

FARGO CITY COMMISSION AGENDA  
Monday, November 16, 2009 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO (Channel 99). They are broadcast each Monday at 5:00 p.m., Thursday at 7:00 p.m. and Saturday at 8:00 a.m.; and are also included in our video archive at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission)

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, November 2, 2009).

\*\*\* Consent Agenda - Approve the Following \*\*\*

- a. 2nd reading, waive reading and final adoption of the following rezoning Ordinances; 1st reading, 11/2/09:
  - (1) Certain Parcels of Land Lying in J Starr Second Subdivision.
  - (2) Certain Parcels of Land Lying in Mehl First Addition.
- b. Receive and file Summons and Complaint in the matter of Progressive Direct Insurance Company vs. the City of Fargo et al.
- c. Receive and file Notice of Appeal filed by Fred M. Hector, Jr. vs. the City of Fargo.
- d. Receive and file Year to Date – Budget to Actual Report for October 2009.
- e. Engagement letter with Eide Bailly, LLP for auditing services for the 2009-2011 calendar years.
- f. Cable franchise fee auditing services contract with Lewis & Associates for 2005, 2006 and 2007.
- g. Two year contract extension with Alltel for wireless phone services.
- h. Agreements with LilyCare Clinic and Octus, Inc. and MeritCare Health System for H1N1 vaccinations.
- i. Contracts for the Tobacco Prevention and Control Program.
- j. Applications for Games of Chance:
  - (1) Muskies, Inc. F-M Chapter for a raffle on 2/5/10.
  - (2) North Dakota Autism Center, Inc. for a raffle on 1/30/10.
  - (3) Fargo Motor Patrol, Inc. for a raffle on 2/5/10.
  - (4) Fargo All City Youth Hockey: Girl's Program for a raffle on 1/9/10.
- k. Contract for bailiff services for 2010.
- l. Mutual Aid Agreement with Cass and Clay County law enforcement.
- m. Appointment of Julie Hinkel as a special police officer for NDSU.

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- n. Addendum to Agreement with the Fargo School District for janitorial services.
  - o. Purchase of laboratory equipment for the Water Treatment Plant.
  - p. Priority list for 2011 Transportation Enhancement Project applications.
  - q. Purchase Agreement with JP Everist, Sr. Marital Trust for temporary/permanent sanitary sewer easements for Improvement District No. 5726.
  - r. Encroachment Agreement with AMVETS, Jon A. Greely, Post #7 at 1001 1st Avenue South.
  - s. Temporary Construction and Permanent Easements with Southeast Cass Water Resource District for the Drain 27 improvement project.
  - t. Engineering Services Contract Amendment in the amount of \$114,500 for Project No. 5073.
  - u. Contract Amendment No. 3 with KLJ in the amount of \$37,452 for Project No. 5798.
  - v. Concurrence with the NDDOT bid awards for Project Nos. 5574 and 5701.
  - w. Change Order No. 1 for an increase of \$9,737.73 for Project No. 5854.
  - x. Contract and bond for the skyway replacement project.
  - y. Contracts and bonds for Project Nos. 5897-2, 5902 and 5909.
  - z. Bills.
  - aa. Create Improvement District No. 5910.

\* \* \* Regular Agenda \* \* \*

1. Recommendation to draft a Street Lighting Utility Ordinance.
2. Recommendation to appoint David Obermiller to the Board of Appeals.
3. Recommendation to reappoint Linda Klebe and Steve Stoner to the Community Development Committee.

**PLEASE NOTE:** The agenda deadline for the November 30th meeting will be noon on **Wednesday, November 25th** due to the Thanksgiving Holiday.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least three business days in advance of public meetings to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission)



**TO:** BOARD OF CITY COMMISSIONERS  
**FROM:** KENT COSTIN, DIRECTOR OF FINANCE *KAC*  
**RE:** STREET LIGHTING UTILITY ORDINANCE ADOPTION  
**DATE:** NOVEMBER 12, 2009

A street lighting utility ordinance is attached for your review and approval. This ordinance is recommended as detailed and approved in the 2010 budget. The Budget Review Team as well as the Finance Committee agrees that the long term impact of having a street lighting utility is beneficial to our operations as energy costs continue to climb over time.


North Dakota Century Code enables the creation of a street lighting utility. Some cities have already established or are in the process of establishing such a utility as authorized in this section of the code.

**Suggested Motion:**

Receive and file for first reading a street lighting ordinance to become effective January 1, 2010.



MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS  
FROM: MAYOR DENNIS R. WALAKER   
DATE: NOVEMBER 5, 2009  
SUBJECT: APPOINTMENT TO THE BOARD OF APPEALS

Randy Buth has resigned from the Board of Appeals. His term expires on June 30, 2014.

I am recommending that David Obermiller be appointed to fill the unexpired term caused by this resignation and have attached a copy of Mr. Obermiller's resume.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the appointment of David Obermiller to fill the unexpired term of Randy Buth on the Board of Appeals for a term ending June 30, 2014.

wwappt09boado

## Sharon Odegaard

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**From:** Ron Strand  
**Sent:** Thursday, November 05, 2009 8:35 AM  
**To:** Sharon Odegaard  
**Subject:** FW: Board of Appeals member

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**From:** Harold Thompsen [mailto:HThompsen@eapc.net]  
**Sent:** Thursday, November 05, 2009 8:34 AM  
**To:** Ron Strand  
**Subject:** RE: Board of Appeals member

Dave would be a good choice. I would fully support his appointment.  
Harold

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**From:** Ron Strand [mailto:RStrand@cityoffargo.com]  
**Sent:** Thursday, November 05, 2009 8:30 AM  
**To:** Dennis Walaker; Sharon Odegaard  
**Cc:** James Gilmour; Harold Thompsen; Melissa Gaulrapp  
**Subject:** Board of Appeals member

I just received a call from Randy Buth, the mechanical engineer member of our Board of Appeals. He called to inform me that he would be resigning from the board and would be sending his resignation letter as soon as possible. Randy was the only mechanical engineer on this board and the board is presently conducting its review and hearings of the 2009 editions of the International Codes to formulate a recommendation to the City Commission for adoption of these codes early next year. For this reason it would be important to re-fill this position as soon as possible. David Obermiller has expressed an interest in service to the City through this board. Mr. Obermiller is a mechanical engineer and owner of Obermiller Nelson Engineering here in Fargo. If the mayor wishes to make his appointment at the appropriate time, he would be an excellent choice.

Please let me know if I can provide you with any further information.

Ron

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

**From:** webmaster@cityoffargo.com  
**Sent:** Wednesday, June 03, 2009 10:10 AM  
**To:** Sharon Odegaard  
**Subject:** Commission Application

**Name:** David P. Obermiller  
**Address:** 2201 12th Street North Suite D  
**City:** Fargo  
**State:** North Dakota  
**Zip:** 58102  
**Work phone:** 701-280-0500  
**Home phone:** 710-280-1568  
**Email:** [daveo@obernel.com](mailto:daveo@obernel.com)

**Which boards or commissions would you like to be considered for?**

Fargo Building Code Board of Appeals

**Briefly state why you would like to be on this panel:**

I would like to contribute my 25 years of design and construction experinece as a Professional Mechanical Engineer in the City of Fargo and the State of North Dakota.

**How many hours per month could you volunteer as a panel member?**

10 to 20 hours a month. If more was needed at certain points that would be acceptable but not on a continious basis.

**Please list any past experience you have with city government here or in other cities:**

I have worked with Fargo Codes, North Dakota Codes and Minnesota Codes as well as NFPA, ND Nusing Home and Health department Codes and codes officials throughout my 25 year career.

**Please describe any professional experience you have related to the responsibilities of the panel you are interested in:**

I have at times through-out my career attended different Codes Board hearings and presentations by codes officials on new codes and codes clarifications.

**Resume:**

## Profile

### Responsibilities

Project Mechanical Engineer

### Education

B. S. Mechanical Engineering  
May, 1984  
North Dakota State University  
Fargo, ND

### Registration

Minnesota # 22356  
North Dakota # 3300

NCEES Council Record No. 15577

### Memberships

National Society of Professional Engineers  
North Dakota Society of Professional Engineers  
American Society of Plumbing Engineers  
Fargo-Moorhead Engineers  
(President 1994)  
ASHRAE Member Since 1984  
Fire Protection Engineers Association

### Work History

1992-Present:  
Mechanical Engineer/Principal  
Obermiller Nelson Engineering, Inc.  
Fargo, ND

1984-1992:  
Mechanical Engineer  
Mooney, Henning, Metz & Associates  
Fargo, ND



David Obermiller, P.E.

## Design & Construction Experience

Mr. Obermiller has been involved in all aspects of the HVAC design field in his career. His early career experiences had included heavy concentration in the medical and educational facilities. Mr. Obermiller also spent a significant part of his early career focused on energy conservation analyses.

In 1992 Mr. Obermiller opened the offices of Obermiller Nelson Engineering with his Partner Mr. James Nelson. Mr. Obermiller has progressed from Mechanical System Designer to Project Manager. Mr. Obermiller is currently responsible for in house engineer training and development. Mr. Obermiller ensures the quality of the mechanical systems designs for each project.


For over 25 years Mr. Obermiller has been involved in the design of mechanical systems for numerous commercial, institutional and industrial building projects. Some of the outstanding accomplishments in recent years include the \$50,000,000 MeritCare Medical Center Expansion in Fargo, ND and the \$104,000,000 Ralph Engelstad Arena at UND in Grand Forks, ND.

Throughout his career Mr. Obermiller has been involved in the review and evaluation of mechanical systems and equipment in relation to Federal, State and local Codes. As the codes change and evolve Mr. Obermiller has had to adapt his design techniques and system layouts to include the code requirements.

Mr. Obermiller has worked with the International Building, Mechanical, Energy, Fire, Flue Gas and Plumbing Codes. Mr. Obermiller is also familiar with the ND and MN State Plumbing Codes, NFPA Codes, Model Energy Codes, the Health Care Facilities Guidelines and ASHREA guides.

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS  
FROM: MAYOR DENNIS R. WALAKER   
DATE: NOVEMBER 3, 2009  
SUBJECT: REAPPOINTMENTS TO THE COMMUNITY DEVELOPMENT  
COMMITTEE

The terms of Linda Klebe and Steve Stoner as public members on the Community Development Committee expire on December 31, 2009.

Both Ms. Klebe and Mr. Stoner have agreed to continue their service on the Board. I am, therefore, recommending that both be reappointed for three-year terms ending December 31, 2012.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Linda Klébe and Steve Stoner as public members on the Community Development Committee for three-year terms ending December 31, 2012.

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