

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:                                      Monday:                                      August 31, 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 4:30 o'clock p.m., Monday, August 31, 2015.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Mahoney presiding.

Mayor Mahoney announced that the Board will meet in Executive Session in the River Room at 4:30 p.m. for the purpose of attorney consultation pursuant to N.D. Century Code §44-04-19.1(2) in the pending litigation matter Edward P. Ferguson and Lavanna M. Ferguson v. City of Fargo; and the threatened litigation matter Bruce Meidinger and DeDe Meidinger v. City of Fargo.

Commissioner Williams moved the Commissioners meet in Executive Session in the River Room as authorized by NDCC, Section 44-04-19.1(2) to discuss said matters.

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

At 4:31 p.m. the Board moved to the River Room to discuss said matters in Executive Session.

Members present were: Gehrig, Piepkorn, Sobolik, Williams, Mahoney.

The Executive Session closed at 4:56 o'clock p.m. and the meeting reconvened in public session at 5:00 p.m.

All Commissioners present. Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Sobolik moved the Order of the Agenda be approved moving Item No. "1a" from the Consent Agenda to the end of the Regular Agenda.

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 August 17, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Piepkorn moved the Consent Agenda be approved as follows:

1. 1st reading of the following Ordinances:
  - a. Amending Section 10-0304 of Article 10-03, of Chapter 10 of the Fargo Municipal Code Relating to Carrying, Possession, Discharge of Dangerous Weapons (moved to the end of the Regular Agenda).
  - b. Amending Section 10-1202 of Article 10-12, of Chapter 10 of the Fargo Municipal Code Relating to Marijuana and Marijuana Paraphernalia.
  - c. Amending Section 25-1509 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (Sale Times of Liquor).
2. Resolution Calling for a Public Hearing on an Issue of Revenue Bonds on Behalf of Sanford with hearing to be set for 5:15 p.m. on September 28, 2015 (Attachment "A").
3. Applications for Games of Chance:
  - a. Nativity Church of Fargo for a raffle on 11/8/15.
  - b. Fargo Davies High School for raffles at Scheels Arena from 11/23/15 to 2/14/16.
  - c. Fargo Davies High School for raffles at Fargo Davies High School from 9/1/15 to 5/24/16.
  - d. North Dakota Dental Foundation for a raffle on 9/18/15.
  - e. FirstLink for a raffle on 9/17/15; Public Spirited Resolution.
  - f. Melissa Kava Benefit Fund for a raffle on 9/26/15; Public Spirited Resolution.
  - g. Fargo South High School for a calendar raffle at Scheels Arena from 12/1/15 to 2/9/16.
  - h. Fargo South High School for a calendar raffle at the school from 9/3/15 to 2/25/16.
  - i. Fargo South High School for a calendar raffle at Bennett Elementary Baseball Fields from 4/1/16 to 5/28/16.
  - j. Benefit for Tyler Jangula Family for raffle boards on 10/12/15; Public Spirited Resolution.
  - k. CHI Riverview for a raffle on 10/11/15.
4. Site Authorization for Metro Sports Foundation at Scheels Arena.
5. Receive and file Summons and Complaint in the matter of Edward P. Ferguson and Lavanna M. Ferguson v. City of Fargo.
6. Ratify decision of the Fargo Dome Authority to terminate Extension of Management and Concession Agreement with Global Spectrum LP as of 12/31/15.
7. Purchase of one articulating utility tractor from Cushman Motor Company for \$159,770.00.
8. Purchase of one service truck with crane from Truck Utilities for \$60,504.00.

9. Purchase of one used motor grader and wing from Swanston Equipment for \$74,000.00.
10. Sign License Agreement with Appareo Systems, LLC for a sign structure at 1810 NDSU Research Circle North.
11. Bridge Maintenance Agreement with the City of Moorhead, Fargo Park District and Clay County.
12. Access Agreements – Field Survey for K Square Developers, LLC at 3900 54th Street South and 3900 51st Street South (Project No. FM-15-G1).
13. Utility Relocation Proposal with Xcel Energy in the amount of \$30,467.35 for relocation and upgrade of a pad mount transformer impacted by Project No. FM-15-F1.
14. Change Order No. 2 for an increase of \$11,500.00 for Project No. FM-14-11.
15. Change Order No. 2 for an increase of \$5,993.90 for Project No. FM-15-F1.
16. Final Balancing Change Order No. 1 for an increase of \$19,471.20 for Project No. 6232.
17. Change Order No. 3 for an increase of \$19,301.29 for Project No. HD-14-51 and contract time extension to 9/4/15.
18. Resolution Approving Plat of Anne Carlsen Center First Addition (Attachment “B”).
19. Contract and bond for Project No. UR-15-E1.
20. Bills in the amount of \$12,402,040.54.

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

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

Change Order No. 2 for Improvement District No. BR-15-B1 Approved:

Commissioner Piepkorn moved approval of Change Order No. 2 for an increase of \$18,000.00 for Improvement District No. BR-15-B1.

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

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

Contract Time Extension for Improvement District No. BR-15-A1 Approved:

Commissioner Piepkorn moved approval of a contract time extension to October 30, 2015 for Improvement District No. BR-15-A1.

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

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

Contract Time Extension for Improvement District No. PN-14-11 Approved:

Commissioner Piepkorn moved approval of a contract time extension to October 10, 2015 for Improvement District No. PN-14-11.

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

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

Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain, Signing, Pavement Marking, Street Lighting and Incidentals Improvement District No. PN-15-A (On 12th Avenue North between 57th Street North and 45th Street North):

Commissioner Piepkorn moved the following action be taken in connection with Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain, Signing, Pavement Marking, Street Lighting and Incidentals Improvement District No. PN-15-A:

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

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

On 12th Avenue North between 57th Street North and 45th Street North.

COMPRISING

Lots 1 through 3, Inclusive, Block 2.

Lots 1 through 3, Inclusive, Block 3.

All platted in Sheyenne Industrial Center Third Addition.

Lot 1, Block 1.

All platted in 47th Street North Addition.

Lots 1 and 2, Inclusive, Block 1.

All platted in Stollenwerk Wilm Addition.

Lots 1 through 7, Inclusive, Block 1.

Lots 1 through 3, Inclusive, Block 2.

Lots 1 through 6, Inclusive, Block 3.

Lots 1 through 6, Inclusive, Block 4.

Lots 1 through 3, Inclusive, Block 5.

All platted in Fayland Industrial First Addition.

Lots 1 through 4, Inclusive, Block 1.

Lots 1 through 8, Inclusive, Block 2.  
Lots 1 through 9, Inclusive, Block 3.  
All platted in Commerce on 12th Addition.

Lot 1, Block 1.  
All platted in Reed Substation Addition.

All the unplatted land in the SW 1/4 of Section 33, T140N, R49W.  
All the unplatted land in the NE 1/4 of Section 04, T139N, R49W.

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

NOW, THEREFORE, BE IT RESOLVED, That Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain, Signing, Pavement Marking, Street Lighting and Incidentals Improvement District No. PN-15-A 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-A:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-15-A 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 \$18,585,627.15.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-15-A 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-A 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 Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain, Signing, Pavement Marking, Street Lighting 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 Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Sanitary Sewer, Watermain, Signing, Pavement Marking, Street Lighting and Incidentals Improvement District No. PN-15-A 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 a portion of said Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Sanitary Sewer, Watermain, Signing, Pavement Marking, Street Lighting and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 19% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Grading, Salvaged Base, P.C.C. Pavement, Curb and Gutter, Sidewalk, Watermain, Signing, Pavement Marking, Street Lighting 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-A:

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-A in the City of Fargo, North Dakota.

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

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

Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-15-A (Various Locations in South Fargo):

Commissioner Piepkorn moved the following action be taken in connection with Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-15-A:

Adopt Resolution Creating Improvement District No. SN-15-A:

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

Along the north side of 40th Avenue South between the bridge at Drain 27 (near 32nd Street) and 18th Street South.

COMPRISING:

Lots 1 through 12, Inclusive, Block 1.  
Lots 1 through 20, Inclusive, Block 2.  
Lots 1 through 24, Inclusive, Block 3.  
Lots 1 through 20, Inclusive, Block 4.  
Lots 1 through 12, Inclusive Block 5.  
Lots 1 through 48, Inclusive, Block 6.  
Lots 1 through 6, Inclusive, Block 7.  
Lots 1 through 30, Inclusive, Block 8.  
All in Stonebridge Farms Addition.

Lots 1 through 38, Inclusive, Block 1.  
Lots 1 through 32, Inclusive, Block 2.  
Lots 1 through 2, Inclusive, Block 3.  
Lots 1 through 2, Inclusive, Block 4.  
All in Stonebridge Farms 2nd Addition.

Lots 1 through 16, Inclusive, Block 1.  
Lots 1 through 33, Inclusive, Block 2.  
Lots 1 through 18, Inclusive, Block 3.  
All in Stonebridge Farms 3rd Addition.

Lots 1 through 6, Inclusive, Block 1.  
All in Stonebridge Twinhomes Addition.

Lots 1 through 3, Inclusive, Block 1.  
All in Centennial Addition.

Lots 1 through 13, Block 1.  
All in Copperfield Addition.

Lots 1 through 4, Block 1.  
All in Johnson Farm Addition.

Lots 1 through 33, Inclusive, Block 1.  
Lots 1 through 10, Inclusive, Block 2.  
All in Oakcreek Addition.

Lots 1 through 8, Inclusive, Block 2.  
Lots 9 through 60, Inclusive, Block 3.  
Lots 1 through 20, Inclusive, Block 4.  
All in Timberline Addition.

Lots 1 through 21, Block 1.  
Lots 1 through 12, Block 2.  
All in Gates of Madison Square Addition.

Lot 1, Block 1.  
All in New Prairie Addition.

Lots 1 through 7, Inclusive, Block 2.  
Lots 1 through 17, Inclusive, Block 3.  
Lots 1 through 15, Inclusive, Block 4.  
Lots 1 through 24, Inclusive, Block 5.  
Lots 1 through 9 and Lots 11 through 14, Block 6.  
Lots 1 through 12, Inclusive, Block 7.  
Lots 1 through 33, Inclusive, Block 10.  
Lots 1 through 26, Inclusive, Block 11.  
Lots 1 through 24, Inclusive, Block 12.  
Lots 1 through 21, Inclusive, Block 13.  
Lots 1 through 22, Inclusive, Block 14.  
Lots 1 through 7, Inclusive, Block 15.  
All in Prairie Crossing Addition.

Lots 11 through 18, Block 2.  
All in Rose Creek 1st Addition.

Lots 1 through 12, Block 1.  
Lots 1 through 6, Inclusive, Block 2.  
Lots 1 through 13, Inclusive, Block 3.  
All in Rose Creek 2nd Addition.

Lots 1 through 24, Lot 2 Replat of 14 Block 5, Lot 3 Replat of 14 Block 5,  
Inclusive, Block 1.  
Lots 1 through 14, Inclusive, Block 2.  
Lots 1 through 7, Inclusive, Block 3.  
Lots 1 through 6, Inclusive, Block 4.  
Lots 1 through 13, Inclusive, Block 5.  
All in Rose Creek 3rd Addition.

Lots 1 through 19, Inclusive, Block 1.  
All in Summit Chase Addition.

All of the unplatted land in the NE 1/4 of Section 35, Township 139N, Range  
49W.

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

NOW, THEREFORE, BE IT RESOLVED, That Bridge Modifications,  
Shared Use Path, Street Lighting and Incidentals Improvement District  
No. SN-15-A 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. SN-15-A:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. SN-15-A 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 \$331,573.50.)

Order Plans and Specifications for Improvement District No. SN-15-A:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. SN-15-A 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. SN-15-A 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 Bridge Modifications, Shared Use Path, Street Lighting 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 Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-15-A 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 a portion of said Bridge Modifications, Shared Use Path, Street Lighting and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 40% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Bridge Modifications, Shared Use Path, Street Lighting 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. SN-15-A:

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

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

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

Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B (Various Locations in South Fargo):

Commissioner Piepkorn moved the following action be taken in connection with Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B:

Adopt Resolution Creating Improvement District No. TN-15-B:

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

Veterans Boulevard at 26 Avenue South

COMPRISING:

Lot 1, Block 1.

Lot 1, Block 2.

Agassiz Crossing 5th Addition.

Lots 1 through 4, Block 1.

Lots 1 through 4, Block 2.

Amber Valley West 1st Addition.

Lots 1 and 2, Block 1.

Amber Valley West 2nd Addition.

Lot 1, Block 1.

Amber Valley West 3rd Addition.

Lots 1 and 2, Block 1.

Amber Valley West 4th Addition.

Lots 1 and 2, Block 1.

Amber Valley West 5th Addition.

Lots 1 through 3, Block 1.

Lots 1 through 21, Block 2.

Lots 1 through 12, Block 3.

Amber Valley 6th Addition.

Lot 1, Block 4.  
Lots 2 through 4, Block 5.  
Urban Plains By Brandt 1st Addition.

Lots 2 and 3, Block 1.  
Lots 1 and 2, Block 2.  
Lot 1, Block 3  
Lots 1 through 3, Block 5.  
Urban Plains By Brandt 2nd Addition.

Lot 1, Block 1.  
Urban Plains Recreational Addition.

Lot 1, Block 1.  
Lots 1 through 3, Block 4.  
Urban Plains Recreational 2nd Addition.

Lots 1 through 3, Block 3.  
Lot 1, Block 4.  
Urban Plains Center Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B 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. TN-15-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. TN-15-B 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 \$276,040.50.)

Order Plans and Specifications for Improvement District No. TN-15-B:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. TN-15-B 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. TN-15-B 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 Traffic Signal Improvements 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 Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B 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 a portion of said Traffic Signal Improvements and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 36% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Traffic Signal Improvements 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. TN-15-B:

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

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

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

Resolution Adopted Authorizing the Issuance of Refunding Improvement Refunding Bonds, Series 2015B (Attachment "C"):

The Board received a communication from Director of Finance Kent Costin stating the Finance Committee is recommending that Refunding Improvement Bonds Series 2008E be refinanced as market conditions are favorable for future interest savings. He said the expected savings is estimated at 13.9% or \$3 million.

Terry Heaton, Client Representative with Springsted, Inc., said the timing of the sale is good. She said nine bids were received representing 49 financial institutions, which is a large number. She said the low bid, from Janney Montgomery Scott, LLC, carries a true interest rate of 2.4671% which is less than estimated for the 18-year remaining term. This translates into a higher savings of more than \$3,804,565.00, she said.

Commissioner Williams moved the Resolution entitled "Refunding Improvement Refunding Bonds, Series 2015B" and referred to as Attachment "C" be adopted and attached hereto.

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

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

Request for a Waiver Associated with Sidewalk Installation Denied:

The Board received a communication from Barb Cook, 2710 10th Street North, stating in 2014 she became aware of a planned sidewalk installation and requested a waiver from the Planning Commission. She said she felt that the sidewalk on the south side of 28th Avenue was an unnecessary tax expenditure, would have unnecessarily destroyed nature, significantly minimized yard privacy in addition to eliminating the option of parking in her driveway. She said the Planning Commission voted twice on her waiver and it was her understanding that this was considered an impasse and was told she could appeal to the City Commission. She said the following day the City offered to install the sidewalk closer to the street to permit driveway parking at a shared cost of \$1,700.00 with the understanding that if she chose to request a waiver the offer would be rescinded. She said she received notice in 2015 that the City intends to install the sidewalk at one of two locations with a cost share of \$2,865.00 due to contractor rates. She said the cost share is a significant expenditure to her as she is on a fixed income and feels that it would be reasonable for the City to fund the entirety of the cost of moving the driveway crosswalk due to the uniqueness of the circumstance.

City Engineer April Walker said installing the sidewalk was found feasible and ordered as a result of an investigation following a complaint in the area. She said the work was bid and under contract last year; however, it was delayed and bid in this year's contract because removing the one driveway and replacing it with a new crossing plate could not be done without Ms. Cook's consent. The portion Ms. Cook is paying for is actually half of the cost of the new installation of the driveway cost, she said, with the City paying the other half and for the side yard sidewalk. She said Ms. Cook is seeking relief past the driveway cost. There is an option of the amount being special assessed to Ms. Cook, she said, and there may be assistance for paying for the special assessment if needed, based on income qualifications.

Commissioner Piepkorn said he has concerns about setting a precedence by allowing a full waiver; however, he would support an option of having Ms. Cook pay the initial cost of \$1,700.00 rather than \$2,865.00 being charged to her, due to the year delay.

Commissioner Piepkorn moved the request for a waiver associated with sidewalk installation adjoining a lot on 28th Avenue North be denied and the cost share to the applicant be reduced from \$2,865.00 to \$1,700.00.

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

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

Scott Stofferahn Appointed to the Planning Commission:

The Board received a communication from Mayor Mahoney recommending that Scott Stofferahn be appointed to the Planning Commission to fill the unexpired term of Jeff Morrau, who resigned, for a term ending June 30, 2016.

Commissioner Sobolik moved Scott Stofferahn be appointed to the Planning Commission for a term ending June 30, 2016.

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

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

Appointments to the Housing and Redevelopment Authority:

The Board received a communication from Mayor Mahoney recommending that Thomas Jefferson and Bryce Alme Johnson be reappointed to the Housing and Redevelopment Authority.

Commissioner Williams moved Thomas Jefferson and Bryce Alme Johnson be reappointed to the Housing and Redevelopment Authority for three-year terms ending September 30, 2018.

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 for an Alcoholic Beverage License Filed by Romo's LLC d/b/a Romo's Deli and Catering; and Romo's LLC d/b/a Romo's Tacos Withdrawn:

Hearings had been set for this day and hour on the applications filed by Romo's LLC d/b/a Romo's Deli and Catering at 118 Broadway; and Romo's LLC d/b/a Romo's Tacos at 3402 13th Avenue South for Alcoholic Beverage Licenses; however, both applications have been withdrawn.

Hearing on a Petition for a Zoning Change in Timber Creek First Addition Continued to September 28, 2015 (5100 Prosperity Way South):

A Hearing had been set for July 20, 2015 on a petition for a zoning change in Timber Creek First Addition.

At the July 20, 2015 meeting, the Hearing was continued to this day and hour; however; Planning Administrator Nicole Crutchfield is requesting the Hearing be continued to September 28, 2015.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. September 28, 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.

Hearing on a Request for Rezoning and Planned Unit Development Overlay, Planned Unit Development Master Land Use Plan and Plat of Amity South at Cottagewood First Addition Continued to October 12, 2015 ( 3801 and 4101 51st Avenue South):

A Hearing had been set for July 20, 2015 on a Request for Rezoning and Planned Unit Development Overlay, Planned Unit Development Master Land Use Plan and Plat of Amity South at Cottagewood First Addition.

At the July 20, 2015 meeting, the Hearing was continued to this day and hour; however, Planning Administrator Nicole Crutchfield is requesting the Hearing be continued to October 12, 2015.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. October 12, 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.

Application to Transfer the Alcoholic Beverage License from John Alexander, Inc. d/b/a Juano's Mexican Restaurant to MGL, LLC d/b/a Kitchen Gremlin Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "F" Alcoholic Beverage License from John Alexander, Inc. d/b/a Juano's Mexican Restaurant to MGL, LLC d/b/a Kitchen Gremlin at 402 Broadway North, 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 Williams. On call of the roll Commissioners Piepkorn, Williams, Gehrig, Sobolik and Mahoney voted aye.

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

Hearing on a Dangerous Building Located at 1411 First Avenue North:

A Hearing had been set for this day and hour on a dangerous building located at 1411 First Avenue North.

The Board received a communication from Deputy Inspections Administrator Bruce Taralson stating this is the day and time set for a public hearing on a dangerous building removal order for the structure located at 1411 First Avenue North. He said the notice was issued July 8, 2015 and contained a deadline of August 14, 2015. The order required removal of the structure because it had been damaged to the extent of more than 50% of its value.

Attorney David Garaas stated that the building's owner, Gary Reinhardt, requests the City delay action relating to the demolition of this property until after November 6, 2015. He said he does not feel the Board has the right to proceed because there is nothing in the packet that was distributed verifying proof of mailing of

the notice to the owner by registered mail or verification of posting of the notice on the property.

Steve Lewis, Lexstar Realty, said there is a purchase agreement for this property and the neighboring property. He said the purchaser has plans to tear both houses down after a closing date on or before November 6, 2015 to rebuild for his business. The purchaser is in the process of obtaining financing, he said.

Commissioner Piepkorn said there has been plenty of time to demolish the building and the neighbors are not happy and the property can still be purchased.

Commissioner Sobolik stated the end result will be the same, either the house will be demolished now or wait till later. She said it is best to side with the neighbors, a vacant lot is better than what is on there now.

In response to a question from Commissioner Williams about Mr. Garaas's concerns about the registered mail and physical notice, Assistant City Attorney Nancy Morris said she believes those requirements have been met; however, she will review the notices to see if there are any defects and they can be remedied.

Commissioner Williams said there are dozens of properties around town that are in various states of disrepair and one tough house can take a neighborhood down for a long time. He said the Board wants to be supportive of the issues the City Inspectors address daily.

Rental Housing Inspector Thomas Penuel said the biggest problem encountered has been obtaining access. In this case, he said, it took an administrative warrant to gain access to determine whether the damage was more than 50% of the value. Often the exterior does not tell the whole story, he said.

Mayor Mahoney said north side residents have requested more be done as far as the condition of some rental properties and the Planning Commission will be looking into it which could address some of the issues of access and or Ordinances.

Planning Director Jim Gilmour said the Fire Department will likely be involved for code enforcement and to speed up the process.

Commissioner Piepkorn said there is a need to balance out private property rights and the rights of all citizens to live in a safe, clean city.

Commissioner Sobolik made the following motion: In accordance with Fargo Municipal Code Ordinance Section 21-0405, a hearing on the building inspector's report was held on August 31, 2015, at which time the City Commission received testimony. Based on the testimony of the building inspector and others I move the adoption of the following findings of facts with respect to the building located at 1411 1st Avenue North:

- a. The structure has been damaged or deteriorated by more than fifty percent (50%) of its original value.
- b. The building is unsafe and unfit for human habitation.
- c. The building is dangerous to the health, moral safety or general welfare of the people of the City of Fargo.

and it is further moved that the City Attorney be directed to prepare written findings of fact in accordance with this motion and further order the owner or anyone claiming an interest in the building to vacate, repair or demolish the dangerous building within 10 days hereof, or at such other time as agreed, and if the owner fails to so, to order the building demolished and the costs assessed back against the property as provided by law, contingent upon the City Attorney's office review of the notices.



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 Special Assessments of Nuisance Abatement Fees:

A Hearing had been set for August 17, 2015 on special assessment of nuisance abatement fees on the list on file in the City Auditor's Office.

At the August 17, 2015 meeting, the Hearing was continued to this date and hour.

City Auditor Steve Sprague said it was necessary to republish the special assessment list, and the Hearing is for both Item No. 26f and Item 26g as listed in the agenda. He said the assessments are for Dutch Elm disease removal, mowing or snow removal.

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

Commissioner Piepkorn moved the special assessments for nuisance abatement fees be approved as submitted.

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

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

Parcels of Land in Roberts' Second Addition Rezoned (1117, 1119-1121 and 1123 3rd Ave. N.; 1115, 1119, 1120, 1122, 1123, 1124, 1201, 1205 and 1209 4th Ave. N.; 309, 311, 315-315 ½, 407, 411, 412, 414, 415, 417, 418 and 421 12th St. N.; and 401 University Drive North:

At a Hearing held on August 4, 2015 the Fargo Planning Commission considered a change in zoning from SR-4, Single-Dwelling Residential and LC, Limited Commercial to DMU, Downtown Mixed-Use on Lots 1-6, Block 36; Lots 1-6, Block 35; and Lots 1, 2 and the East Half of Lots 3, 4, and 5, Block 46, Roberts' Second 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 there was a neighborhood meeting held in July and most in attendance were in support of the changes. She said the protests received are related to homeowners who are concerned about the change in the surrounding area, which is understandable.

Commissioner Sobolik said this is a great tool to incentivize and attract development into the Downtown and fringe area.

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, The Fargo Planning Commission approved the following rezoning on August 4, 2015; and

WHEREAS, Written protests to the rezoning representing 4.63% of the legal protest area have been received and filed in the Office of the City Auditor.

NOW, THEREFORE, BE IT RESOLVED, That the rezoning be approved as recommended by the Planning Commission.

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 Roberts' Second 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 Roberts' Second 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.

Parcels of Land in Calico Prairie Addition Rezoned (2800 and 2950 Calico Drive South):

At a Hearing held on August 4, 2015 the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single-Dwelling Residential to MR-1, Multi-Dwelling Residential on Lots 7 and 8, Block 1, Calico Prairie 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 Calico Prairie 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 Calico Prairie 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.

Appeal of the Denial of a Conditional Use Permit to Allow Off-Premise Advertising on Lot 1, Block 4, Urban Plains by Brandt First Addition Continued to September 28, 2015 (2633 55th Street South):

A Hearing had been held by the Fargo Planning Commission on August 4, 2015 to consider a request for a Conditional Use Permit to allow Off-Premise Advertising on Lot 1, Block 4, Urban Plains by Brandt First Addition and the Fargo Planning Commission at such Hearing recommended that the Conditional Use Permit be denied.

The City received an appeal of the denial of the Conditional Use Permit from Urban Plains Land Company LLC which requires that a Public Hearing be held by the City Commission.

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 she will combine her explanation for all four appeals in Urban Plains due to intent of the requests being the same. Conditional Use Permits are specific to a land use request, she said, and do not normally come to the City Commission; however, the Planning Commission voted against the item and the applicant has appealed. She said the applicant is requesting off-premise advertising basically on four sites surrounding the Urban Plains area to promote and highlight the Scheels Arena. Locating a sign outside a particular parcel automatically classifies it as an off-premise sign, she said, and such signs would be allowed to advertise for not only the arena, but for other purposes as well. She said this brings about discussion on the Sign Code and whether updating is needed. She said staff feels more time is needed to understand the feelings of the Board and the community on signs, particularly billboards and for direction on how to move forward. The vote on this case sets a precedent, she stated. She shared a draft of the proposed signs, and stated that the height and scale of the signs are the primary concern.

Scheels Arena General Manager Jon Kram said he feels the advertising is important as an avenue for marketing and making the events more successful. He said the process is taking a lot of time and there have been multiple roadblocks.

Commissioner Gehrig said the applicant has worked to make this a beautiful sign and feels the rules are too restrictive.

Commissioner Piepkorn said he is supportive of the Scheels Arena and having signs near the arena; however, he is concerned about the precedent this would set. He said he feels signs should be in the vicinity of the building and this is too far away.

He said he supports returning the item to staff. He said he served on the Sign Code Committee several years ago which went in-depth into the sign code. It is not good to open it up to allow advertising everywhere, he said.

Commissioner Sobolik said this was a contentious issue for the Planning Commission too. The Planning Commission supports the Scheels Arena and agreed there was a need for signage, she said; however, there are concerns that under a conditional use permit, there are no regulations about what signs could go up. The intent of the Urban Plains development is not the same as it started out, she said, which needs to be taken into consideration. She said staff would like to do more work with the applicant to find something that will work. She and Commissioner Piepkorn could assist staff in looking at some options, she said.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 28, 2015.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Appeal of the Denial of a Conditional Use Permit to Allow Off-Premise Advertising on Lot 4, Block 5, Urban Plains by Brandt First Addition Continued to September 28, 2015 (3151 Seter Parkway South):

A Hearing had been held by the Fargo Planning Commission on August 4, 2015 to consider a request for a Conditional Use Permit to allow Off-Premise Advertising on Lot 4, Block 5, Urban Plains by Brandt First Addition and the Fargo Planning Commission at such Hearing recommended that the Conditional Use Permit be denied.

The City received an appeal of the denial of the Conditional Use Permit from Urban Plains Land Company LLC which requires that a Public Hearing be held by the City Commission.

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 moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 28, 2015.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Appeal of the Denial of a Conditional Use Permit to Allow Off-Premise Advertising on Part of Lots 3 and 4, Block 1, Urban Plains Northeast Retail Addition Continued to September 28, 2015 (2911 45th Street South):

A Hearing had been held by the Fargo Planning Commission on August 4, 2015 to consider a request for a Conditional Use Permit to allow Off-Premise Advertising on Part of Lots 3 and 4, Block 1, Urban Plains Northeast Retail Addition and the Fargo Planning Commission at such Hearing recommended that the Conditional Use Permit be denied.

The City received an appeal of the denial of the Conditional Use Permit from Urban Plains Land Company LLC which requires that a Public Hearing be held by the City Commission.

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 moved the Hearing be continued to 5:15 o'clock p.m. Monday September 28, 2015.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Appeal of the Denial of a Conditional Use Permit to Allow Off-Premise Advertising at Lot 4, Block 1, Urban Plains Retail Addition Continued to September 28, 2015 (4525 32nd Avenue South):

A Hearing had been held by the Fargo Planning Commission on August 4, 2015 to consider a request for a Conditional Use Permit to allow Off-Premise Advertising on Lot 4, Block 1, Urban Plains Retail Addition (4525 32nd Avenue South), and the Fargo Planning Commission at such Hearing recommended that the Conditional Use Permit be denied.

The City received an appeal of the denial of the Conditional Use Permit from Urban Plains Land Company LLC which requires that a Public Hearing be held by the City Commission.

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 moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 28, 2015.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

City Auditor Directed to Publish a Notice of Hearing on an Application Filed by Abdikafi Warsame d/b/a Orange Cab Company for a Taxicab License: Commissioner Williams Appointed to Serve on the Taxicab License Committee:

The Board received a communication from City Auditor Steve Sprague stating his office received an application from Abdikafi Warsame d/b/a Orange Cab Company for a Taxicab License. He stated in accordance with Article 25, Section 0403, Paragraph B of the Fargo Municipal Code, the application shall be submitted by the City Auditor to the Board of City Commissioners who will set a date for a public hearing and appoint a member of the City Commission to serve on a committee to examine the need for the license.

Commissioner Sobolik moved that the City Auditor's Office be directed to publish a notice of hearing on the application and Commissioner Williams be appointed to serve on the taxicab license committee

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.

City Auditor Directed to a Publish Notice of Hearing on an Application Filed by Gyamera Yeboah d/b/a Yebosco Cab Company for a Taxicab License: Commissioner Williams Appointed to Serve on the Taxicab License Committee:

The Board received a communication from City Auditor Steve Sprague stating his office received an application from Gyamera Yeboah d/b/a Yebosco Cab Company for a Taxicab License. He stated in accordance with Article 25, Section 0403, Paragraph B of the Fargo Municipal Code, the application shall be submitted by the City Auditor to the Board of City Commissioners who will set a date for a public hearing and appoint a member of the City Commission to serve on a committee to examine the need for the license.

Commissioner Sobolik moved that the City Auditor's Office be directed to publish a notice of hearing on the application and Commissioner Williams be appointed to serve on the taxicab license committee

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 6:06 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Civic Center Feasibility Study – Final Report Received and Filed:

City Administrator Bruce Grubb said the Board approved the advertisement of a Request for Proposals (RFP) for consulting services relating to a potential repurposing of the Civic Center to a multi-purpose performance facility. Seven proposals were received on February 6, 2015, he stated, and the Civic Center Task Force selected HVS/JLG/Schuler Shook as the preferred consultant team. The consultant team presented an interim report on June 22, 2015, he said, and at this time, the Civic Center task force has received and reviewed the final draft report with the consultant team. He said the report looked two options which are utilizing the Civic Center by taking it from its current state into some sort of multi-purpose facility or whether to take it down and start over with something new.

Catherine Sarrett, Project Manager for HVS, shared the project scope and timeline, as well as the market analysis, trends and participation analysis and comparable venues. She said user and stakeholder interviews were conducted and the role of performing arts within the community was looked at. The consulting team developed building program recommendations, demand projections and a financial analysis, she said, as well as looking at economic and fiscal impacts and the entertainment index. She said the area is expected to continue to grow and has a low unemployment rate. She said there is a hole in the local market for an indoor venue of the size being considered. House seating of between 2,000 and 2,400 is being recommended, she said, with staging capacity for touring theatrical shows and a multi-purpose theatre.

Todd Medd, JLG Architects, said one thing they heard was that architecturally, this cannot be focused on one group. He said it is important that the space be activated day and night for the majority of the days of the year to get the most bang for the buck for the community. He said three levels of seating gives the most opportune design from a venue standpoint, and a big issue is the height of the existing Civic Center. He said costs are similar; however, there are functionality issues with the Civic Center and a higher contingency is recommended because of the unknowns. There are advantages in starting from scratch, he said.

Lee Dobrinz, JLG Architects, compared repurposing the Civic Center with a new design. He said there may be savings in keeping the roof as it is; however, the tradeoff would be loss of volume and functionality. The new design could be orientated with the lobby on the west side for a great pre-function space which would allow better use of how the skyway intersects the building, he said. The building is in a good location downtown and can be part of the redevelopment that is happening along the river, he said, and a new design could more easily be crafted to be aesthetically pleasing.

Ms. Sarrett said the study indicates the need and a desire for more performing arts in the community, which this project would provide, as well as enhance the downtown efforts. An estimate to renovate the existing Civic Center is more than \$55 million, she said, and new costs would be over \$51 million. She said it is projected that the Center would operate at an approximate \$140,000.00 loss per year. The same employees managing the Fargodome would also operate the Performance Center, she said, and events could be co-promoted. A funding plan could include fundraising efforts, she said.

Commissioner Piepkorn said the report is encouraging and a good first step, although there is work to be done to have it break even. He said it is critical to work to make the Center break even. He said while it is important to be careful about government sponsored things, he feels it is important to draw people here and have a vision to look to in the future.

Commissioner Williams said he is interested in finding out more about other Centers in peer cities, such as the one in Durham, NC or Appleton, WI, and their success. Now with the market analysis done, he said, the next step would be to find out if the private sector will step-up and fund the majority of it, as well as finding an operational model that makes sense.

Commissioner Gehrig said in a free market, if there is a demand as the study shows, and Fargo is fortunate enough to have a young, educated community to use a center like this, it can succeed if it is built the right size and the right things are done. If \$60 million is spent up front, he said, and \$140,000.00 is lost, at best year after year, it would be hard to support. He said if partners can be found and the costs can be reduced to where the City is not investing so much in it, he could support it.

Interim City Administrator Bruce Grubb asked that the report be received and filed and that the Civic Center Task Force continue work to determine the next steps.

Commissioner Williams moved the Civic Center Feasibility Study - Final Report from HVS/JLG/Schuler Shook be received and filed.

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

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

2016 Preliminary Budget Approved: Public Hearing Set for September 28, 2015:

Mayor Mahoney said more input has been received since the preliminary budget presentation on August 14, 2015. He said changes have been incorporated for some of the final requests by Department Heads and Commissioners. The next step, he said, is to approve the preliminary budget, either as presented or as amended, and set the time and date for the public hearings (tax levy and budget) as required by State Law. He said the budget at \$282 million is one million lower than last year. The budget is balanced and includes a 2.25 mill property tax cut, he said, and has the equivalent of 17 new full-time employees, City Hall, and remodeling the downtown fire station. He said department heads have been asked to reduce travel and overtime and to extend the life of City vehicles and technology. He thanked each of the Commissioners for their input and for helping make him aware of what needs to be looked at in the upcoming years. He said the population increase is more rapid than anticipated and the growth of the community and service demands are being kept up with. Flood risk mitigation projects are critical, he said.

Interim City Administrator Bruce Grubb said it was a very healthy budget process this year, and he thanked the Commissioners for their willingness and participation.

Commissioner Piepkorn complimented Mayor Mahoney on the budget process and said it was a pleasure having all the Commissioners involved.

Commissioner Sobolik moved the Mayor's 2016 Preliminary Budget be approved and the public hearing be set for Monday, September 28, 2015 at 6:00 p.m.

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.

First Reading of an Ordinance Amending Section 10-0304 of Article 10-03, of Chapter 10 of the Fargo Municipal Code Relating to Carrying, Possession, Discharge of Dangerous Weapons:

Interim Police Chief David Todd said the amendment better reflects changes in what State law now says. It further defines what is allowed and not allowed as far as defensive weapons with voltage, he said, such as a taser or stun guns. He said he interprets it to now prohibit devices that shoot projectile or multiple voltages, yet allow those where you can directly touch someone.

Commissioner Gehrig moved first reading of an Ordinance Amending Section 10-0304 of Article 10-03, of Chapter 10 of the Fargo Municipal Code Relating to Carrying, Possession, Discharge of Dangerous Weapons.

Second by Williams. On call of the roll Commissioners Gehrig, Williams, Sobolik, 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, September 14, 2015.

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

The time at adjournment was 7:17 o'clock p.m.