

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

July 18, 2016:

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 18, 2016.

The Commissioners present or absent were as shown following:

Present: Gehrig, Grindberg, Piepkorn, Strand, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Mayor Mahoney said the LinkFM route proved to be an effective solution for parking downtown during the recent Downtown Street Fair. He announced that Fargo Police Chief David Todd has been invited to Washington, D.C. to participate in a White House briefing on policing. The Mayor also said budget meetings with department heads are finished and the work of crafting the preliminary budget is beginning.

Order of Agenda Approved:

Commissioner Grindberg moved the Order of the Agenda be approved moving Item No. "26" from the Consent Agenda to the Regular Agenda.

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

Minutes Approved:

Commissioner Strand moved that the Minutes of the Regular Meeting of the Board held on July 5, 2016 be approved as read.

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

Consent Agenda Approved:

Commissioner Strand moved the Consent Agenda be approved as follows:

1. 1st Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota.
2. 2nd Reading, waive reading and final adoption of the following Ordinances; 1st Reading, 7/5/16.
 - a. Repealing and Removing the Conditional Use Permit and Establishing a Planned Unit Development Master Land Use Plan and Final Plan on Certain Parcels of Land Lying in Rocking Horse East 2nd Addition to the City of Fargo.
 - b. Amending Section 20-0212.D.4 of Article 20-02 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Parking Lot Buffer Standards.

- c. Rezoning Certain Parcels of Land Lying in Veterans Square Addition, Fargo, Cass County, North Dakota.
3. Receive and File Year to Date – Budget to Actual Report for June 2016.
4. Grant Award in the amount of \$210,734.20 from the North Dakota Tobacco Prevention and Control Executive Committee for Tobacco Prevention and Control Local Grants Program (Contract No. G15-63).
5. Grant Award in the amount of \$157,033.00 from the North Dakota Tobacco Prevention and Control Executive Committee for Tobacco State Aid to Local Public Health Units (Contract No. G15-92).
6. Contract with the North Dakota Department of Health for the Women’s Way Program (CFDA #93.752).
7. Agreement for Services with Stacy Knudson and Shannon Lang in the amount of \$1,800.00 each to address maternal child health breastfeeding/obesity within our community.
8. Adjustment in annual licensing fees for various occupational, business, transportation and animal licenses effective January 1, 2017.
9. Applications for Games of Chance:
 - a. Pray for Gray for a raffle on 9/9/16.
 - b. Red River Volkswagen Club for a raffle on 7/30/16; Public Spirited Resolution.
 - c. Knights of Columbus 4th Degree Assembly 788 for a calendar raffle from 1/1/17 through 1/31/17.
 - d. YMCA of Cass and Clay Counties for a raffle on 8/2/16.
10. Updated Commission Liaison assignments.
11. Change Order No. 2 for an increase of \$1,842.50 and a time extension to 9/6/16 for Project No. BP-00-26.
12. Contract Amendment with Land Elements in the amount of \$73,275.75 for The Fargo Project.
13. Sanitary Sewer Repair work at Elm Street and 22nd Avenue North (Project No. UR-16-C1).
14. Change Orders for Project No. WA1301:
 - a. No. 5 for an increase of \$919,054.00 for the General Construction Contract.
 - b. No. 5 for an increase of \$149,715.00 for the Electrical Construction Contract.
15. Task Order No. 16 with Houston Engineering, Inc. for \$209,500.00 for reconditioning work on Water Towers 7 and 8.

16. Low quote from JDP Electric in the amount of \$38,987.00 for the rehabilitation and placement of a permanent generator to serve sanitary lift station #26 and storm lift station #10.
17. Bid rejection for The Fargo Project – Overlook feature.
18. Amendment to Contract No. 38151476A with the North Dakota Department of Transportation.
19. Submission of the 2015 Consolidated Annual Performance Evaluation Report for the City's Community Development Programs to HUD.
20. Final Contract Amendment No. 2 for an increase of \$33,107.50 for Project No. 6185.
21. Offer from Renee Kadrmas to purchase her property at 1510 South River Road pursuant to the terms of the Voluntary Acquisition Program.
22. Bid award in the amount of \$57,085.20 to Key Contracting, Inc. for Project No. TN-16-G1.
23. Bid advertisement for Project No. UR-16-B.
24. Bills in the amount of \$13,635,518.12.

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

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

Developer Agreement with DFI 1213 NP LLC for Improvement District No. AN-16-E (Alley between 12th Street North and University Drive):

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) regarding the concrete paving section of the alley located between 12th Street North and University Drive. They said the Developer is requesting to contract and pay for the design and production of plans and specifications which the Developer would provide to the City for bidding and installation. They said the Committee voted to recommend approval of the private design of a 7" concrete alley paving with the execution of a Developers agreement. Staff is further directed to coordinate with the owner and designer regarding the potential future need of an encroachment agreement, they stated.

Commissioner Strand moved to concur with the recommendations of PWPEC and the execution of a Developer's Agreement with DFI 1213 NP, LLC for Improvement District No. AN-16-E be approved.

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

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

At Grade Alternative for Protected Bike Lane on NP Avenue Moved to the Regular Agenda:

This item was moved to the Regular Agenda.

Final Certification of Local Match with the North Dakota Department of Transportation for Improvement District No. PR-14-61 Approved (25th Street South from 17th Avenue South to 23rd Avenue South):

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating the project on 25th Street from 17th Avenue South to 23rd Avenue South had a total construction cost of \$15,287,521.00 with local funds generated through Sales Taxes and Special Assessments. They said the state requires the City to certify that non-federal funds are used to match their federal funds.

Commissioner Strand moved the Final Certification of Local Match with the North Dakota Department of Transportation for Improvement District No. PR-14-61 be approved.

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

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

Change Order No. 1 and a Time Extension for Improvement District No. BR-16-B1 Approved:

Commissioner Strand moved Change Order No. 1 for an increase of \$100,462.69 and a time extension for Improvement District No. BR-16-B1 be approved.

Second by Grindberg. On call of the roll Commissioners Strand, Grindberg, 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-16-G1:

The bids for Improvement District No. BN-16-G1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., Wednesday, July 13, 2016 and the bids were found to be as follows:

H & S Contracting, Inc.	Moorhead, MN
Bid:	\$1,619,042.75
Dakota Underground Company Inc.	Fargo, ND
Bid:	\$1,734,593.75
R.L. Larson Excavating, Inc.	St. Cloud, MN
Bid:	\$1,760,298.15
George E. Haggart, Inc.	Fargo, ND
Bid:	\$1,822,949.33
Ryan Contracting	Shakopee, MN
Bid:	\$1,823,660.20

Master Construction Company, Inc. Bid:	Fargo, ND \$1,897,386.55
Northern Improvement Company Bid:	Fargo, ND \$1,937,258.58
Gladen Construction, Inc. Bid:	Laporte, MN \$2,057,143.71
J.R. Ferche, Inc. Bid:	Rice, MN \$2,278,728.20

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement & Incidentals, Improvement District No. BN-16-G1 Awarded to H & S Contracting, Inc. in the Amount of \$1,619,042.75:

Commissioner Strand offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Improvement District No. BN-16-G1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received for Improvement District No. BN-16-G1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Improvement District No. BN-16-G1 shows the bid of H & S Contracting of Moorhead, Minnesota in the sum of \$1,619,042.76 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 H & S Contracting, Inc. in the sum of \$1,619,042.76 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Improvement District No. BN-16-G1 in the City of Fargo, North Dakota, be and the same is hereby awarded to H & S Contracting, Inc. in the sum of \$1,619,042.76, 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 Grindberg. On the vote being taken on the question of the adoption of the Resolution Commissioners Strand, Grindberg, Gehrig, Piepkorn and Mahoney voted aye.

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

Bids Received for Street Lighting & Incidentals, Improvement District No. SL-16-A1:

The bids for Improvement District No. SL-16-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., Wednesday, July 13, 2016 for Improvement District SL-16-A1 and the bids were found to be as follows:

Moorhead Electric Bid:	Moorhead, MN \$927,125.62
Fargo Electric Construction Inc. Bid:	Fargo, ND \$945,555.30

Fritz Electric Inc. Bid:	Fargo, ND \$952,166.30
Strata Corporation Bid:	Grand Forks, ND \$954,193.85
Fusion Automation Inc. Bid:	Grand Forks, ND \$1,296,718.29

Contract for Street Lighting and Incidentals, Improvement District No. SL-16-A1 Awarded to Moorhead Electric in the Amount of \$927,125.62:

Commissioner Strand offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Improvement District No. SL-16-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received for Improvement District No. SL-16-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Improvement District No. SL-16-A1 shows the bid of Moorhead Electric of Moorhead, Minnesota in the sum of \$927,125.62 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 Moorhead Electric in the sum of \$927,125.62 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Improvement District No. SL-16-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Moorhead Electric in the sum of \$927,125.62, 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 Grindberg. On the vote being taken on the question of the adoption of the Resolution Commissioners Strand, Grindberg, Gehrig, Piepkorn and Mahoney voted aye.

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-E (Alley Between 12th Street North and University Drive from NP to 1st Avenue North):

Commissioner Strand moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-E:

Adopt Resolution Creating Improvement District No. AN-16-E:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. AN-16-E in the City of Fargo, North Dakota, be created

From University Drive North to 12th Street North between 1st Avenue North and Northern Pacific Avenue North.

COMPRISING:

Lots 1 through 9, Block 41.

Lot G, Block 42.

Lot 1, Block 42.
East 115 feet of Lot 2, Block 42.
All in Roberts 2nd Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-E 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. AN-16-E:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. AN-16-E 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 \$98,306.25.)

Order Plans and Specifications for Improvement District No. AN-16-E:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. AN-16-E in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. AN-16-E:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. AN-16-E 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. AN-16-E 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 P.C. Concrete Alley Paving 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 P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-E in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed P.C. Concrete Alley Paving and Incidentals, must be in writing and must be filed with the City Auditor's Office within thirty 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. AN-16-E:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. AN-16-E in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-K (26th Avenue South from 30th Avenue South to 41st Street South):

Commissioner Strand moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-K:

Adopt Resolution Creating Improvement District No. BN-16-K:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-16-K in the City of Fargo, North Dakota, be created
26th Avenue South from 41st Street South to 30th Avenue South

COMPRISING:

Lot 1, Block 1.
All platted in West 29 5th Addition.
Lots 1 through 3, Block 1.
All platted in West 29 6th Addition.

The unplatted land in the northeast 1/4 of Section 22, Township 139 North, Range 49 West bounded on the north by the easterly extension of 23rd Avenue South and bounded on the east by the northerly extension of 30th Avenue South.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-K in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost from the City Engineer for Improvement District No. BN-16-K:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-16-K in the City of Fargo,

North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,039,510.38.)

Order Plans and Specifications for Improvement District No. BN-16-K:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-16-K in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-16-K:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-16-K in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. BN-16-K in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement 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 Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-K in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement 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. BN-16-K:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-16-K in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-L (27th Street South from Approximately 200 feet South of Samuel Drive to 64th Avenue South):

Commissioner Strand moved the following action be taken in connection with Sanitary Sewer, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-L:

Adopt Resolution Creating Improvement District No. BN-16-L:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-16-L in the City of Fargo, North Dakota, be created

27th Street South from 64th Avenue South heading north a distance of 541.2'.

COMPRISING:

All unplatted land in the southerly 541.2' and the easterly 1195.2' of the SE ¼ of Section 11, Range 49 W, Township 138 N.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-L 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. BN-16-L:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-16-L 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 \$406,235.01.)

Order Plans and Specifications for Improvement District No. BN-16-L:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-16-L in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-16-L:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-16-L 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. BN-16-L 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 Sanitary Sewer, Storm Sewer, Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-L in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

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

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

Direct City Auditor's Office to Call for Bids for Improvement District No. BN-16-L:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-16-L in the City of Fargo, North Dakota.

Second by Grindberg. On call of the roll Commissioners Strand, Grindberg, 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, Site Grading, Paving, Street Lighting and Incidentals Improvement District No. BN-16-E1 Approved:

Commissioner Strand moved approval of the Contract between the City of Fargo and Ryan Development, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lighting and Incidentals Improvement District No. BN-16-E1 in the City of Fargo, North Dakota.

Second by Grindberg. On call of the roll Commissioners Strand, Grindberg, 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, Site Grading, Paving, Street Lighting and Incidentals Improvement District No. BN-16-E1 Approved:

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

Arch Insurance Company, in the amount of \$1,464,382.10 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lighting and Incidentals

Improvement District No. BN-16-E1 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-E1 Approved:

Commissioner Strand moved approval of the Contract between the City of Fargo and Robert Gibb and Sons, Inc., for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-E1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-E1 Approved:

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

The Guarantee Company of North America USA, in the amount of \$2,188,175.79, for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-E1 in the City of Fargo, North Dakota.

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

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

Request to Change the Gaming Guidelines Tabled for Two Weeks:

The Board received a communication from City Auditor Steve Sprague stating Team Makers Club, Inc. has requested a change to the Gaming Guidelines. He said the first guideline limits the number of gaming sites to five, and the charity is requesting this limit not include sites with only raffles, Calcuttas, pull tab dispensing machines or a combination of any of the three. Only establishments that offer one or a combination of these games would be exempt from the limit of five establishments, he said.

Team Makers Executive Director Pat Simmers said as the community grows and thrives, the gaming community continues to transition. There are more and more requests for smaller events and single events, he stated.

City Auditor Steve Sprague said increasing the limits on the number of gaming sites could allow some facilities that may not have the space or desire for games like 21 or paddlewheel to do gaming and then the charities may be able to raise more money. A disadvantage would be that there would be more sites to audit, he said. There are some charities that really have their act together, he said; however, there are some that struggle and pose additional audit risks.

In response to a question from Commissioner Strand about whether there was any outreach or advance notice to the other gaming entities about the change, Gaming Auditor Terri Leier-Sprenger said no specific communication has been made other than it being an item on the agenda. She said she is required to annually review every site for compliance

and this change would add sites. As part of the annual review process, she said, if the organization is not doing well, they are not allowed to have additional games or sites.

Commissioner Strand said he would encourage the Board to table this item until the next meeting to allow time for notification of the other organizations.

Ms. Leier-Sprenger said this would involve notifying 19 organizations about the proposed change to the guidelines.

Commissioner Strand moved the requested change to the gaming guidelines be tabled for two weeks and appropriate staff be directed to send notification to the participating nonprofit organizations that do gaming operations.

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

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

Revised Code of Conduct Plan for the City Commission Approved:

Commissioner Gehrig moved the Fargo City Commission Code of Conduct be approved as presented.

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

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

Application Filed by Federal Express Corporation for a Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by Federal Express Corporation for payment in lieu of property tax exemption (PILOT) for a project which the applicant will use in the operation of a sort facility utilizing manual labor to sort packages in containers, bulk loaded trucks and shuttle vans located at 3847 31st Street North.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

City Assessor Ben Hushka said the applicant is moving an operation into Fargo that is not currently in town to occupy an existing building at the airport, as well as constructing a new structure. He said they are seeking an exemption based on years one through five at a 100% equivalent exemption and years six through ten at 50%.

FedEx Express Senior Manager Steve Wilson said the plan is to start the flight schedule October 31, 2016 and employ 74 employees immediately. He said the employee base is expected to grow and the company looks forward to becoming part of the corporate community in Fargo and supporting the community at large.

In response to a question from Commissioner Gehrig about whether the airport gave any incentives for FedEx to come to Fargo, Airport Executive Director Shawn Dobberstein said they did not.

Commissioner Gehrig said it is fantastic that FedEx is finally coming to Fargo and this will have a multimillion-dollar per year impact to the community. He said FedEx is coming to Fargo because it has the best workforce, two Interstate highways come through, there is a great airport and the company will benefit from being in Fargo.

In response to a question from Commissioner Gehrig about whether FedEx would still come to Fargo if they do not get the exemption, Mr. Wilson said yes. He said they also look forward to enhancing service to this market as well as the state.

Commissioner Gehrig said it is his contention that incentives are being offered when they are not needed to grow the economy and this is a perfect example. He said if this is approved, everyone else in Fargo picks up the \$86,000.00 per year tab for the taxes that FedEx is not paying. They do not need it, he said, and they are still coming here. He said he has asked several companies if they need the incentives they ask for and they have said no; however, the Board still has approved them.

In response to a question from Commissioner Strand about the variances of the exemptions and target incentives, Mr. Hushka said there are some standards such as downtown apartment projects which have the standard of five years at 100% and five years at 75%. The general standard in the policy is a five year 100%, he said, and some of the larger projects have been granted five years at 100% and five years at 50%. There are variances in terms of size of the project, jobs and/or ultimate tax base, he said, and the policy is currently in the process of being revised.

Commissioner Strand said his concern is for consistency in the policy and if the policy is evolving, he is cautious to make decisions. He said he would not want to prejudice future policies, relative to behavior and actions, based on piecemeal or changing decisions. He said he would want the policy to direct the action, then it does not matter who the applicant is and their wealth, it simply would meet the criteria of the established and agreed upon endorsed policy of the Commission.

Mayor Mahoney said the Tax Exempt Review Committee is doing the policy review. He said that committee made the recommendation for this exemption and it does not go against what the new policies may be. He said some things the Committee looks at are the building, and what is being added to the community and the investment in the community. He said another part is how many employees are added and most often it is built around manufacturing jobs.

Commissioner Piepkorn said this recommendation does follow current policy. He said one challenge is that there are new businesses starting up that use technology and do not bring in as many employees. FedEx coming here is a huge deal and will help many more companies in Fargo to become instantly more competitive, he said. Their original request was for 100%, he said; however, the recommendation is for 50% in years six through ten.

Commissioner Grindberg said it is important to get the policy right. He said he advocates for incentives; however, he has some concerns with this application, in part, that incentives should not be used to attract a business from one community to another. There is scrutiny going on at the capital regarding incentives, he said.

Mr. Hushka said this application mirrors current policy. As a point of clarification, he said, years six through ten on the payment schedule in the agenda should read \$43,980.00, not \$21,990.00.

Commissioner Piepkorn moved the application filed by Federal Express Corporation for a ten-year payment in lieu of tax exemption for a 100% property tax exemption for years one through five and a 50% property tax exemption for years six through ten for a project located at 3847 31st Street North be approved.

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

Commissioners Gehrig and Grindberg voted nay.

The motion was declared carried.

Application Filed by Tufte Enterprises, LLC for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Tufte Enterprises, LLC, for a 5-year, 100% exemption of the project improvements for Tufte Enterprises, LLC at 3336 39th Street South, where the applicant will manufacture race car and gun parts.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

City Assessor Ben Hushka said the manufacturing firm clearly fits policy and is expanding from 3,000 square feet in their current operation by adding an additional structure of 5,600 square feet. He said the Tax Exempt Review Committee recommends approval on the amount of the expansion, which would be the new building.

Commissioner Piepkorn moved that the application filed by Tufte Enterprises, LLC for a 5-year property, 100% tax exemption for improvements at 3336 39th Street South pursuant to Chapter 40-57.1, NDCC be approved.

Second by Grindberg. On call of the roll Commissioners Piepkorn, Grindberg, Strand and Mahoney voted aye.

Commissioner Gehrig voted nay.

The motion was declared carried.

Application Filed by Elevate for Payment in Lieu of Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Elevate for payment in lieu of property tax exemption (PILOT) for a project located at 11th Street North between 3rd and 4th Avenues North which the applicant will use in developing and managing/leasing 94 apartment units and amenity space.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

City Assessor Ben Hushka said this is a 94-unit apartment project downtown. He said a possible entity name change was indicated on the application.

Austin Morris of Enclave Development said this project is straddled by the Woodrow Wilson redevelopment project and near the NDSU downtown buildings in an area with a lot of potential and unique attributes for new development. He said the current assessed value of the property is \$800,000.00 and the end project will be 15 times that, approximately \$12 million. He said it will be a young professional, student oriented neighborhood with unique amenities. The apartments range from 440 square feet to 1,250 square feet, he said, with a heavy mix of efficiencies and one bedrooms. He said market research shows that in downtown environments, people prefer smaller spaces with nicer finishes and accessibility to bus service, walkability and other amenities.

In response to a question from Commissioner Gehrig about whether he needs the exemption to make the project happen, Mr. Morris said yes. He said he would encourage Commissioner Gehrig to visit with him sometime to review the financial projections for a project like this both with and without an exemption. Without it, he said, likely there would be a negative cash flow for the first fifteen years.

Commissioner Gehrig said a better way to do this would be to assess the applicant some of the cost. Taxes would still be paid that way and there would be positive cash flow since it would be basically a long term loan from the city, he said.

In response to a question from Commissioner Strand about whether PILOT or incentive programs include a component for affordable housing, City Assessor Ben Hushka said there are policies for low income housing, specifically low income housing tax credit projects. He said one is a partnership with the Fargo Housing Authority and the other taxes on an income approach rather than market rents and can be a 20 to 45% reduction. There is no low income element for PILOT projects for downtown apartments such as this one, he said.

Mr. Morris said he has researched and tried to include Section 42 components to developments and it is challenging based on the history of allocation of funds the last five years with the North Dakota Housing and Finance Agency, along with the cost to develop parcels. He said a conversation on affordable housing is incredibly important, there is a need for something to be developed that allows motivation for developers to provide affordable housing, not totally in financial terms but as a responsibility to people and the community.

Commissioner Grindberg moved that the application filed by Elevate for a ten-year payment in lieu of tax exemption at a 100% for years one through five and 75% for years six through ten for the construction of a new downtown apartment project located on 11th Street North between 3rd and 4th Avenues North pursuant to Chapter 40-57.1, NDCC be approved.

Second by Piepkorn. On call of the roll Commissioners Grindberg, Piepkorn, Strand and Mahoney voted aye.

Commissioner Gehrig voted nay.

The motion was declared carried.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Bison Village Addition, Fargo, Cass County, North Dakota:

Commissioner Piepkorn moved first reading of an Ordinance Rezoning Certain Parcels of Land Lying in Bison Village Addition, Fargo, Cass County, North Dakota.

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

Commissioner Strand voted nay.

The motion was declared carried.

Resolution Adopted Approving Bison Village Addition (Major Subdivision) within the Southwest Quarter of Section 19, Township 140 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota (1001 32nd Avenue North):

A Hearing had been set for June 20, 2016 on a Plat of Bison Village Addition (Major Subdivision) within the Southwest Quarter of Section 19, Township 140 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota.

At the June 20, 2016 meeting, the Hearing was continued to this date and hour.

Planning Director Jim Gilmour said the zoning was approved at the June 20, 2016 meeting leaving the actions tonight to be the approval of the plat and the first reading of the Ordinance to fully implement the zoning change. He said the Engineering Department is still completing its final technical review and signatures still need to be executed by Southeast Cass Water Resource District and the Park District for drain easements.

Commissioner Strand said he would not have supported a plan of action that put so much of the onus of the negotiations on the shoulders of the citizens. The last concerns expressed by neighbors, he said, were that they wanted to know the breakdown of the

number of one, two and three bedroom apartment units and he understood that would be part of this discussion.

Mr. Gilmour said zoning determines the number of units and developers are often limited by the amount of vehicle storage space.

Larry Nygard, Roers Development, Inc., said it worked out to nearly one parking stall per bedroom. Right now the target is about 325 apartments total, he said, which is subject to change depending on the mix of one, two or three bedrooms. He said possibly the majority of the tenants will be students; however, it is not exclusive to that.

Commissioner Piepkorn said this will be a great addition to north Fargo. He thanked Mr. Nygard for working with the neighborhood and for all he did to make this happen.

Commissioner Piepkorn offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Bison Village Addition" containing 28 Lots, 1 Block, and 25.97 acres of land more or less, located at 1001 32nd Avenue North; and

WHEREAS, A Hearing was held June 7, 2016 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on June 13 and 20, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 20, 2016. At the June 20, 2016 Hearing this item was continued to July 18, 2016 at which time said Plat would be considered and all interested persons would be heard.

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

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

Commissioner Strand voted nay.

The Resolution was adopted.

At 6:10 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Parcels of Land in Edition Addition Rezoned (5035 38th Street South):

At a Hearing held on June 7, 2016 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to MR-3 Multi-Dwelling Residential with a C-O, Conditional Overlay on Edition 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 Director Jim Gilmour said this zoning change request is unusual in that there is a recommendation for approval from the Planning Department and a

recommendation from the Public Works Projects Evaluation Committee (PWPEC) for denial. He said the site is just south of Microsoft and the proposed Cobalt Medical Center is to the east. The concerns from the Engineering Department and the Fire Department were street connectivity and emergency response time, he said.

City Engineer April Walker said much of the surrounding area is already platted so the opportunity to get through-streets is gone. When Cottagewood was developed and 47th Avenue went in, there was an agreement to put in a temporary cul-de-sac, she said, and if this project is approved something permanent will need to be done at that location. The committee felt strongly about the importance of street connection and that it is worth holding out for single-family development here, she said.

Austin Morris, Enclave Development, LLC, said this project has been a true collaboration by all parties and overall, it will make for a beautiful development in south Fargo. Multiple discussions took place, he said, including meetings with Microsoft resulting in efforts to make it look more desirable by increasing the amount of higher end materials used. The developer to the west did not like three-story apartment buildings along the park, he said, so density and design changes were made that include townhouses, making it more palatable for the neighboring development. He said there are plans for a memory care facility component on the corner to the west, near the rehab hospital.

Commissioner Gehrig said this is a valuable project and will work well for the young professionals who work at Microsoft. He said the developer worked with the neighbors as much as he could and it would be a shame for the Commission to say no to this.

Fire Marshal Ryan Erickson said the multi-family buildings will be required to have sprinklers. He said there is not a code requirement for the townhomes to have sprinklers; however, it would be beneficial if they did. The issue with connectivity is that there are many challenges like drains, bridges and the Interstate which cut up the networks and cutoffs in a neighborhood which further separates those streets. Each street that is not connected shortens the amount of distance emergency vehicles can cover, he said, and connectivity is important so fewer stations can cover a larger area.

Commissioner Strand pointed out that developments like this affect the demographics for the School District. He said a challenge Fargo faces is getting more home ownership and it seems the path now is growing more and more apartments. He is really hesitant to go against anything in regards to public safety and will defer to public safety priorities first, he stated.

Mr. Gilmour said one reason there are a lot of rental units in Fargo is that the population has a large percent of people in their 20s and the elderly who are more likely to be renters. He said there has been growth in the number of single-family homes. While it is important to get fire trucks through, he said, running 300 apartment dwellers down a street in a single-family development raises a different kind of public safety issue with pedestrian traffic.

Commissioner Gehrig said the same safety concerns were brought up for a single-family development south of this project that was approved this year. He said the developer worked through the concerns and he is confident this developer will do the same. He said he shares Commissioner Strand's concerns about the need for more home ownership; however, the demand for apartments is there.

Commissioner Piepkorn 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 Gehrig. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Gehrig and Grindberg voted aye.

Commissioners Strand and Mahoney voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Edition Addition, Fargo, Cass County, North Dakota:

Commissioner Piepkorn 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 Ordinance Rezoning Certain Parcels of Land Lying in Edition Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Commissioners Strand and Mahoney voted nay.

The motion was declared carried.

Resolution Adopted Approving Edition Addition:

Commissioner Piepkorn offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Edition Addition" containing 1 Lot, 1 Block, and 19.983 acres of land more or less, located at 5035 38th Street South; and

WHEREAS, A Hearing was held June 7, 2016 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on July 11 and 18, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., July 18, 2016 at which time said Plat would be considered and all interested persons would be heard.

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

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

Commissioners Strand and Mahoney voted nay.

The Resolution was adopted.

Appointments to the Civil Service Commission:

The Board received a communication from Mayor Mahoney recommending that Nancy Jordheim and Mike Wenaas be reappointed to the Civil Service Commission.

Commissioner Piepkorn moved Nancy Jordheim and Mike Wenaas be reappointed to the Civil Service Commission for a three-year term ending June 30, 2019.

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

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

Mark J. Honzay Appointed to the Board of Appeals:

The Board received a communication from Mayor Mahoney recommending Mark J. Honzay be appointed to the Board of Appeals for a five-year term.

Commissioner Grindberg moved Mark J. Honzay be appointed to the Board of Appeals for a five-year term ending June 30, 2021.

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

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

At Grade Alternative for a Protected Bike Lane on NP Avenue, Improvement District No. BR-16-G1 Continued Until After the Downtown Master Land Use Plan is Completed (Moved from the Consent Agenda): Item Removed from the 2016 Capital Improvement Plan (CIP):

Commissioner Piepkorn said he asked that this item be moved from the Consent Agenda to the Regular Agenda to discuss delaying the item until after the Downtown Master Land Use Plan is completed. He said the long range vision for downtown includes the bike lanes.

Mayor Mahoney said there has been a lot of discussion about NP Avenue and bikeability and delaying this will allow more time for input on that.

Joe Burgum, 514 10th Avenue South, said he supports the elevated bike lane and is excited to have the Downtown Comp Plan Consultants review it. He said when the type of facilities for downtown are looked at, it is good to look at the most inclusive type of infrastructure and the elevated bike lane does that, setting Fargo in a world-class tier.

Commissioner Piepkorn moved the At Grade Alternative for a Protected Bike Lane on NP Avenue, Improvement District No. BR-16-G1 be continued until after the Downtown Master Land Use Plan is completed.

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

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

Commissioner Piepkorn moved that the At Grade Alternative for a Protected Bike Lane on NP Avenue, Improvement District No. BR-16-G1 be removed from the 2016 Capital Improvement Plan (CIP).

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

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

Construction Projects Updates:

City Engineer April Walker provided a Power Point presentation outlining current construction projects, progress and closures.

Commissioner Grindberg moved that the Board adjourn to 5:00 o'clock p.m., Monday, August 1, 2016.

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

The time at adjournment was 7:01 o'clock p.m.