramps the same with two hours free and revisiting it later when the economy is better.

In response to a question from Mayor Mahoney asking if anyone considered having one hour free, Mr. Williams said they did not.

In response to a question from Mayor Mahoney asking approximately how many people take advantage of the free parking, Mr. Williams said it changed from last year to this year due to COVID-19. For example, he said, in March 2019 there were 9,000 parkers and 6,600 did not pay; in January, 11,000 people parked and 9,400 did not pay; in February there were 14,000 parkers and 12,000 did not pay; and in June, July and August combined there were 8,700 parkers and 7,500 did not pay. He said those figures include nights and weekends, every time the gate goes up and down it calculates how many people took a ticket and then calculates how many people did not pay. He said these are the reports from Interstate Parking.

In response to a question from Commissioner Preston asking if it is residents or customers taking advantage of the two-hour parking, Mr. Williams, said that would be difficult to monitor, even with license plate recognition readers. He said the one complaint he did receive was from a resident who prefers to pull his car in and out of the ramp every two hours.

In response to a question from Commissioner Gehrig asking about funding for the ramps, such as Tax Increment Financing (TIF) Districts and user fees and if there are any other funding sources, Mr. Williams said there are also monthly contract parkers.

In response to a question from Commissioner Gehrig asking if those funding sources cover expenses, Mr. Williams said they do not after bonding for the construction of the Mercantile.

Commissioner Gehrig said the City is paying for bonds with a mix of sales and other taxes and his point is the City is not getting enough money from the parking garages, yet someone is paying for them. He said he would prefer that the people who actually use the ramps pay for them considering they are for Downtown and it is not a structure for someone in South Fargo.

Commissioner Strand said space to park Downtown was lost when the ramps were built and there is 90 minutes of free parking on the street.

In response to a question from Commissioner Strand asking what parking rates for the Mercantile were presented to the Board, Mr. Williams said there was not a discussion as to what fees would be for the Mercantile. He said the parking rates at the ROCO were determined based on a tour taken in Nebraska where that city provided one

free hour of parking for its Downtown facilities, then charged after that first hour. He said at the time, there was a sentiment that parking structures were not nice or clean; therefore, the City wanted a way to encourage people to try the ramp and learn how it works, see the elevators and see that it is clean and nice.

Commissioner Strand said it is not a good idea to force more cars out into the streets to be ticketed and towed.

In response to a question from Commissioner Preston asking if the Radisson ramp offers free parking, Mr. Williams said it does not.

Commissioner Preston said she would make the argument for Option 2 due to the fact that she thinks it is difficult once a benefit is in place to pull it back. She said the City is in the middle of an economic downturn and continuing with two free hours at the ROCO would be fine; however, to add another parking ramp to this benefit makes it more difficult to pull back.

Commissioner Piepkorn moved the selection of Option 3 for the hourly parking rates at the ROCO and Mercantile parking ramps be approved and to recommend that the Board review the parking options when the State of Emergency Declaration is lifted.

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

Commissioners Gehrig and Preston voted nay.

The motion was declared carried.

Applications for Property Tax Exemptions for Improvements Made to Buildings Approved:

a. Keith and Wanda Fischer, 3019 Bohnet Boulevard North (3 year).

b. Alice Dosland Life Estate, 3014 9th Street North (5 year).

c. Karla Wohlers, 3013 Edgewood Drive North (5 year).

d. Mary Steussy, 301 20th Avenue North (5 year).

Commissioner Piepkorn moved the applications be approved.

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

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

Discussion on Snow Emergency Declaration Ordinance:

Public Works Director Ben Dow said he brought this information to the City Commission in December 2019 to ask permission to move forward with the creation of the Snow Emergency Ordinance due to the problem of winter street parking. He said the City is dealing with many property owners who are not including parking spots in their rent, counting and relying on the street for their tenants' parking. He said the Mayor can make an Emergency Declaration when snow accumulation is four inches or more. He said after the declaration, all vehicles have to be removed from the street until the street is plowed. He said at first the fine was going to be \$150.00 as well as a graduated fine structure, which was not popular, so the fine amount was lowered to \$100.00. He said he looked at what was in place for winter parking already and after he dug into it, it was very confusing. He said the rules listed the "U.S. Weather Bureau," which is now the National Weather Service, and "parking may be prohibited or restricted," then later it discussed "snow emergency routes;" therefore it was very unclear. He said he first pulled all of the snow emergency routes out of everything and brought that forward with a Resolution for the City Commission to sign-off on and that goes into effect as of November 1st and states that there is no parking on the City snow emergency routes such as University and 25th Street. The snow emergency that the Mayor declares is when the City is going to receive four inches of snow or more as predicted by the National Weather Service. He said in some of the conversations he has had with residents, many of the four-inch snow events the City has had would not require this to happen, it really falls into the event when the City receives 12 inches of snow and the City has to shut down. He said the emergency will only be terminated by the Mayor or until roadways are plowed, curb to curb. He said he worked with the NDSU Operations Director and when the City thinks a snow emergency may be happen, the discussion will start three or four days in advance and NDSU will email all of its students that a snow event may be coming. He said NDSU has lots that will be opened up for free during the snow emergency so students will have a place to put vehicles rather than leaving them on the streets. He said he also talked to the FARGODOME, which could be a potential parking opportunity if there is nothing scheduled. Sanford is a big employer in North Fargo and he spoke with Sanford's facilities

director who said Sanford could fully account for its entire staff being able to park in Sanford's ramps when a snow emergency is declared. The Fargo Park District also has some lots they will open during a snow emergency. He said the Police Department is set up into 13 enforcement zones and will not be able to enforce all 13 at the same time. He said it is going to take some time to get everyone on board and it will take three or four days before a snow event so PD can start moving schedules around in order to have the staff to enforce three or four zones at a time. He said enforcement would not be conducted while it is snowing and his department is trying to work with property owners to get the cars off the street. He said it is obvious when there has been four inches of snow and the road is plowed which cars were parked on the streets before the snow event and those are the cars that are going to get tickets. In time, law enforcement will follow snowplows as they plow the residential neighborhoods. He said the new CassClay Alerts is going to be another way people can receive messages about what is going on with the plowing crews. He said if there is going to be a snow emergency, CassClay Alerts is the best way to get the information to residents. He said Public Works is also planning to use the CassClay Alerts for Downtown snow hauling this winter.

In response to a question from Commissioner Strand asking where people Downtown will park if they need to get their car off the street, Mr. Dow said this Ordinance does not affect the Central Business District due to the fact that the City hauls that snow. He said the Central Business District is University Drive to the Red River and from 7th Avenue North to 2nd Avenue South.

Commissioner Strand said he does not want his fellow Commissioners to think that they cannot implement mandates, Ordinances or policies that involve Police, ticketing and citations. He said it is done all of the time and when the Commission implements mandates, Ordinances or policies it for the right reasons.

Appointments to the Historic Preservation Commission Approved:

The Board received a communication from Mayor Mahoney recommending that Nathan Larson, Heather Fischer and Paul Gleye be reappointed to the Historic Preservation Commission.

Commissioner Preston moved Nathan Larson, Heather Fischer and Paul Gleye be reappointed to the Historic Preservation Commission for three-year terms ending October 31, 2023.

Second by Gehrig. On call of the roll Commissioners Preston, Gehrig, Piepkorn, Strand and Mahoney voted aye. No Commissioner being absent and none voting nay, the motion was declared carried.

Commissioner Gehrig moved that the Board adjourn to 5:00 o'clock p.m., Monday, November 2, 2020.

Second by Preston. All the Commissioners voted aye and the motion was declared carried.
The time at adjournment was 7:07 o'clock p.m.