

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

July 20, 2015:

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, July 20, 2015.

The Commissioners present or absent were as shown following:

Present: Gehrig, Piepkorn, Sobolik, Williams, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Sobolik moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Gehrig moved that the Minutes of the Regular Meeting of the Board held on July 6, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Williams moved the Consent Agenda be approved as follows:

1. Receive and file Ordinance Amending Section 20-0401 of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Use Table.
2. Receive and file Year to Date – Budget to Actual Report for June 2015.
3. Pledged securities as of June 30, 2015.
4. Resolution Consenting to the Second Amendment to Loan Agreement issued by Cass County on July 1, 2014 for FM Diversion funding (Attachment "A").
5. North Dakota Department of Transportation contract for an additional \$48,000.00 in capital 5310 funds to purchase one replacement paratransit vehicle (Contract #38151476).
6. Submission of the 2014 Consolidated Annual Performance Evaluation Report for the City's Community Development Programs to HUD.

7. Change Order No. F-1, for a contract decrease from Brown & Saenger of \$1,453.50 and a contract increase from Hannaher's of \$1,560.00 for a patient glider for the Fargo Cass Public Health Remodeling Project.
8. Contracts with Business Essentials in the amount of \$210,316.47, Brown & Saenger in the amount of \$127,673.20, Christianson's Business Furniture in the amount of \$2,881.35 and Hannaher's, Inc. in the amount of \$105,036.00 for furnishings for the Fargo Cass Public Health Remodeling Project.
9. Grant Award in the amount of \$174,535.00 from the North Dakota Tobacco Prevention and Control Executive Committee for Tobacco State Aid to Local Public Health Units (Contract #G15-32).
10. Grant Award in the amount of \$201,646.10 from the North Dakota Tobacco Prevention and Control Executive Committee for Tobacco Prevention and Control Local Grants Program (Contract #G15-8).
11. Agreement for Services with Whitney Oxendahl for \$1,000.00 and Addendum to the Agreement with Megan Myrdal for \$1,080.00 for the Cass Clay Food Systems Initiative to Address Chronic Disease.
12. Purchase of Service Agreement with Bizmatics for Electronic Health Records for the City of Fargo Employee Health Program.
13. Engineering Technician I contracts for the management of the Midcontinent build out.
14. Application filed by Donna Conway for a 5-year tax exemption for improvements made to a building at 719 7th Street North.
15. Applications for Games of Chance:
 - a. Holy Spirit Catholic Church for bingo and a calendar raffle from 10/1/15 to 10/25/15.
 - b. Mike Holden Benefit for a raffle on 7/31/15; Public Spirited Resolution.
 - c. Knights of Columbus 4th Degree – Assembly 788 for a calendar raffle from 1/1/16 through 1/31/16.
 - d. Fargo Angels Youth Hockey for a calendar raffle from 12/6/15 to 1/4/16.
 - e. United Way of Cass Clay for a raffle on 11/10/15.
16. Resolution Approving Plat of Rocking Horse Farm Third Addition (Attachment "B").
17. Resolution Approving Plat of Lavelle Third Addition (Attachment "C").
18. 5-year lease to Kinetic Leasing, in the amount of \$47,418.00 per year, per unit for two ASL refuse trucks.
19. Selection of Jorge L. Pagan for appraisal services for Project No. MS-15-K0.

20. Bid awards for Project No. TR-15-C1 to Strata Corporation in the amount of \$248,593.75 and Project No. WW1402-9 to Master Construction in the amount of \$1,348,700.00.
21. Contract and bond for Project No. TM-15-B1.
22. Bills in the amount of \$13,688,095.02.

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.

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 15 and 22, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1.

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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 15, 2015 and the bids were found to be as follows:

Gladen Construction Inc. Bid:	Laporte, MN \$2,143,300.27
Master Construction Company, Inc. Bid:	Fargo, ND \$2,170,584.55
Ryan Contracting Bid:	Shakopee, MN \$2,186,210.15
R. L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$2,297,468.51
Meyer Contracting, Inc.	Maple Grove, MN

Bid:	\$2,368,781.75
R & R Excavating, Inc.	Hutchinson, MN
Bid:	\$2,424,234.73
Sellin Brothers, Inc.	Hawley, MN
Bid:	\$2,818,042.10
J.R. Ferche, Inc.	Rice, MN
Bid:	\$2,866,916.20

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 Awarded to Gladen Construction Inc. in the Amount of \$2,143,300.27:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 15, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 shows the bid of Gladen Construction Inc. of Laporte, Minnesota, in the sum of \$2,143,300.27 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 Gladen Construction Inc. in the sum of \$2,143,300.27 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Gladen Construction Inc. for the sum of \$2,143,300.27, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Gehrig, Piepkorn and Mahoney voted aye.

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 15 and 22, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1.

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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 15, 2015 and the bids were found to be as follows:

Gladen Construction Inc. Bid:	Laporte, MN \$1,501,436.50
Ryan Contracting Bid:	Shakopee, MN \$1,566,484.55
R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,966,257.05
Sellin Brothers, Inc. Bid:	Hawley, MN \$2,092,415.00
J.R. Ferche, Inc. Bid:	Rice, MN \$2,301,218.00

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 Awarded to Gladen Construction Inc. in the Amount of \$1,501,436.50:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 15, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 shows the bid of Gladen Construction Inc. of Laporte, Minnesota, in the sum of \$1,501,436.50 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 Gladen Construction Inc. in the sum of \$1,501,436.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Gladen Construction Inc. for the sum of \$1,501,436.50, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Gehrig, Piepkorn and Mahoney voted aye.

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

Bids Received for Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1:

The bids for Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 15, 2015 and the bids were found to be as follows:

Fox Underground, Inc. Bid:	Fargo, ND \$225,336.25
Shermans, LLC Bid:	West Fargo, ND \$233,021.00
George E. Haggart, Inc. Bid:	Fargo, ND \$286,647.00
Rachel Contracting Bid:	St. Michael, MN \$296,000.00
Ryan Contracting Company Bid:	Shakopee, MN \$314,407.00
Master Construction Company Bid:	Fargo, ND \$328,350.00

Sellin Brothers, Inc.	Hawley, MN
Bid:	\$353,261.00

R & R Excavating, Inc.	Hutchinson, MN
Bid:	\$357,112.00

Robert Gibb and Sons, Inc.	Fargo, ND
Bid:	\$409,478.50

Contract for Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1 Awarded to Fox Underground, Inc. in the Amount of \$225,336.25:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 15, 2015 for Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1 shows the bid of Fox Underground, Inc. of Fargo, North Dakota, in the sum of \$225,336.25 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 Fox Underground, Inc. in the sum of \$225,336.25 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Storm Sewer Installation and Incidentals Improvement District No. UR-15-C1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Fox Underground, Inc. for the sum of \$225,336.25, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Gehrig, Piepkorn and Mahoney voted aye.

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

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and R & R Excavating, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 Approved:

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

Western Surety Company, in the amount of \$742,550.35, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 in the City of Fargo, North Dakota.

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.

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and H & S Contracting, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K1 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K1 Approved:

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

The Guarantee Company of North America USA, in the amount of \$1,062,333.00, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K1 in the City of Fargo, North Dakota.

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.

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

Finance Director Kent Costin said the expenditures listed in the reimbursement requests are for \$4,501,221.00 and \$3,325,169.00 which are eligible for the State of North Dakota funding. He said the first request, which was tabled at the last City Commission meeting, is a resubmission of the Park East Apartment property acquisition related to the in-town levee project. The second request, he said, is for costs incurred in June for various phases of the FM Diversion project.

Commissioner Piepkorn said the assessed value of the property in 2015 was \$7,017,300.00 so he is wondering how you get \$9 million dollars for a buyout.

Chairman of the Cass County Joint Water Resource District Mark Brodshaug said the appraisal goes to the Corps for review, if it meets all the standards of what should be in an appraisal it will then come back and at that point is when an offer is made on the property. He said the Board directs their negotiators to make an offer for the just compensation amount that is in the appraisal then the acquisition team has a chance to visit with the owner of the property and explain the appraisal, at which point they go their separate ways and the property owner digs into the appraisal. He said there is a lot of back and forth with the property owner and negotiators during the negotiation period with a lot of questions being presented. At the end of the day, he said, the Board needs to determine if they are close enough to make a deal with the property owner or go to court and have the courts settle the evaluation issue, which could mean a much larger settlement with the property owner.

Ken Helvey, SRF Consulting, said the original appraised value for the property was \$8 million and then the negotiation process began. He said when you look at all the risks with the condemnation and the timeline and the notion that this was not a voluntary acquisition, the settlement amount seemed to make sense and was approved by the Joint Board.

Commissioner Williams moved the cost reimbursement request to the State Water Commission for FM Diversion Flood Project costs in the amount of \$4,501,221.00 be approved.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Commissioner Piepkorn moved the cost reimbursement requests to the State Water Commission for FM Diversion Flood Project costs in the amount of \$3,325,169.00, excluding the properties at 17495 52nd Street Southeast, Hickson, ND; and Pleasant Township, Babe's Addition Block 1, Lots 1, 2 and 3, be approved.

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

Commissioners Sobolik, Williams and Mahoney voted nay.

The motion died for a lack of a majority.

Commissioner Williams moved the cost reimbursement requests to the State Water Commission for FM Diversion Flood Project costs in the amount of \$3,325,169.00 be approved.

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

Commissioners Piepkorn and Gehrig voted nay.

The motion was declared carried.

Motion to Reduce the Mill Levy for Property Taxes From 54.15 Mills to 43.3 Mills Lost for the Lack of a Majority:

Commissioner Gehrig said from 2015-2016 the City is seeing an increase of 12.1% or a \$22.3 million dollar increase in revenue and he is asking the Commission to reduce that amount by 20% which in his estimate will still allow for a growing general fund budget, will still have plenty of money in the budget for new officers, new

employees, take care of part of the employees health care, roads and all of the other things that the City does as a whole.

In response to a question from Commissioner Williams about a timeline for the preliminary budget report, Mayor Mahoney said he spent the last six weeks meeting with the twenty-four City Departments, so in early August the Budget Team will look at the revenue coming in for the next year, expenses and position requests. He said if there is a reduction request he will have to go back to all of the department heads and tell them there will be a reduction and the budget would have to be rebuilt which is not really realistic. He said what he would prefer to do is to go into August and show everyone what the budget is going to be and then let the Commissioners voice their opinions at that time.

Commissioner Gehrig said he feels that the budget process is important; however, the Commission is asking the residents of Fargo to accept a double digit increase in property taxes without any discussion and he believes that now is a great time to have that discussion and debate.

Commissioner Williams said he feels that it is good to analyze this mill levy on an annual basis because it is an anomaly for it to increase this much.

Commissioner Sobolik said she would like to wait two weeks to see what the Mayor's recommendations are and make a decision at that point.

Mayor Mahoney gave a Power Point presentation on statistical information that goes into preparing the budget.

Commissioner Gehrig moved the mill levy for property taxes be reduced from 54.15 mills to 43.3 mills.

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

Commissioners Sobolik, Williams and Mahoney voted nay.

The motion was declared lost for the lack of a majority.

Hearing on a Petition for a Zoning Change in Timber Creek First Addition Continued to August 31, 2015 (5100 Prosperity Way South):

This was the time and date set for a Hearing on a petition for a zoning change in Timber Creek First Addition; however, the applicant has asked that the Hearing be continued to August 31, 2015.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, August 31, 2015.

Second by Piepkorn. On the 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.

Parcels of Land in Corwin FLP I First Addition Rezoned (4201 and 4215 Main Avenue):

At a Hearing held on June 2, 2015 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial to LI, Limited Industrial on all of Corwin FLP I 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.

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, Williams, Gehrig 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 Corwin FLP I 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 Corwin FLP I 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, Williams, Gehrig and Mahoney voted aye.

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

Hearing on a Petition for a Zoning Change and Planned Unit Development Master Use Plan in Amity South at Cottagewood First Addition Continued to August 31, 2015 (3801 and 4101 51st Avenue South): City Attorney Directed to Draft an Amendment to the PUD Ordinance:

At a Hearing held on June 2, 2015 the Fargo Planning Commission recommended approval of a change in zoning from MR-3, Multi-Dwelling to MR-3, Multi-Dwelling with a PUD, Planned Unit Development Overlay of the proposed Amity South at Cottagewood First Addition and a Planned Unit Development Master Land Use Plan for a Residential Land Use of the proposed Amity South at Cottagewood 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 what is a little unique about this application is that if the Commission is in support of this application, Planning is asking for a continuation of the hearing to a time and date certain of August 31, 2015 to fine-tune the PUD Ordinance and the Developer's Agreement. She said Planning staff has been working with the Developer for the last eight to nine months on this unique request and believes that they have come to a win/win situation.

Arthur Goldammer, Verity Homes of Fargo, LLC, said a \$500.00 initial fee from each sale will go into a capital improvement fund and 1% of subsequent sales after

that initial fee will go into the fund which will be managed by the HOA board for repairs down the road. He said his company has done a lot of research about HOA's around the country and what has made them successful and why they have failed. He said in most cases it was due to the lack of a professional HOA management company, as well as the lack of a capital improvement fund that was started from the conception of the HOA and maintained throughout. He said he feels that Fargo has a tremendous need for workforce housing.

In response to a question from Commissioner Sobolik about the choice of doing private streets and utilities over public, Mr. Goldammer stated the main reason was for the lot and block entitlement tailored for FHA financing. He said if you look at the parcel it would be very difficult to put in standard city streets through this irregularly shaped lot; therefore, to get the architectural diversity narrower access streets were needed to make a piece of property like this work.

Commissioner Sobolik moved to accept the findings and recommendations of the Planning Commission and staff, direct the City Attorney to draft an amendment to the PUD Ordinance and continue the Hearing to 5:15 o'clock p.m. Monday, August 31, 2015.

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.

At 6:17 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

City of Fargo's Section 5307 Federal Transportation Administration Grant Preliminary Program of Projects for 2015 Approved:

A Hearing had been set for this day and hour to consider the City's Section 5307 Federal Transportation Administration grant preliminary Program of Projects for 2015.

The Board determined that there have been no written or verbal protests and no one is present to protest thereto.

The Board received a communication from Transit Administrator Julie Bommelman stating the Federal Transit Administration will make available to the City, operating grant funds in the amount of \$2,356,640.00 to be used for the transit system. She said the Program of Projects, which she attached, was developed by the Transit Division to be submitted with the application for the funds.

Commissioner Williams moved the Program of Projects for 2015 and the Federal Transit Grant Award of \$2,356,640.00 be approved.

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

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

Water Service Agreement with the City of West Fargo Approved:

The Board received a communication from Enterprise Director Bruce Grubb stating in late 2014 the City of West Fargo received the results of a Value Engineering (VE) study on a plan to construct a new water treatment plant in West Fargo. The VE

results, he said, included costs associated with both the construction of a new treatment plant, as well as ancillary supply and distribution infrastructure improvements. As an option for construction of a new treatment plant, West Fargo agreed to consider a proposal from the City of Fargo to provide them with water, he said. Fargo Utility staff then evaluated the technical feasibility of the interconnected water system, he said, and the results of the evaluations showed that a regional water service was feasible with minimal infrastructure modifications. On December 30, 2014 the initial proposal was presented to West Fargo, he said, and they responded with questions, comments and suggestions which were incorporated into the final agreement. The final proposal was accepted on May 4, 2015 by the West Fargo City Commission, he said, and they directed staff to work with the City of Fargo to draft a formal water service agreement.

Mr. Grubb provided a power point presentation summarizing the general terms and conditions of the agreement.

Commissioner Williams moved the Water Service Agreement with the City of West Fargo be approved as presented.

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.

Appointments to the Planning Commission:

The Board received a communication from Mayor Mahoney recommending that Kelly Steffes and Shara Fischer be reappointed to the Planning Commission. John Paulsen, he said, will be leaving the Board; therefore to fill the vacancy created by his departure he is recommending that Mara Brust be appointed for a three-year term.

Commissioner Sobolik moved Kelly Steffes and Shara Fischer be reappointed and Mara Brust be appointed to the Planning Commission for a three-year terms ending June 30, 2018 .

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.

Discussion on Economics and Housing:

The Board received a communication from L. D. Moll requesting to speak with the City Commission in regards to economics and housing in the City of Fargo.

Mr. Moll was not present to discuss his item.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, August 3, 2015.

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

The time at adjournment was 6:44 o'clock p.m.