



5. Fire Department budget adjustments and North Dakota DES Grants in the amount of \$60,016.00 for purchase of Regional Response Equipment (CFDA #97.067) and in the amount of \$35,400.00 for training regional response personnel (CFDA #97.067).
6. Grant award from the North Dakota Outdoor Heritage Funds, in the amount of \$350,000.00, for The Fargo Project Pilot, World Garden Commons.
7. Purchase of Service Agreement Amendment with the North Dakota Department of Health, in the amount of \$25,000.00, for HIV counseling, testing and referral program (CFDA #93.940).
8. Health Department 2015 and 2016 budget adjustments in the total amount of \$25,000.00, contracts with the North Dakota Department of Health for implementation of the Food Systems Plan and contracts with F-M Metro COG, Megan Myrdal and Whitney Oxendahl (Contract No. G13-1039).
9. Extension of the Class ABH Alcoholic Beverage License for Porter Creek Hardwood Grill to 1/1/16.
10. Contract with RampAds, LLC for advertising services within City parking facilities.
11. Agreement with Stantec for sub-area transportation planning and preliminary engineering services.
12. Applications for tax exemptions for improvements made to buildings:
  - a. Randy and Marcy Andersen, 1608 30th Avenue South (3-year).
  - b. Travis and Heide Martin, 721 Southwood Drive South (5-year).
  - c. Sherri and Leon Stastny, 2326 10th Street South (5-year).
  - d. Donald and Sandra Sauvageau, 3014 20th Street South (3-year).
13. Applications for Games of Chance:
  - a. Fargo Moorhead Derby Girls for a raffle on 11/14/15; Public Spirited Resolution.
  - b. Cyndi Broekemeier Benefit for a raffle on 11/1/15; Public Spirited Resolution.
  - c. United Way of Cass-Clay for a raffle on 10/30/15.
  - d. Kappa Delta Sorority for a raffle on 11/6/15.
  - e. Handi-Wheels Transportation for raffle boards on 11/21/15.
14. Resolutions Approving the following Plats:
  - a. Autumn Fields Second Addition (Attachment "A").
  - b. Vista Village Fifth Addition (Attachment "B").
  - c. Prairie Grove Fourth Addition (Attachment "C").
  - d. Asleson Farms Third Addition (Attachment "D").
15. Engineering Technician I contract with Kwame Blah.

16. Dakota Carrier Network utility easement on the City-owned property at 320 Machinery Row Avenue North.
17. NDDOT Agreement for Long-Term Temporary State Highway Closure for closure of a state highway which is also a city street.
18. Deferral Agreement with Francis K. Bohn, Jr. for Project No. 6104.
19. Purchase Agreement with Forum Communications Company for Project No. FM-14-41.
20. Memorandum of Offer to Landowner for Permanent and Temporary Easements with the State of North Dakota – NDSU for Project No. PR-14-21.
21. Consultant Selections and contract awards for Project Nos. FM-15-M0, PR-17-A0 and PN-19-A0.
22. Contract Amendment #1 for an increase of \$135,000.00 for Project No. MS-14-20.
23. Contract Amendment #1 for an increase in the amount of \$23,000.00 for Project No. MS-15-B0.
24. Contract time extension for Project No. PN-15-B1 to 11/30/15.
25. Change Order No. 1 for an increase in the amount of \$30,527.05 for Project No. UR-15-C1.
26. Bills in the amount of \$18,477,576.45

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.

Private Installation of Public Infrastructure and Developer Agreement for Improvement District No. VF-16-A Approved (710 Lofts at 707 10th Street North):

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating that as a condition of redeveloping the site at 707 10th Street North the developer must provide storm sewer to mitigate storm water runoff issues associated with the proposed development. They said the developer will extend a line from 9th Street through the alley which will also improve the drainage of the alley. It would be built to the City's standards, they said, and the developer would like to turn that infrastructure over to the City once it is installed.

Commissioner Williams moved the Private Installation of Public Infrastructure and the Developers Agreement for Improvement District No. VF-16-A be approved.

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.

Change Order Nos. 1 and 2 and Time Extensions for Improvement District No. BN-15-E1 Approved:

Commissioner Williams moved approval of Change Order No. 1, for an increase of \$81,460.00 and time extension to October 14, 2015, and Change Order No. 2, for an increase of \$33,690.00 and contract time extension to November 15, 2015, for Improvement District No. BN-15-E1.

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.

Reimbursement Request from John Deere for Landscaping and Irrigation Damages in Connection with Improvement District No. 6104 Approved:

Commissioner Williams moved the reimbursement request in the amount of \$12,900.00 from John Deere for landscaping and irrigation damages in connection with Improvement District No. 6104 be approved.

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.

Contract Time Extension for Improvement District No. BN-15-H1 Approved:

Commissioner Williams moved approval of a contract time extension to October 24, 2015 for Improvement District No. BN-15-H1.

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.

Change Order No. 4 for Improvement District No. BN-14-71 Approved:

Commissioner Williams moved approval of Change Order No. 4 for an increase of \$68,217.86 for Improvement District No. BN-14-71.

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.

Change Order No. 1 for Improvement District No. BR-15-C1 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$20,586.80 for Improvement District No. BR-15-C1.

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.

Change Order No. 1 for Improvement District No. PN-15-E1 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$41,107.50 for Improvement District No. PN-15-E1.

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.

Change Order No. 1 and Contract Time Extension for Improvement District No. PN-15-L1 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$59,799.00 and contract time extension to June 15, 2016 for Improvement District No. PN-15-L1.

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.

Change Order No. 1 and Contract Time Extension for Improvement District No. UN-15-K1 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$14,280.00 and contract time extension to October 9, 2015 for substantial completion for Improvement District No. UN-15-K1.

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.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-N (Maplewood Estates):

Commissioner Williams moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-N:

Adopt Resolution Creating Improvement District No. UN-15-N:

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

58th Avenue South.

41st Street South.

COMPRISING:

Lot 1, Block 1.

Lot 1, Block 2.

Maplewood Estates Addition.

Lot 1, Block 12.

All platted in the Pines at the District Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-N 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. UN-15-N:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-15-N 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 \$410,495.00.)

Order Plans and Specifications for Improvement District No. UN-15-N:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-15-N 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. UN-15-N in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

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

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

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.

Contract for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Dakota Underground Company for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N1 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N1 Approved:

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

United Fire and Casualty Company, in the amount of \$3,648,132.70 for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N1 in the City of Fargo, North Dakota.

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.

Contract for Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Fritz Electric for Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B1 in the City of Fargo, North Dakota.

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.

Contract Bond for Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B1 Approved:

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

United Fire and Casualty Company, in the amount of \$295,770.25, for Traffic Signal Improvements and Incidentals Improvement District No. TN-15-B1 in the City of Fargo, North Dakota.

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.

Presentation of the PFM Purchasing Card Rebate Check for FY 2015:

The Board received a communication from Director of Finance Kent Costin stating the City of Fargo has been operating a purchasing card program for the past several years now. He said since the inception of the program the business volume with this program has risen from \$2 million per year to just over \$16.5 million this year. He said this achievement ranks the City of Fargo as a top governmental performer within the PFM's Payment Solutions program for the past two fiscal years. He introduced the top five performers in the program: Jeff Gonzales, Ben Dow, Carol Sexton, Lea Iken and Megan Zahradka.

PFM Payment Solutions Representative William Sullivan said the City of Fargo, a member of the program for only three years, is now PFM's largest municipal client. He said next year, for an equal level of spending, the City can expect a rebate check for as much as \$220,000.00.

PFM Payment Solutions Representatives William Sullivan and Kelly Smaldone presented a refund check to the City of Fargo in the amount of \$173,572.00

City Attorney Directed to Draft an Ordinance for the Maintenance of Coin and Free Access News Racks in the Downtown Area:

The Board received a communication from Commissioner Williams stating the BID Advisory Task Force has had discussions with patrol officers on the downtown beat and the DCP about the proliferation of unsolicited or managed coin and free access news racks on public sidewalks downtown. He said these are creating some nuisances for cleaning and snow removal, and are sometimes used as storage for personal possessions of various sorts. There are some proven best practices other cities that have come up with to manage this issue to help reduce the amount of clutter, litter and storage of drug and alcohol items, he said, which would allow for easier cleaning and snow removal.

Commissioner Williams moved the City Attorney be directed to work with staff and the Downtown Community Partnership to draft or amend a policy or Ordinance to bring back to the Commission for consideration within four weeks.

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.

Appointments to the Historic Preservation Commission:

The Board received a communication from Mayor Mahoney recommending that Michael Burns and Christine Kloubec be reappointed to the Historic Preservation Commission.

Commissioner Sobolik moved Michael Burns and Christine Kloubec be reappointed to the Historic Preservation Commission for three-year terms ending October 31, 2018.

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.

Amendment to the MOU Between the City of Oxbow and the Metro Flood Diversion Board of Authority Approved:

The Board received a communication from Interim City Administrator Bruce Grubb stating that at the October 8th Diversion Authority board meeting, a discussion was held regarding a possible amendment to the MOU between the City of Oxbow and the Metro Flood Diversion Board of Authority, including the City of Fargo, Cass County and the Cass County Joint Water Resource District. He said the proposed amendments were prepared after a thorough review of the original MOU and the specific sections that have been suggested for modification are as follows:

Section I. Replacement Lots



## Section II. "Wet Side" Golf Holes

## Section V. Timing of Construction and Implementation

In Section I. Replacement lots, the original MOU required the Diversion Authority to provide replacement lots for existing homes located within the levee footprint (approximately 40), he said, as well as, additional replacement lots for other displaced property owners within the area to be protected by the levee (within Oxbow). The replacement lots were to be an expense to the Diversion Authority, he said, and once a future replacement lot sale occurred, the original MOU required Oxbow to reimburse the Diversion Authority for the Authority's original purchase price plus 10% and Oxbow would keep the balance of the proceeds from the lot sale. He said the proposed amendment essentially requires the return of the remaining proceeds from the lot sales as follows:

- Replacement Lots within Oxbow 100% (approx. \$4.0 million)
- Replacement Lots within Staging Area 75% (approx. \$4.5 million)

In Section II. "Wet Side" Golf Holes, he said, the original MOU required the Diversion Authority to purchase seven golf holes on the wet side of the levee with the land to be conveyed to the City of Oxbow. The proposed amendment, he said, would allow the Diversion Authority to retain ownership of the land to be used for environmental (i.e. wetlands) mitigation.

In Section V. Timing of Construction and Implementation the original MOU contained a 40-month deadline for completion of the OHB Levee Project, he said. The proposed amendment, he said, will change the completion deadline to a period of 36 months from the time that the Preliminary Injunction is removed.

In response to a question from Commissioner Gehrig about whether approval of the amended MOU takes away from the ability to negotiate other money saving issues, Mr. Grubb said it does not. He said landscaping and architectural estimates and quotes, as well as the reassessment issues that were discussed at recent Diversion Authority Finance and Land Management Committee meetings are being pursued.

Commissioner Piepkorn moved the proposed amendment to the MOU between the City of Oxbow and the Metro Flood Diversion Board of Authority 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.

Parcels of Land in Knollbrook Addition Rezoned (3025 7th Street North and 3030 Broadway North):

At a Hearing held on October 6, 2015 the Fargo Planning Commission recommended approval of a change in zoning from SR-2, Single-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on all of Lots 1-4, 15 and 16, and part of Lots 13 and 14, Block 1, Knollbrook 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.

Planner Aaron Nelson said the request is to allow the applicant to construct an on-premise sign that would otherwise not be allowed in an SR-2, Single-Dwelling

Residential zoning district and is similar to a request earlier this year by another church to allow larger signage. He said the C-O, Conditional Overlay is to restrict more intensive commercial use if the property were to be sold, and places limitations on the placement of electronic signage.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

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

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, 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 Knollbrook 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 Knollbrook 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.

Application Filed by Spirit Properties, Inc. d/b/a SideStreet Grille & Pub for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Spirit Properties, Inc. d/b/a SideStreet Grille & Pub for a Class "A" Alcoholic Beverage License at 404 4th Avenue North, notice of which had been duly published in the official newspaper for the City of Fargo.

City Auditor Steve Sprague said the Class "A" Alcoholic Beverage License was created in anticipation of the relocation of the bar to make way for the Second Street levee for permanent flood control. The bar currently holds a Class "ABH" License, he said, which is connected with a hotel.

Dave Glessner, representing the ownership group Spirit Properties, Inc., said remodeling is nearly complete in the new location. He said the theme will remain much the same and the lunch menu will be upgraded.

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

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

Commissioner Piepkorn moved the application be approved.

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

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

Application Filed by GMRI, Inc. d/b/a Olive Garden Italian Restaurant #1188 for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by GMRI, Inc. d/b/a Olive Garden Restaurant #1188 for a Class "FA" Alcoholic Beverage License at 4339 13th Avenue South, 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.

City Auditor Steve Sprague said this application is related to the license transfer, the next item on the agenda. He said the Olive Garden Italian Restaurant has had a Class "A" Alcoholic Beverage License which does not require food sales, and now by going to a Class "FA" Alcoholic Beverage License they are still able to meet the food sale requirements and the Class "A" Alcoholic Beverage License is freed up and available to be transferred.

Commissioner Piepkorn moved the application be approved.

Second by Gehrig. On call of the roll Commissioners Piepkorn, Gehrig, Williams, Sobolik 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 GMRI, Inc. d/b/a Olive Garden Italian Restaurant to Firebox, LLC d/b/a Firebox, LLC Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "A" Alcoholic Beverage License from GMRI, Inc. d/b/a Olive Garden Italian Restaurant at 503 7th Street North, Suite 003 to Firebox, LLC d/b/a Firebox, LLC 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.

City Auditor Steve Sprague said the Class "A" Alcoholic Beverage license is an on-sale only license and has no restrictions as far as food sales.

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

Commissioner Piepkorn moved the application be approved.

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

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

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, November 9, 2015.

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

The time at adjournment was 5:28 o'clock p.m.