

5. Extension of the Class FA liquor license for Quaker Steak and Lube to 12/31/15.
6. Renewal of Liquor and Live Entertainment Licenses until 6/30/16, contingent upon all essential requirements for renewal being met by 6/30/15.
7. Sale of City-owned land at 316 11th Street North to Craig Properties, Inc. for \$9,600.00, contingent on submission of final plans.
8. Change Order No. M-5 for the Fargo Cass Public Health Remodeling Project for an increase of \$8,534.00.
9. Contract with the North Dakota Department of Health for the Title X Family Planning Program (CFDA #'s 93.217 and 93.977).
10. Amendment to the Image Group contract for the CVS building to assist the Police Department in redesigning the layout of the existing Public Health Building.
11. Consent to the Assignment of Lease pertaining to the Radisson Hotel.
12. Amended Site Authorizations for American Gold Gymnastics at The Box and Side Street Grille & Pub.
13. Amended Site Authorization for the Boys & Girls Club of the Red River Valley (dba Youth Commission) at the Pickled Parrot and Red River Lanes.
14. Applications for Games of Chance:
 - a. North Dakota Conference of Social Welfare for a raffle on 9/24/15.
 - b. St. Mary's Cathedral for a calendar raffle and bingo from 7/1/15 to 6/30/16.
15. Consent to Assignment for transfer of control of Cable Television Franchise with Cable One, Inc.
16. Amendment to the funding agreement with the State of North Dakota Department of Transportation (contract #38141270A).
17. RFP to obtain transit management, driver and fixed route dispatch services.
18. Agreement with NDSU for exterior advertising on buses through 6/30/16 for \$55,000.00.
19. Issuance of up to \$12 million of taxable parking revenue bonds for parking facility system expansion (moved to the Regular Agenda).
20. Authorization for Interstate Parking to manage and operate the off-street enforcement program.

21. Memorandum of Offer to Landowner and Temporary Easement with Florence E. Swanick for Project No. BR-15-B1.
22. Consulting Engineering Services Contracts for Project Nos. PN-15-E1, PN-15-L1, UN-15-K1, PN-15-K1, BN-15-H1, PN-15-H1, BN-14-71 and BN-15-L1.
23. Acquisition of appraisals and consultant assistance as necessary regarding a PDM/FMA grant for Project No. MS-15-M.
24. Use Agreement for Wildflower Grove entrance to allow installation of a little free library on City-owned property.
25. Contract time extension for Project No. 5902-02 to 6/2/15 for substantial completion.
26. Contract time extension for Project No. FM-14-61 to 9/24/15 for final completion.
27. Amended Engineers Report for Project No. TM-15-B.
28. Bid advertisement for Project No. TR-15-C.
29. Contracts and bonds for Project Nos. FM-14-12, SN-15-B1 and WW1404.
30. Bills in the amount of \$16,618,795.09.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 4 and 11, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1.

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

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

Bids Received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1:

The bids for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 17, 2015 and the bids were found to be as follows:

Griffin Construction Company, Inc. Bid:	Chatfield, MN \$3,848,495.63
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Central Specialties Bid:	Alexandria, MN \$3,864,369.50
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Border States Paving, Inc. Bid:	Fargo, ND \$4,008,336.08
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Northern Improvement Company Bid:	Fargo, ND \$4,515,059.25
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Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1 Awarded to Griffin Construction Company, Inc. in the Amount of \$3,848,495.63:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 17, 2015 for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1 shows the bid of Griffin Construction Company, Inc. of Chatfield, Minnesota, in the sum of \$3,848,495.63 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Griffin Construction Company, Inc. in the sum of \$3,848,495.63 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-E1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Griffin Construction Company, Inc. for the sum of \$3,848,495.63, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Contract Time Extension for Improvement District No. PN-14-31 Approved:

Commissioner Sobolik moved approval of a contract time extension to June 29, 2015 for Improvement District No. PN-14-31.

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

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

Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K (Valley View 4th Addition):

Commissioner Sobolik moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K:

Adopt Resolution Creating Improvement District No. PN-15-K:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PN-15-K in the City of Fargo, North Dakota, be created

Crimson Loop South.

37th Avenue South between 54th Street South and Veterans Boulevard.

Justice Drive South between 54th Street South and 56th Street South.

55th Street South between 37th Avenue South and 130' south of Justice Drive South.

56th Street South between 37th Avenue South and 130' south of Justice Drive South.

COMPRISING:

Lots 1 through 10, Block 1.

Lots 1 through 60, Block 2.

Lots 1 through 8, Block 3.

Lots 1 through 8, Block 4.

Lots 1 and 2, Block 5.

Valley View Fourth Addition.

Lots 1 through 19, Block 1.

Lots 1 through 13, Block 2.

Lots 1 through 11, Block 3.

Lots 1 through 18, Block 4.

Lots 1 through 3, Block 5.

Valley View 5th Addition.

All of the foregoing is located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost from the City Engineer for Improvement District No. PN-15-K:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-15-K in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,032,137.50.)

Order Plans and Specifications for Improvement District No. PN-15-K:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PN-15-K in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PN-15-K:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-15-K in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. PN-15-K in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. PN-15-K:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PN-15-K in the City of Fargo, North Dakota.

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

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

Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C (Butler Business Park):

Commissioner Sobolik moved the following action be taken in connection with Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C:

Adopt Resolution Creating Improvement District No. UR-15-C:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. UR-15-C in the City of Fargo, North Dakota, be created

In existing easements bounded within the following area; south of Main Avenue, east of Interstate 29, north of approximately 3rd Avenue South and west of 34th Street South.

COMPRISING:

Lots 6, D, F, H, J & K, Block 8, BN I-29 South Industrial Center.

Lot 1, Block 1, Butler Business Park.

Lot BNRR, INC 3,450 SF, Northern Pacific.

All of the foregoing is located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. UR-15-C:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UR-15-C in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$534,419.89.)

Order Plans and Specifications for Improvement District No. UR-15-C:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. UR-15-C in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. UR-15-C:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UR-15-C in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. UR-15-C in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. UR-15-C:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. UR-15-C in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 Approved:

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

Western National Mutual Insurance Company, in the amount of \$2,265,130.50, for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Northern Improvement Company for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 Approved:

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

Western Surety Company, in the amount of \$362,393.70, for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 Approved:

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

Liberty Mutual Insurance Company, in the amount of \$477,907.58, for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Central Specialties, Inc. for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 Approved:

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

Ohio Farmers Insurance Company, in the amount of \$935,491.75, for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 in the City of Fargo, North Dakota.

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

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

Resolution Adopted Annexing Approximately 80.43 Acres of Land in Harwood Township:

The Board received a communication from Planning Director Jim Gilmour stating the City received a Petition for Annexation of property in Section 27 of Harwood Township. He said the subject property is adjacent to city limits and is north of 19th Avenue North and east of 45th Street North. He said the petition is for approximately 80.43 acres.

Commissioner Sobolik offered the following Resolution and moved its adoption:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, The City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with about one hundred ten thousand (110,000) inhabitants; and

WHEREAS, There is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 80.43 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, certain land described as follows:

Part of the Northwest Quarter of Section 27, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, Being More Fully Described as:

The West Half of the Northwest Quarter of Section 27, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.

Said Part Contains 80.43 Acres, More or Less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 17th day of August, 2015, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota.

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

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

State Water Commission Cost Reimbursement Request for FM Diversion Flood Project Costs Approved:

Finance Director Kent Costin said the expenditures listed in the reimbursement request are for \$1,182,540.00 and are eligible for the State of North Dakota funding. He said the disbursements were primarily related to the Oxbow/Hickson/Bakke ring levee project

Commissioner Piepkorn moved the cost reimbursement request to the State Water Commission for FM Diversion Flood Project costs in the amount of \$1,182,540.00 be approved.

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

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

NDPERS Health Insurance Premium Structure Referred to the Finance Committee for Further Review:

Mayor Mahoney said he would like to refer this item back to the Finance Committee for further discussion.

Commissioner Williams moved the NDPERS health insurance premium structure be referred to the Finance Committee for further review.

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

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

Discussion on Oxbow Home Buyouts:

Commissioner Piepkorn said as a Commission the City is allocating the 1/2 cent sales tax and he wants to make sure that the Commissioners are receiving the correct information on the home buy-out numbers when they are brought forth to the Commission.

Chairman of the Cass County Joint Water Resource District Mark Brodshaug said they were given the task of acquiring land for the project about three years ago and about a year and a half ago they were given the task of construction of the Oxbow/Hickson/Bakke Levee. He said the last eighteen months they have had appraisers and land acquisition individuals working to purchase needed properties in both the City of Fargo and the City of Oxbow and the surrounding area. He said they have three land acquisition companies on contract, as well as CH2M Hill and AE2S who are the overall project management teams and managers of the land acquisition activities. He said the budget is part of what is approved by the Diversion Authority and the member entities each year, therefore the scope of the acquisitions are laid out ahead of time. The construction and finance committee lay out what the goals for the year should be in terms of acquisitions to make construction happen, he said, and during the past couple of years they have been pushing forward to acquire needed properties in Oxbow. He said they had a \$10 million construction package that they were ready to let bids and have construction begin in Oxbow, which has now been delayed with the injunction. He said the goal in Oxbow is to keep the residents who want to stay in that community there, so there is not simple a buyout happening, it is a replacement of some residents' homes which, with the cost of new construction, increases the costs of these individuals' new homes. He said part of the Uniform Relocation Act requires a special appraisal process which is different from the appraisal process that is done when you get a loan through a bank and with that they receive just compensation. He said the appraisal amount is what is offered to the homeowner, but there are two other pieces to the compensation package which are the replacement housing agreement and relocation costs.

In response to a question from Commissioner Piepkorn as to whether or not there is a Project Partnership Agreement (PPA), Mr. Brodshaug said there is not.

Commissioner Piepkorn said it was his understanding that there needed to be a PPA to use this federal program. He said he feels that there is going to be a lot of negative feedback from Fargo citizens when they realize that the residents of Oxbow are receiving double for their buyouts than what Fargo is receiving. And to say that it is a unique community will not cut it, he said, as there are a lot of unique homes in Fargo as well.

Mr. Brodshaug said they are following the same process in Oxbow as in Fargo; however, in Oxbow they are using the "housing of last resort" situation, which means there is not sufficient capacity for replacement housing in Oxbow.

Eric Dodds, AE2S, said there is not a PPA in place yet; however, there is work being done to move towards one. He said for the Oxbow project there is a design agreement in place with the Corps of Engineers that allows them to participate in the project.

Commissioner Piepkorn said the Diversion Authority is not required to follow Federal rules at this time, they are just choosing to do so.

Mr. Dodds said as a local sponsor it is his understanding that the City of Fargo could choose at any time to do something alternatively or above and beyond what the Federal guidelines are.

Commissioner Williams said he sits on the Diversion Authority; however, he did not realize that the housing of last resort was being used and that the City of Oxbow is getting that much more for a buyout.

Attorney for the City of Oxbow Joe Turman said over the past three or four years the State Board of Equalization has agreed to reduce the valuation in Oxbow due to the lack of marketability and just recently the agreement was changed so that the valuation would be increased over a period of the next five years to get it back up to the market value standard. He said without the Diversion in place there was a real question as to whether or not the City of Oxbow would continue to be viable and have a tax base. He said that it is not only federal guidelines that are being followed, but a contractual agreement was made as well.

Commissioner Gehrig said he is not trying to stop this project; however, when a Fargo resident sees these numbers it is necessary to have this discussion in public so people understand why this is being done.

Cash Aaland, 5555 171st Avenue Southeast, Christine, North Dakota said he is troubled by what he is hearing, specifically with how the housing of last resort is somehow requiring this kind of spending in Oxbow. He said it is his understanding that this does not require this kind of spending, it is just being used to justify it at this point.

Resolution Adopted Authorizing the Issuance of Health Facility Revenue Bonds by the Colorado Health Facilities on Behalf of the Evangelical Lutheran Good Samaritan Society (4502 37th Avenue South):

Commissioner Williams moved the Resolution entitled "Resolution Approving the Issuance of Health Facilities Revenue Bonds by the Colorado Health Facilities Authority for the Benefit of the Evangelical Lutheran Good Samaritan Society" and referred to as Attachment "A", be adopted and attached hereto.

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

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

Application to Transfer the Alcoholic Beverage License from O'Kelly's d/b/a O'Kelly's to Mainco LLC d/b/a O'Kelly's Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "ABH" Alcoholic Beverage License from O'Kelly's d/b/a O'Kelly's at 3800 Main Avenue to Mainco LLC d/b/a O'Kelly's notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

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

Resolution Adopted Approving Crofton Coves Second Addition (6501 21st Street South):

Commissioner Sobolik offered the following Resolution and moved its adoption:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Crofton Coves Second Addition" containing 28 Lots, 1 Block, and 5.04 acres of land more or less, located at 6501 21st Street South; and

WHEREAS, A Hearing was held May 5, 2015 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on June 8 and 15, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 22, 2015 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Crofton Coves Second Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

Commissioner Williams voted nay.

The Resolution was adopted.

Parcels of Land in Edgewood First Addition Rezoned (2801 Broadway North):

At a Hearing held on June 2, 2015 the Fargo Planning Commission recommended approval of a change in zoning from SR-2, Single-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on part of Lot 1, Block 1, Edgewood 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.

Planning Administrator Nicole Crutchfield said the petitioner seeks the zone change in order to construct a larger sign than is allowed within an SR-2 zoning district. She said the property, which is owned and operated by Temple Baptist Church, is on a block corner and is approximately one acre in size. The existing

structure is non-conforming in that it does not fit within the SR-2 zoning district setbacks, she stated; however, it does appear to fit within the Limited Commercial zoning district setbacks.

Commissioner Sobolik 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 findings of staff and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

Commissioner Williams voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Edgewood First Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik 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 Edgewood First Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

Commissioner Williams voted nay.

The motion was declared carried.

Parcels of Land in Titan Machinery Addition Rezoned (4001 38th Street South and 4001 40th Street South):

At a Hearing held on May 5, 2015 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial to LI, Limited Industrial on Lot 1, Block 1 of the proposed Titan Machinery 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 Sobolik 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 findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney 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 Titan Machinery Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik 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 Titan Machinery Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Titan Machinery Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Titan Machinery Addition" containing 2 Lots, 1 Block, and 9.672 acres of land more or less, located at 4001 38th Street South and 4001 40th Street South; and

WHEREAS, A Hearing was held May 5, 2015 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on June 15 and 22, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 22, 2015 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Titan Machinery Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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 findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies

with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

Amendment to the Growth Plan Approved (2900 52nd Avenue South):

A Hearing had been set for this day and hour to consider approval of an amendment to the Growth Plan consisting of a Growth Plan Amendment within the boundaries of the proposed Prairie Farms Commercial Addition.

The Fargo Planning Commission recommended approval of the amendment to the Growth Plan at their February 3, 2015 meeting.

No written protest or objection to the amendment to the Plan has been received or filed in the Planning and Development Department.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

Commissioner Sobolik moved the amendment to the Growth Plan be approved.

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

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

Parcels of Land in Prairie Farms Commercial Addition Rezoned (2900 52nd Avenue South):

At a Hearing held on February 3, 2015 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to LC, Limited Commercial within the boundaries of the proposed Prairie Farms Commercial 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 Sobolik 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 findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney 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 Prairie Farms Commercial Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik 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 Prairie Farms Commercial Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Prairie Farms Commercial Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Prairie Farms Commercial Addition" containing 2 Lots, 1 Block, and 5.90 acres of land more or less, located at 2900 52nd Avenue South; and

WHEREAS, A Hearing was held February 3, 2015 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on June 8 and 15, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 22, 2015 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Prairie Farms Commercial Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

At 6:12 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Discussion on Report Regarding Progress and Timeline for Completion of the Civic Repurposing Feasibility Study:

Assistant City Administrator Bruce Grubb said the City hired HVS Convention, Sports & Entertainment Facilities Consulting, JLG Architects, Schuler Shook and Acoustic Distinctions to conduct a study assessing the feasibility of repurposing the Fargo Civic Center into a performance venue. He said the proposed Fargo Performance Center could enhance the demand potential of touring concerts and theatrical productions in Fargo, and could provide performing arts groups in the Fargo MSA a modern, state-of-the-art venue in which to perform. He reviewed the Draft Feasibility Analysis and said it included a market area overview, industry trends and participation analysis, comparable venues and building program recommendations and a demand analysis.

Commissioner Williams said there have been good discussions and HVS has been doing the market analysis which shows that there is a demand and enough support for a flexible performance venue that isn't just performing arts. He said JLG has been commissioned to see if the Civic Center would be a good fit for a facility of this kind.

Lee Dobrinz, JLG Architects, provided a PowerPoint presentation of the progress on the Civic Center repurposing proposal. He said based on the analysis that HVS did, there is a demand for a 2,000 – 2,400 seating capacity performance center. He said the group was careful with the language to make sure that the focus would be on a facility that had some flexibility and viability to the project so that it can sustain itself and attract various events.

Commissioner Williams moved appropriate staff be directed to develop a scope of work to assemble a draft comprehensive plan for a City Center.

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

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

Daniel Dunn Reappointed to the Special Assessment Commission:

The Board received a communication from Mayor Mahoney recommending that Daniel Dunn be reappointed to the Special Assessment Commission.

Commissioner Piepkorn moved Daniel Dunn be reappointed to the Special Assessment Commission for a three-year term ending July 1, 2018.

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

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

Appointments to the Board of Adjustment Approved:

The Board received a communication from Mayor Mahoney recommending that Deborah Wendel Daub be reappointed to the Board of Adjustment for a three-year term and that alternate member Russell Ford-Dunker be appointed as a regular member to fill the term of Ken Lepper who resigned.

Commissioner Sobolik moved Deborah Wendel Daub be reappointed to the Board of Adjustment for a three-year term ending June 30, 2018, and Russell Ford-Dunker be appointed to the Board of Adjustment for a term expiring June 30, 2017.

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

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

Appointments to the LDC Taskforce on Residential Code Approved:

The Board received a communication from Commissioner Melissa Sobolik listing recommendations for an LDC Taskforce on Residential Code. She said the group will begin meeting in July of 2015 to research and make recommendations to the LDC regarding residential neighborhood and infill development. She said the LDC Taskforce will include representatives from the City Commission, the Planning Commission, the Board of Adjustment and the Historic Preservation Commission. She said she is recommending the following be appointed to the Taskforce:

City Commissioners Melissa Sobolik and Mike Williams
Board of Adjustment members Deb Wendel Daub and Michael Love
Historic Preservation Commission members Christine Kloubec and Michael Burns
Planning Commissioners Jan Ulferts-Stewart and John Gunkelman

Commissioner Sobolik moved the appointments to the LDC Taskforce on Residential Code be approved as recommended.

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

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

Updated Drought and Water Service Management Plan Approved: City Attorney Directed to Update Related Ordinances:

The Board received a Report of Action from the Utility Committee stating the original Drought and Water Service Management Plan was adopted by the City Commission in 2003, and since that time certain conditions have changed, prompting an update to the plan. The key differences, they said, are four drought phases instead of five, addition of water system infrastructure triggers, addition of Devils Lake as a supplemental water supply, updated analysis for water usage trends, updated reporting form and tracking tools and updated weighting strategy for stream flow indicators. Following finalization of the updated plan, they said, the next steps will be to update related City Ordinances, submit the updated Plan and Ordinances to the Board for formal approval, then begin implementing the plan.

Enterprise Director Bruce Grubb made a presentation on the updated Drought and Water Service Management Plan.

Commissioner Gehrig moved the Updated Drought and Water Service Management Plan be approved and the City Attorney be directed to update related Ordinances.

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

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

Issuance of Taxable Parking Revenue Bonds for Parking Facility System Expansion
Approved:

The Board received a communication from the Finance Committee stating last month the Committee discussed the need to issue bonds for upcoming parking system expansions. They stated there are several concepts in the planning stages and they feel that it would be to the City's advantage to issue bonds as soon as possible. They said they are also recommending that taxable bonds be issued in lieu of tax exempt bonds to provide the City the maximum flexibility in working out project details as the City moves forward. They said the debt service will be paid by parking revenues as well as other development related funding that may include the use of tax increment financing or private contributions.

Commissioner Williams moved the issuance of up to \$12 million of taxable parking revenue bonds for parking facility system expansion be approved.

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

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

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, July 6, 2015.

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

The time at adjournment was 6:58 o'clock p.m.