

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:                                      Monday:                                      August 1, 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, August 1, 2016.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Mahoney presiding.

Mayor Mahoney read a statement regarding the tax incentives granted to FedEx at the Commission meeting on July 18th. He said FedEx is coming to Fargo not as a relocation of an existing operation but as an expansion of operational services that will positively impact the entire region, including Grand Forks. Mayor Mahoney said he invited a FedEx representative to attend the August 15, 2016, Commission meeting to allow City Commissioners to ask questions of the representative regarding the incentive package. The Mayor also shared news that WalletHub named Fargo as one of the nation's best run cities.

Order of Agenda Approved:

Commissioner Grindberg moved the Order of the Agenda be approved, continuing Item No. "33a" to 5:15 p.m. on August 15, 2016; withdrawing Item No. "35" from the Regular Agenda and moving Item No. "39" to the beginning of the Regular Agenda.

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

Minutes Approved:

Commissioner Piepkorn moved that the Minutes of the Regular Meeting of the Board held on July 18, 2016 be approved as read.

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

Consent Agenda Approved:

Commissioner Gehrig moved the Consent Agenda be approved as follows:

1. 2nd Reading, waive reading and final adoption of the following Ordinances; 1st Reading 7/18/16:
  - a. Rezoning Certain Parcels of Land Lying in Edition Addition, Fargo, Cass County, North Dakota.
  - b. Rezoning Certain Parcels of Land Lying in Bison Village Addition, Fargo Cass County, North Dakota.

- c. Rezoning Certain Parcels of Land Lying in Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota.
2. Waive requirement to receive and file the Ordinances one week prior to 1st reading and 1st reading of the following Ordinances:
  - a. Amending Article 21.1-01 of Chapter 21.1 of the Fargo Municipal Code Relating to The International Residential Code.
  - b. Amending Article 21.2-01 of Chapter 21.2 of the Fargo Municipal Code Relating to The International Existing Building Code.
  - c. Amending Article 21-01 of Chapter 21 of the Fargo Municipal Code Relating to The International Building Code.
  - d. Amending Article 30.1-01 of Chapter 30.1 of the Fargo Municipal Code Relating to The International Fuel Gas Code.
  - e. Amending Article 31-01 of Chapter 31 of the Fargo Municipal Code Relating to The International Property Maintenance Code.
  - f. Amending Sections 9-0701 and 9-0704 of Article 9-07 of Chapter 9 of the Fargo Municipal Code relating to Fire Protection and Prevention.
  - g. Amending Section 30-0106 of Article 30-01 of Chapter 30 of the Fargo Municipal Code relating to the International Mechanical Code.
  - h. Enacting Chapter 21.3 of the Fargo Municipal Code relating to the International Energy Conservation Code.
3. Receive and file the following Ordinances:
  - a. Amending Section 25-1506 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to License Classifications.
  - b. Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Issuance and Transfer of Licenses.
  - c. Amending Section 25-1509 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages.
4. Recommendation from the PEC to reclassify a vacant Police Officer Position (Grade 12) to a Police Sergeant position (Grade 15) effective immediately.
5. Applications for Games of Chance:
  - a. Fargo Angels Hockey Club for a raffle on 12/3/16
  - b. Holy Spirit Catholic Church for bingo, a raffle and a calendar raffle from 10/1/16 to 10/31/16
  - c. CHI Riverview for a raffle on 10/9/16.
6. Pledged securities as of June 30, 2016.
7. Change Orders for the Fire Headquarters Remodel Project:
  - a. No. G-4 for an increase of \$26,946.32.
  - b. No. E-1 for an increase of \$10,503.00.
  - c. No. M-1 for an increase of \$25,975.00.
8. Appointment of Todd Miller as a City Prosecutor.

9. Resolution Authorizing Sale of Property located at 2125 7th Avenue North (Attachment "A").
10. Resolution Approving Plat of Timber Creek Sixth Addition (Attachment "B").
11. Resolution of Annexation of 96.2 acres of land in portions of Sections 12 and 13, T1328N, R49W and a portion of Section 7, T138N, R48W (Attachment "C").
12. Final payment to Foss Architecture & Interiors in the amount of \$6,800.00 for the Traffic Engineering Maintenance Building Study (Project No. MS-16-G0).
13. Encroachment Agreement with Gasper's School of Dance and Performing Arts Inc. at 524 7th Street North.
14. Bid advertisement for Project No. PR-16-E.
15. Grant contract with the North Dakota Department of Commerce to support operational expenses at the Gladys Ray Shelter in the amount of \$30,700.00 (CFDA No. 14.231).
16. Grant contract amendment with the North Dakota Department of Commerce to support operational expenses at the Gladys Ray Shelter in the amount of \$5,000.00 (CFDA No. 14.231).
17. Notice of Grant Award Agreement with the North Dakota Department of Health for Water Pollution – EPA Block for the water pollution program in southeastern North Dakota (CFDA No. 66.605).
18. Notice of Grant Award Amendment with the North Dakota Department of Health for Public Health Preparedness and Response, All Hazards (CFDA No. 93.069).
19. Amended Contract with Cass County Social Services for in home services.
20. School Contracts with Central Cass School District, Kindred Public School District and Northern Cass School for nursing services for the 2016-2017 school year.
21. Purchase of one 16-foot ground mower from Turfworks in the amount of \$90,650.00.
22. Contracts and bonds for Project Nos. TN-16-G1 and TP-16-A1.
23. Bills in the amount \$17,781,929.99.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, Piepkorn 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. PR-14-01 Approved:

Commissioner Gehrig moved approval of Change Order No. 1 for an increase of \$20,180.00 for Improvement District No. PR-14-01.

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

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

Contract Amendment No. 2 with Apex Engineering for Improvement District No. PR-17-A0 Approved:

Commissioner Gehrig moved approval of a Contract Amendment with Apex Engineering in the amount of \$92,653.00 for Improvement District No. PR-17-A0.

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

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

Bids Received for Concrete Curb and Gutter, Asphalt, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-J1:

The bids for Concrete Curb and Gutter, Asphalt, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-J1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., Wednesday, July 27, 2016, and the bids were found to be as follows:

Northern Improvement Company Bid:	Fargo, ND \$1,436,786.35
Border States Paving, Inc. Bid:	Fargo, ND \$1,580,314.80
Master Construction Company, Inc. Bid:	Fargo, ND \$1,637,140.45
Aggregate Industries NCR Bid:	Moorhead, MN \$1,766,347.40

Contract for Concrete Curb and Gutter, Asphalt, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-J1 Awarded to Northern Improvement Company in the Amount of \$1,436,786.35:

Commissioner Gehrig offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-J1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received for Improvement District No. PN-15-J1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Improvement District No. PN-15-J1 shows the bid of Northern Improvement Company, Fargo, North Dakota in the sum of \$1,436,786.35 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 Northern Improvement Company, Fargo, in the sum of \$1,436,786.35 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-J1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company, Fargo, North Dakota, for the sum of \$1,436,786.35, 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 Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on June 27 and July 4, 2016, and protests representing 3 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Gehrig moved the protests be received and filed and declared insufficient.

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

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

Bids Received for Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1:

The bids for Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m. on Wednesday, July 27, 2016, and the bids were found to be as follows:

LM Armstrong/Bridgeford Construction, LLC  
Bid:

Minot, ND  
\$448,254.30

Master Construction Company, Inc.  
Bid:

Fargo, ND  
\$562,860.00

Opp Construction, LLC  
Bid:

Fargo, ND  
\$563,306.00

Contract for Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1 Awarded to LM Armstrong/Bridgeford Construction in the Amount of \$448,254.30:

Commissioner Gehrig offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received for Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1 shows the bid of LM Armstrong/Bridgeford Construction, LLC, Minot, North Dakota, in the amount of \$448,254.30 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 LM Armstrong/Bridgeford Construction, LLC, in the amount of \$448,254.30 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Pavement Rehabilitation and Incidentals Improvement District No. PR-16-F1 in the City of Fargo, North Dakota, be and the same is hereby awarded to LM Armstrong/Bridgeford Construction, LLC, in the amount of \$448,254.30, 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 Gehrig, Grindberg, Strand, Piepkorn and Mahoney voted aye.

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-C in various locations in North Fargo:

Commissioner Gehrig moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Creating Improvement District No. BN-16-C:

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

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

On 39 1/2 Avenue North from 31st Street North to 500 feet east of 31st Street North.

On 39 1/2 Avenue North from 31st Street North to 500 feet east of 31st Street North.

On 25th Street North from 40th Avenue North to south intersection of Cass County Drain 10.

On 27th Street North from 44th Avenue North to 1025 feet north of 44th Avenue North.

COMPRISING:

Lots 1 through 3, Block 1.

Lot 1, Block 2.

All platted in T.B.L. Subdivision.

Lot 1, Block 1.

All platted in North Central Subdivision.

Lot 1, Block 1.

Lots 1 through 2, Block 2.

All platted in Griffeth Subdivision.

Lot 1, Block 1.

All platted in Palmer's Subdivision.

Lot 1, Block 1.

All platted in Sondreal's Subdivision.

Lot 1, Block 1.

All platted in Cameron-Sondreal Subdivision.

Lots 1 through 10, Block 1.

Lots 1 through 13, Block 2.

Lots 1 through 10, Block 3.

All platted in Jerstad-Thompson First Subdivision.

Lots 1 through 3, Block 1.

All platted in DDK Addition.

Lots 1 through 2, Block 1.

All platted in Air Industrial Park First Addition.

All of the Hector International Airport land in the South 1/2 of Section 13, Township 140 North, Range 49 West.

The unplatted land in the Southeast 1/4 of Section 14, Township 140 North, Range 49 West east of the Cass County Drain 10 eastern limits.

All of the Hector International Airport land in the North 1/2 of Section 23, Township 140 North, Range 49 West east of the Cass County Drain 10 eastern limits.

All of the Hector International Airport land in the North 1/2 of Section 24, Township 140 North, Range 49 West.

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, Paving, Street Lights and Incidentals Improvement District No. BN-16-C in the City of Fargo, North Dakota, be and the same is hereby created.

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

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-16-C in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$4,624,330.47)

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

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

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

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

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

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

Adopt Resolution Declaring Sanitary Sewer, Water Main, 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, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-C 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, Paving, Street Lights 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. BN-16-C:

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-C in the City of Fargo, North Dakota.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, 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, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and H&S Contracting, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G1 in the City of Fargo, North Dakota.

Second by Grindberg. On call of the roll Commissioners Gehrig, Grindberg, Strand, 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, Concrete Curb & Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G1 Approved:

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

The Guarantee Company of North America in the amount of \$1,619,042.75 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G1 in the City of Fargo, North Dakota.

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

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

Discussion Regarding Opioid Crisis:

Senator Heidi Heitkamp and Commissioner Strand gave presentations about the opioid crisis in the region. Other speakers during the presentation included Ruth Roman, Director of Public Health, and Dr. John Baird, Health Officer, who each spoke about Fargo Cass Public Health's role. Nikki Anderson, a family advocate and the mother of two children who died of drug overdoses, also spoke.

Presentation of the 2016 Leading Fleets Award Plaque:

Mayor Mahoney and Commissioner Gehrig presented the 2016 Leading Fleets Award plaque to Fargo Central Garage and Metro Transit Garage staff. The award recognizes operations that are performing at a high level. Harold Peterson and his team accepted the award.

Application Filed by Aldevron for Payment in Lieu of Tax Exemption Continued to August 15, 2016:

This was the time and date set for a Hearing on the application filed by Aldevron for payment in lieu of property tax exemption (PILOT); however, staff has requested that the Hearing be continued to August 15, 2016.

Commissioner Piepkorn moved the Hearing be continued to 5:15 o'clock p.m., Monday, August 15, 2016.

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.

Application Filed by The Jim LLC d/b/a The Jim Craft Beer Lounge for a Class "C-1" Alcoholic Beverage License at 614 Main Avenue Approved:

A Hearing had been set for June 20, 2016 on an application filed by The Jim LLC d/b/a The Jim Craft Beer Lounge for a Class "C-1" Alcoholic Beverage License at 614 Main Avenue, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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 the Class "C-1" license was capped in 1986; however, a request came in from a business that asked why this class of license was capped. Mr. Sprague said the Liquor Control Board looked into it and saw no good reason, so the Liquor Control Board created the license and recommends approval. He said The Jim LLC requested a d/b/a change to Front Street Taproom, which is the name that will be used going forward. Mr. Sprague said the Liquor Control Board also recommended that the business get a certificate of occupancy prior to getting the liquor license, which they are now doing.

Commissioner Gehrig said micro-breweries are probably going to be asking for more of these licenses in the future as they try to expand their businesses. He said right now, the micro-breweries cannot do this at different locations unless they have two different breweries. He said this is a good deal for the City of Fargo.

Commissioner Piepkorn said if the City did not do this type of license, the breweries would be forced to sell their beer to a distributor and then buy it back. He said there are some confusing state regulations that are making it difficult.

Commissioner Piepkorn moved the application be approved

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.

Application to Transfer the Class "AB" Alcoholic Beverage License from Playmaker's, Inc. d/b/a Avalon Event Center West to License Holdings LLC d/b/a Pickled Parrot at 503 3rd Avenue North Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "AB" Alcoholic Beverage License from Playmaker's Inc. d/b/a Avalon Event Center West to License Holdings LLC d/b/a Pickled Parrot at 503 3rd Avenue 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.

City Auditor Steve Sprague said when the Swanson properties were sold, part of agreement was to transfer Playmaker's liquor license. He said the American Legion building was purchased by the same people that bought the Swanson properties and now they have a place to put that license, consummating that deal and moving the "AB" license downtown. He said Playmaker's was approved in May 2015 for an "F-A" license for Avalon Events Center West.

Commissioner Piepkorn moved the application be approved.

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.

Hearing on Special Assessments for Maintenance of the Skyway System Approved:

A Hearing had been set for this day and hour on special assessments for maintenance of the Skyway System in the City of Fargo, North Dakota.

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

City Auditor Steve Sprague said the City Commission annually approves the assessment to the properties connected to the skyway. He said the assessments pay for cleaning, maintenance, heating and air conditioning in the skyway and notices were sent out to property owners.

In response to a question from Commissioner Grindberg about whether the assessments were the same as last year, Mr. Sprague said less money was spent last year than it was costing to maintain the skyway, so they took a year off. He said \$80,000 a year is needed to maintain the skyway and a balance that was a little too big had built up, so the City did not assess last year. He said the dollar amount this year is the same as the prior year.

Commissioner Grindberg moved that the special assessments for maintenance of the Skyway System be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor and that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law.

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.

Hearing on Special Assessments for Abatement of Nuisances on Certain Properties in the City of Fargo:

Hearings had been set for this day and hour on special assessments for abatement of nuisances on the list of properties on file in the City Auditor's Office.

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.

City Auditor Steve Sprague said the special assessment occurs when a property owner, for example, does not mow their lawn and it is complaint driven. The City will mow the lawn, then bill the property owner, he said, and if the property owner does not pay for the work, the amount is put on the property as an assessment. He said the City does this for mowing, snow removal and Dutch Elm disease tree removal. He said photos are taken before the work is done and after. Annually, in August, the Auditor's office comes to the Commission with the assessment list, he said.

Commissioner Grindberg moved the special assessments for abatement of nuisances be approved as submitted.

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

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

Hearing on Special Assessments for Sewer Repairs on Certain Properties in the City of Fargo Approved:

A Hearing had been set for this day and hour on the special assessments for sewer repairs on the list of properties on file in the City Auditor's Office.

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

City Auditor Steve Sprague said the City assists property owners if their sewer fails during the year. He said the City provides a 15-year special assessment to reline or repair a sewer and the Auditor's office puts together the assessment list each year and brings it to the Commission for approval.

Mayor Mahoney said this is one-time fee for homeowners and they can pay it off over time.

In response to a question from Commissioner Grindberg about whether tree roots are the main problem, Mr. Sprague said many of the problems are caused by the heavy soil in the area and most older homes have clay tile sewers which collapse. He said the techniques to make the sewer repairs have greatly improved, are guaranteed for fifty years and are less invasive so they do not have to dig up the street.

Commissioner Piepkorn moved the sewer repair special assessment list be approved.

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.

Parcels of Land in Osgood Townsite Twelfth Addition Rezoned (4800 and 4850 46th Street South):

At a Hearing held on July 5, 2016, the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial to GC, General Commercial with a C-O, Conditional Overlay, on Lot 9, Block 1, Osgood Townsite Eleventh Addition and Lot 2, Block 2, Osgood Townsite Twelfth 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 suggested to amend the Conditional Overlay and keep what is existing and add to it, or upzoning, from Limited Commercial to General Commercial, which gives more opportunities for higher intensity uses that might not be appropriate in Osgood, such as waste-related uses and heavy industrial. Ms. Crutchfield said the applicant is proposing a self-storage facility which is the best use for this type of zoning. Planning staff has made a few amendments to increase building coverage to allow the applicant a little more flexibility under a GC zoning ordinance, she said.

Commissioner Grindberg 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 Grindberg, Piepkorn, Strand, 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 Osgood Townsite Eleventh and Osgood Townsite Twelfth Addition, Fargo, Cass County, North Dakota:

Commissioner Grindberg 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 Osgood Townsite Eleventh and Osgood Townsite Twelfth Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Parcels of Land in Commemorative Addition Rezoned (2701 64th Avenue South and 6313 27th Street South):

At a Hearing held on July 5, 2016, the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-2, Single-Dwelling Residential on Commemorative Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Planning Administrator Nicole Crutchfield said the applicant is the City of Fargo in conjunction with current property owner, Don Kinzler, and the intent is to allow establishment of a detached single family house on the property.

Walter and Clarence Samuel, 2605 64th Avenue South, spoke and expressed concerns about the special assessments.

City Engineer April Walker said when the Samuels' signed a 10-year deferral on their special assessment in 2012, as a condition of that deferral the property owners waived their right to protest future improvements in the area. She said Improvement District No. BN-16-L was approved by the Commission on July 18, 2016 and is now being advertised for bids. She said the Engineering Department's intent is to award Improvement District No. BN-16-L on August 25, 2016. The Samuels' letter of protest is for the plat and zoning change, she said, which they feel will lead to assessments associated with Improvement District No. BN-16-L. She said currently the area is not zoned or platted which is required for a building permit and the plat establishes existing property lines, making it officially into Fargo standards. The infrastructure request received was for a sanitary sewer line, she said, because in order for a building permit to be issued for the Kinzler house being moved on to the lot, the lot needs to be upgraded to a full service sanitary line. She said the Public Works Projects Evaluation Committee (PWPEC) said if a contractor is brought in to do the underground work, it makes sense to have a single contract for both the underground and paving work. The Engineering Department understood this would be controversial, she said, so letters were sent to property owners well in advance to give them a chance to engage with Engineering as the plat and the project for underground and paving go forward. The City does have the right to pave, she said, because the property owners have waived their right to protest; however, there are a couple of weeks before bids are opened and the city could decide to allow protests from

landowners regardless of existing contracts. If that is allowed, she said, the paving could be protested out and the project addended to just an underground project. The Finance Committee could also make a decision on additional deferrals, she said.

In response to a question from Mayor Mahoney about cost issues, Ms. Walker said construction costs average about 5 percent higher per year; therefore, each year paving and other improvements are delayed, the more likely there will be an increase in specials.

Commissioner Grindberg moved to direct the appropriate staff to work on options for public facility improvements on 27th Street South, and 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 Grindberg, Gehrig, Strand and Mahoney voted aye.

Commissioner Piepkorn voted nay.

The Resolution was adopted.

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

Commissioner Grindberg moved the requirement relating to receipt of the Ordinance Rezoning Certain Parcels of Land Lying in Commemorative Addition, Fargo, Cass County, North Dakota by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Commemorative Addition from AG, Agricultural to SR-2, Single-Dwelling Residential, be placed on first reading.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Resolution Adopted Approving Commemorative Addition:

Commissioner Grindberg 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 "Commemorative Addition" containing 1 Lot, 1 Block, and 2 acres of land more or less, located at 2701 64th Avenue South and 6313 27th Street South; and

WHEREAS, A Hearing was held July 5, 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 18 and 25, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., August 1, 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 "Commemorative Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

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

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

Commissioner Piepkorn voted nay.

The Resolution was adopted.

Parcels of Land in Valley View Addition Rezoned (3900 51st Street South):

At a Hearing held on July 5, 2016, the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single Dwelling Residential to MR-3, Multi-Dwelling Residential on Lot 1, Block 8, Valley View 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 Strand said this was initially planned to be developed for single-family residences and under those qualifications there could be 17 units; however, with this zoning change there could be as many as 35-44 units. He is concerned that land needed across town for single-family homes is being used for other purposes, he said, and personally he will side with single-family homes every chance he gets.

Commissioner Grindberg 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 Grindberg, Piepkorn, Gehrig and Mahoney voted aye.

Commissioner Strand voted nay.

The Resolution was adopted.

At 6:30 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Parcels of Land in Valley View Addition Rezoned (3900 54th Street South):

At a Hearing held on July 5, 2016, the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single Dwelling Residential to MR-3, Multi-Dwelling Residential on Lot 1, Block 7, Valley View 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 this is the same applicant as the previous parcel. She said in tandem with the other project, this project was reconceived due to soil conditions and additionally, the Planning Commission approved a Conditional Use Permit at their July 5, 2016 meeting to allow a daycare facility.

In response to a question from Mayor Mahoney about whether Commissioner Strand's concerns about an emphasis for single-family homes is something the Planning Commission looks at, Ms. Crutchfield said it does. She said it is the growth plan that sets the long range vision. With this project being at 40th Avenue South, a prime arterial street, it could go either way, she said, and it actually has been zoned multiple ways as developers respond to the market. Higher density is a concern the community is talking about, she said, and a letter was received with concerns about the increase of apartments for this project. The Planning Commission looks at market needs, and historically it has been the developer that brings forth what they feel is the need at the time, she stated.

Commissioner Grindberg said a more comprehensive presentation by Planning staff would be helpful for the Commissioners. He said the Board sets guidelines, the market holds the capital.

Commissioner Strand said such higher density increases are only allowed if the change is approved, and these are being approved piecemeal time after time. He said he would encourage the Board to expedite and accelerate a revisit of planning and zoning policies for a broader and more consistent approach. His preference would be to advocate for single-family residences, he said, in this case, going from 89 units to 220 units is a world of difference.

Commissioner Grindberg said developments are popping up in small towns around the area, he said, and he heard from developers that the reason these are more affordable is the cost of the lot and infrastructure, it is not the cost to build the house. It would be important to look into that, he said, and if that is what is going on, some of that could be controlled by policy, for example infrastructure costs.

Mayor Mahoney said it would be helpful if Planning staff could also show the future plans. He said an overall plan and map exists, it is just that not everything has been pieced into the overall design.

Commissioner Grindberg 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 Grindberg, Piepkorn, Gehrig and Mahoney voted aye.

Commissioner Strand voted nay.

The motion was declared carried.

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

Commissioner Grindberg 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 Valley View Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Commissioner Strand voted nay.

The motion was declared carried.

Appeal of the Board of Adjustment's Denial of a Request for a Variance at 1524 8th Street South: Variance Denied:

A Hearing had been set for this day and hour on the appeal of a June 30, 2016, ruling of the Board of Adjustment denying the request from David Gadberry for a variance to construct a detached garage within the required setback area at 1524 8th Street South.

Planning Administrator Nicole Crutchfield said the applicant seeks to build a new detached garage to replace an existing garage that is one foot off the property line. She said the new garage would need to be three feet off the property line, according to the Land Development Code. The applicant wants to build a 30' by 26' garage to replace the 23' by 18' garage, maintaining the existing one-foot distance from the property line. She said the Board of Adjustment voted 3-2 against the variance.

David Gadberry, 1524 8th Street South, said the garage he wants to build would be the same footprint on the south side setback as the existing one in order to maximize the space on the lot. He said a large number of the garages in his neighborhood are in a similar situation, built near the property line.

Commissioner Gehrig moved to approve the variance.

The motion died for lack of a second.

Commissioner Grindberg moved the variance be denied.

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

Commissioners Gehrig and Mahoney voted nay.

The motion was declared carried.

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

Commissioner Gehrig moved the cost reimbursement requests in the amounts of \$3,681,747.00 and \$6,900,000.00 for FM Diversion Flood Project be approved.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Request to Execute Loan Agreements with Wells Fargo to Provide Short Term Financing for the FM Diversion and Intergovernmental Agreement with Cass County Approved:

Finance Director Kent Costin said the Project Participation Agreement was recently signed and with that, the finance team has been working on the second round of financing. He said the recommendation is for a \$100 million loan on behalf of the City of Fargo for continuation funding for the FM Diversion project. Cass County and the City of Fargo are joint partners, he said, and last year each borrowed \$50 million to fund the project, and that money was spent, and now it is the next fiscal year. He said this year Cass County and the City of Fargo will each borrow \$100 million. The form and type of this loan is considered a sales tax revenue note, he said, not a general obligation to the City of Fargo. Two notes will be executed, each in the amount of \$50 million, totaling \$100 million, and are intentionally designed to be short term. They are staggered intentionally for flexibility, he said, and set to mature in 2017 and 2018. He said as local sponsors, the City and the County execute the loans due to fact that the Diversion Authority is not able to borrow money and Wells Fargo was able to give a very competitive proposal.

Commissioner Grindberg moved the loan agreements and related Resolutions for short term financing in the amount of \$100 million with the City of Fargo and Wells Fargo, and an intergovernmental agreement with Cass County with regard to the overall FM Diversion financing resources be approved.

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

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

Request to Change the Gaming Guidelines Approved:

This request was tabled at the last City Commission meeting when 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.

City Auditor Steve Sprague said his office sent out notices to 19 charities in Fargo informing them the Commission would be hearing this request to change the gaming guidelines.

Rick Stenseth from Team Makers spoke in favor of the proposed changes.

Tom Newberger, Executive Director of Red River Human Services, 2506 36th Avenue South, spoke against the guidelines change.

Commissioner Strand moved the motion be approved as presented not including raffles and calcutta's.

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

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

Application for Abatement or Refund of Taxes #4455 made by Robert Hill Law, Ltd. Representing Store Master Funding VI, LLC at 2121 43rd Street South Denied:

The Board received a communication from City Assessor Ben Hushka recommending that the application filed by Robert Hill Law, Ltd., for abatement or refund of taxes #4455 requesting the valuation for 2015 be reduced from \$7,364,500.00 to \$5,638,050.00 on property located at 2121 43rd Street South be denied.

Mr. Hushka said once an appeal is made through the abatement process, the appeal is brought to the City Commission then followed by a hearing before the Cass County Commission which acts on the abatement request. If it is not the local property owners who have filed the appeal, he said, it is a property tax attorney and consulting firm. He said his recommendation would be to deny all three applications, due to the information not being submitted by the agenda deadline for this meeting, not meeting the burden of proof to override the valuations and refund the taxes based on the requested values. He said the applicant is not prevented from submitting more information for evidence to the County for that hearing, he said and the County is in no way bound to this Board's recommendation. While they may consider this recommendation, he said, it is the duty of the County to act on the information provided to them at their hearing.

Robert Hill of Robert Hill Law, Ltd. said he and Sue Grimm of CRESA Partners (Commercial Real Estate Service Advisors) understand that the burden of proof falls on them. He said since the County will have a hearing anyway, he would ask that at this point, no determination be made. He said the basic objection is to the 33 percent increase that has occurred in the last two years which is not in line with what is happening with industrial warehouses, particularly older ones. He said his hope is to continue to work with staff to reach a compromise prior to the County Commission hearing; he does not want to give the County Commissioners the impression that there is no validity to the appeal due to the City Commission denying a request.

Mr. Hushka said the process started with the first abatement filed on the Osgood Hornbachers in October, 2014 and delays continued with the idea that more supporting evidence would come forward. He said one appraisal was received last Friday and two more today; however, that is not enough time for review.

Commissioner Piepkorn moved based upon Mr. Hushka's recommendation that the application filed by Robert Hill Law, Ltd., for abatement or refund of taxes #4455

requesting the valuation for 2015 be reduced from \$7,364,500.00 to \$5,638,050.00 on property located at 2121 43rd Street South be denied.

Second by Gehrig.

Commissioner Strand offered an amendment to combine this Item with Item Nos. 36 and 37 and to delay action on the application until August 29, 2016, to allow the entities the opportunity to communicate.

The motion died for lack of a second.

On call of the roll on the original motion, Commissioners Piepkorn, Gehrig, Grindberg and Mahoney voted aye.

Commissioner Strand voted nay.

The motion was declared carried.

Application for Abatement or Refund of Taxes #4450 made by Robert Hill Law, Ltd. Representing the Goodin Company at 1251 46th Street North Withdrawn:

The application for Abatement or Refund of Taxes #4450 made by Robert Hill Law, Ltd. representing the Goodin Company at 1251 46th Street North requesting the valuation for 2015 be reduced from \$4,643,200.00 to \$2,005,600.00 was withdrawn by the applicant.

Robert Hill said the item was withdrawn due to it being a TIF (Tax Increment Financing) District.

Application for Abatement or Refund of Taxes #4452 made by Robert Hill Law, Ltd. Representing Super Valu Stores, Inc. at 3501 12th Avenue North Denied:

The Board received a communication from City Assessor Ben Hushka recommending that the application filed by Robert Hill Law, Ltd., for abatement or refund of taxes #4450 requesting the valuation for 2015 be reduced from \$4,643,200.00 to \$2,005,600.00 on property located at 3501 12th Avenue North be denied.

Commissioner Strand moved to delay the action on the application until August 29, 2016 to allow both entities time to communicate.

The motion died for lack of a second.

Commissioner Piepkorn moved based upon Mr. Hushka's recommendation that the application filed by Robert Hill Law, Ltd., for abatement or refund of taxes #4452 requesting the valuation for 2015 be reduced from \$18,108,500.00 to \$12,158,800.00 on property located at 3501 12th Avenue North be denied.

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.

Application for Abatement or Refund of Taxes #4443 and #4453 made by Robert Hill Law, Ltd. representing Shoppes at Osgood/SuperValu at 4151 45th Street South Denied:

The Board received a communication from City Assessor Ben Hushka recommending that the application filed by Robert Hill Law, Ltd., for abatement or refund of taxes #4443 and #4453 made by Robert Hill Law, Ltd. representing Shoppes at Osgood/SuperValu at 4151 45th Street South, requesting the valuation for 2014 be reduced from \$6,662,700.00 to \$3,306,650.00 be denied.

Commissioner Strand moved to delay action on the application until the August 29, 2016 to allow both entities time to communicate.

The motion died for lack of a second.

Commissioner Piepkorn moved based upon Mr. Hushka's recommendation that the application filed by Robert Hill Law, Ltd. for abatement or refund of taxes #4443 and #4453 requesting the valuation for 2014 be reduced from \$6,662,700.00 to \$3,306,650.00 on property located at 4151 45th Street South be denied.

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.

#### 2016 Public Arts Program Approved:

Planning Administrator Nicole Crutchfield said the City Hall Public Art Curating Program and Public Arts RFP are already in process and the Public Arts Possibilities Program is complimentary to the Public Arts Master Plan.

In response to a question from Commissioner Gehrig as to why this discussion is separate from the budget talks, Ms. Crutchfield said this was approved in 2015 for the 2016 budget; and now, based on the purchasing policy, it is coming forward to advise the Board on the recommendation as to how the \$20,000.00 allocation will be spent.

Commissioner Piepkorn said the City Hall Public Art Curating Program looks great and is an example of how existing facilities are being used for art. He said the arts can have a huge economic impact, for example, the Garth Brooks concert had a \$12.5 million economic impact on Fargo. The performance center being proposed in the area of the Civic Center has great potential, he said. The city can be a promoter and conduit, he said, and include art in projects that many times do not require money.

Commissioner Gehrig said the art in City Hall looks nice; however, he would like to see private groups or volunteers do these types of projects. He said private dollars should be used rather than public dollars and he would be happy to help raise those types of funds.

Commissioner Strand said the Arts and Culture Commission is rather new and he would like to see it evolve to the point where the expenditures of budgeted funds are not micro-managed. It has been budgeted, he said, and he would encourage those involved to grow it, and to be as creative and effective as possible.

Mayor Mahoney asked Planning Director Jim Gilmour to work with Commissioner Grindberg to review the governance structure of the Arts and Culture Commission and look at whether this type of expenditure needs to come before the Board.

Planning Director Jim Gilmour said part of the reason this is before the Board is that when the funding for the arts was budgeted there was not anything very specific recommended. He said a new program is involved and the expenditures have been large amounts compared to the Native American Commission budget which involves smaller amounts that do not call for approval of the Finance Director or City Commission.

Commissioner Piepkorn moved that the 2016 Public Arts Program be approved.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Establishment of an Election and City Governance Taskforce Approved:

The Board received a communication from Commissioners Grindberg and Gehrig as a follow up to the initial discussion at the July 5, 2016 City Commission meeting regarding election issues. They said the taskforce would review a list of topics and would be comprised of seven members, each of whom must be a resident of the City and selected as follows:

- Former Mayor Bruce Furness and Former City Commissioner Arlette Preston serve on the Taskforce as former elected officials.
- Bruce Furness will serve as chair.
- The Taskforce would be comprised of seven members, each of whom must be a resident of the City and would be selected as follows:
  - Bruce Furness and Arlette Preston, former elected officials.
  - Five community members appointed by the Fargo City Commission.
  - Community members reflecting Fargo's demographic population with consideration given from the following community Organizations: League of Women Voters, Chamber of Commerce, Home Builders Association.
  - Each Commissioner and the Mayor appoint one member.
  - Commissioners Gehrig and Grindberg serve as non-voting liaison members.

Commissioner Grindberg said both Bruce Furness and Arlette Preston served as elected city leaders during the time the Home Rule Charter election ordinances were changed. Steve Sprague, Fargo City Auditor, would serve as a resource staff member, he said, and Mike Montplaisir, Cass County Auditor, will be invited to participate, as well as up to two political science professors from Tri-College member institutions with residency in Fargo as nonvoting, advisory members. The City and County Auditors, as well as political science members, would be non-voting participants, he said. He said he and Commissioner Gehrig feel it is appropriate that no current City Commissioner or recent commission candidate serve. The Taskforce would be asked to establish a regular schedule of meetings with the objective of proposing recommendations to the Board by the first regular Fargo City Commission meeting in January, 2017. He said the scope of the Taskforce is to research, discuss and make recommendations regarding whether to establish a requirement for a run-off election and the conditions that would trigger a run-off election, whether the number of City Commissioners should be increased, whether the city should convert to a Council or Modern Council form of government, whether the duties and compensation for the mayor should be recognized as a full-time position and term limits. Charter amendments do require a vote of the citizens and can be placed on a ballot by the City Commission, he said, or through the initiative process by petition of qualified voters.

Commissioner Grindberg moved the establishment of the Election and City Governance Taskforce be approved as presented, and five other Taskforce members be appointed by the City Commission no later than August 29, 2016 with the Taskforce reporting their results, analysis and recommendations to the City Commission before the first regular meeting in January, 2017.

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.

Construction Projects Updates: Request from Griffin Construction Company, Inc. to Conduct Work on Sunday, August 7th and 14th Approved:

City Engineer April Walker shared an outline of current construction projects, progress and closures. She said under city contracts, in order for a contractor to work on a project on a Sunday, there needs to be approval from the City Commission. The contractor for the Rose Creek Flood Risk Management Project would like to work two Sundays to complete the project by the substantial completion deadline, she said.

Commissioner Strand requested that a notation on whether there have been any workplace injuries or deaths be included in future project updates.

Commissioner Piepkorn moved the request from Griffin Construction Company Inc., the Contractor for Project No. FM-15-B1, to work on Sunday, August 7th and Sunday, August 14th in order to complete the project by the substantial completion deadline be approved.

Second by Grindberg. On call of the roll Piepkorn, Grindberg, Strand, Gehrig 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, August 15, 2016.

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

The time at adjournment was 7:58 o'clock p.m.