

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:                                Monday:                                June 15, 2009:

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, June 15, 2009.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on June 1, 2009 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. Receive and file Year to Date – Budget to Actual Report for May 2009.
- b. Election workers for the June 30, 2009 Special Election.
- c. Renewal of 2009-2010 Alcoholic Beverage and Live Entertainment licenses upon the conditions as outlined by the City Auditor.
- d. Agreement with Modern Information Systems to provide NSF check recovery services.
- e. Grant application for American Recovery and Reinvestment Funds for fire protection improvements in Fargo's downtown and near southside.
- f. Community Development Committee recommendation for downtown projects to receive 2009 CDBG funds.

- g. Request from Beyond Shelter, Inc. to access \$80,000 from the City's HOME housing set-aside fund for the Cooper House development.
- h. Acceptance of the 2009 allocation from the Fargo-Moorhead Area Foundation and the Barry Foundation to assist with operations at the Gladys Ray Shelter.
- i. Contract with the North Dakota Department of Health for Epidemiology and Laboratory Capacity Program (West Nile Virus) (CFDA #93.283).
- j. Interlocal Agreement with West Fargo and Cass County relative to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (CFDA #16.738).
- k. Application filed by Home Builders Care of F-M Foundation, Inc. for a 5-year tax exemption for improvements made to a building at 923 5th Avenue South.
- l. Extension of the noise ordinance to 11:00 p.m. on July 31 and August 1 for the Fargo Blues Festival.
- m. Request from the Multiple Sclerosis Society to hang banners in the skyway from June 16 to July 27, 2009 to promote Bike MS: Ride the Wind.
- n. Mosquito Control Agreement with Cass County for the 2009 season and First Amendment to the Mosquito Spraying Agreement with Airborne Custom Spraying.
- o. Site Authorizations for Games of Chance:
  - (1) ShareHouse, Inc. at the Prairie Rose Inn.
  - (2) The ARC Upper Valley, Inc. at JT Cigarros.
- p. Application filed by Steve Weidner FM Junior Tour for a calendar raffle from 7/1/09 through 6/30/10.
- q. Change orders for the Main Library: Nos. G-11, M-7 and E-4 revising the completion date to 4/20/09; No. G-12 for an increase of \$29,782; No. M-8 for an increase of \$3,104; and No. E-5 for an increase of \$913.56.
- r. Consent to the assignment and assumption of the lease between Greyhound Lines, Inc. and Jefferson Lines, Inc.
- s. Accept proposal from T.L. Stroh Architects to provide assistance for flood damage restoration.
- t. Accept proposal from RM Hoefs & Associates, Inc. to prepare appraisals for the flood property acquisition program.
- u. Scope of Work and Cost Proposal from Moore Engineering for analyzing Red River Diversion alternatives (Project No. 5683-05).

- v. Declaration Concerning Dedication Agreement (Project No. 5656).
- w. Agreement with the Moorhead Public Service Commission for Transmission Line Relocation (Project No. 5803).
- x. Relinquishment of Easement for property owned by Luella Holmquist (Project No. 5656).
- y. Acquisition of Lot 2, Block 1, Town Square Village Second Addition for a new recyclables/yard waste drop-site.
- z. Application for bonding authority under the 2009 CREBs program for a wind turbine project on the Southwest Quarter of the Northwest Quarter of Section 28, T140, R57.
- aa. Task Order with Ulteig Engineers in the amount of \$108,150 for design and construction administration of a project to upgrade clarifiers at the Wastewater Treatment Plant.
- bb. Change Order No. 2 for an increase of \$23,615 for the 64th Avenue South Water Tower.
- cc. Addendum #1 to the Transportation Planning Agreement with FM Metro COG for the University Drive Corridor Study.
- dd. Agreement Regarding Special Assessments for property owned by Prairie Grove, Inc.
- ee. Purchase Agreement with SKA Investments, LLP for a Permanent Sanitary Sewer Easement and Temporary Construction Easement (Improvement District No. 5726).
- ff. Bid advertisements for Project Nos. 5660, 5879 and 5896.
- gg. Contracts and bonds for Project Nos. 5656, 5867, 5838-01 and 5872-01.
- hh. Bills in the amount of \$5,438,184.56.

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

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

No Protests Received for Recreational/Bike Trail and Incidentals Improvement District No. 5817:

The Statutory Resolution of Necessity for the construction of Recreational/Bike Trail and Incidentals Improvement District No. 5817 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North

Dakota on May 11 and 18, 2009 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Recreational/Bike Trail and Incidentals Improvement District No. 5817.

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

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

Bids Received for Recreational/Bike Trail and Incidentals Improvement District No. 5817:

The bids for Recreational/Bike Trail and Incidentals Improvement District No. 5817 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 10, 2009 and the bids were found to be as follows:

|                                       |                                |
|---------------------------------------|--------------------------------|
| Specialized Contracting<br>Bid:       | Fargo, ND<br>\$129,731.45      |
| Adelman Concrete & Excavating<br>Bid: | West Fargo, ND<br>\$139,689.05 |
| Dakota Underground<br>Bid:            | Fargo, ND<br>\$141,539.50      |
| A J Construction<br>Bid:              | West Fargo, ND<br>\$144,685.00 |
| Opp Construction<br>Bid:              | Fargo, ND<br>\$163,900.88      |
| Paras Contracting, Inc.<br>Bid:       | Fargo, ND<br>\$172,025.50      |
| Northern Improvement Company<br>Bid:  | Fargo, ND<br>\$191,447.35      |
| Ti-Zack Concrete, Inc.<br>Bid:        | LeCentre, MN<br>\$199,989.00   |

Contract for Recreational/Bike Trail and Incidentals Improvement District No. 5817 Awarded to Specialized Contracting in the Amount of \$129,731.45:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Recreational/Bike Trail and Incidentals Improvement District No. 5817; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 10, 2009 for Recreational/Bike Trail and Incidentals Improvement District No. 5817 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Recreational/Bike Trail and Incidentals Improvement District No. 5817 shows the bid of Specialized Contracting of Fargo, North Dakota, in the sum of \$129,731.45 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 Specialized Contracting in the sum of \$129,731.45 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Recreational/Bike Trail and Incidentals Improvement District No. 5817 in the City of Fargo, North Dakota, be and the same is hereby awarded to Specialized Contracting for the sum of \$129,731.45, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Piepkorn, Williams and Walaker voted aye.

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 11 and 18, 2009 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 10, 2009 and the bids were found to be as follows:

|   |                             |
|---|-----------------------------|
| Master Construction Company, Inc.<br>Bid: | Fargo, ND<br>\$1,429,070.80 |
| Dakota Underground<br>Bid:                | Fargo, ND<br>\$1,556,767.25 |

|                                      |                                  |
|--------------------------------------|----------------------------------|
| Specialized Contracting<br>Bid:      | Fargo, ND<br>\$1,561,323.54      |
| Border States Paving, Inc.<br>Bid:   | Fargo, ND<br>\$1,597,000.00      |
| Northern Improvement Company<br>Bid: | Fargo, ND<br>\$1,682,712.86      |
| Aggregate Industries<br>Bid:         | Moorhead, MN<br>\$1,740,866.00   |
| Central Specialties, Inc.<br>Bid:    | Alexandria, MN<br>\$2,100,821.90 |

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 Awarded to Master Construction Company, Inc. in the Amount of \$1,429,070.80:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 10, 2009 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$1,429,070.80 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 Master Construction Company, Inc. in the sum of \$1,429,070.80 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$1,429,070.80, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Piepkorn, Williams and Walaker voted aye.

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

P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1 (57th Street South between 40th and 52nd Avenues South):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1:

Adopt Resolution Creating Improvement District No. 5706-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5706-1, in the City of Fargo, North Dakota, be created

57th Street South between 40th Avenue and 52nd Avenue South.

COMPRISING:

Lots 1 through 13 and 15 through 27, Block 1.

Lots 1 through 36, inclusive, Block 2.

Lots 1 through 34, inclusive, Block 3.

Lots 1 through 35, inclusive, Block 4.

Lots 1 through 46 and Lot 48, Block 5.

Lots 1 through 19, inclusive, Block 6.

Lots 1 through 13, inclusive, Block 7.

Lots 1 through 11 and Lot 15, Block 8.

Lots 2 through 13, inclusive, Block 9.

All platted in Osgood Farms 1<sup>st</sup> Addition.

Lots 1 through 3, inclusive, Block 1.

All platted in Osgood Kindergarten Center and Park Addition.

Lots 1 through 2, inclusive, Block 1.

All platted in Bluestem Addition.

Lots 1 through 44, inclusive, Block 1.

All platted in Osgood Estate Addition.

Lots 1 through 51, inclusive, Block 1.

All platted in Osgood Estate 2nd Addition.

Lots 1 through 33, inclusive, Block 1.

All platted in Tuscan Villas at Osgood.

Lots 1 through 31, inclusive, Block 1.

Lots 1 through 11, inclusive, Block 2.

Lots 1 through 15, inclusive, Block 3.

Lots 1 through 19, inclusive, Block 4.

Lots 1 through 14, inclusive, Block 5.

All platted in South Forty at Osgood Addition.

Lots 1 through 38, inclusive, Block 1.

Lots 1 through 34, inclusive, Block 2.

Lots 1 through 8, inclusive, Block 3.  
All platted in South Forty at Osgood 2<sup>nd</sup> Addition.

Lots 1 through 11, inclusive, Block 1.  
Lots 1 through 5, inclusive, Block 2.  
All platted in Rocking Horse East 1<sup>st</sup> Addition.  
All un-platted land located in the SW 1/4 of Section 33, Township 139, Range 49.

Lots 1 through 5, inclusive, Block 1.  
All platted in Rocking Horse Farm 1<sup>st</sup> Subdivision.  
All un-platted land located in the SE 1/4 of Section 32, Township 139, Range 49.

Lots 5 through 15, inclusive, Block 2.  
All platted in Osgood Villas Addition.

Lots 1 through 10, inclusive, Block 1.  
All platted in Osgood Villas 2<sup>nd</sup> Addition.

Lots 1 through 4, inclusive, Block 1.  
All platted in Osgood Villas 3<sup>rd</sup> Addition.

Lots 1 through 13, inclusive, Block 1.  
Lots 1 through 18, inclusive, Block 2.  
Lots 1 through 7, inclusive, Block 3.  
All platted in Osgood 2<sup>nd</sup> Addition.

Lots 1 through 10, inclusive, Block 1.  
Lots 1 through 8, inclusive, Block 3.  
Lots 8 through 34, inclusive, Block 4.  
Lots 1 through 5, inclusive, Block 5.  
Lots 1 through 6, inclusive, Block 7.  
Lots 1 through 20, inclusive, Block 8.  
Lots 1 through 20, inclusive, Block 9.  
Lots 1 through 13, inclusive, Block 10.  
Lots 1 through 15, inclusive, Block 11.  
Lots 1 through 32, inclusive, Block 12.  
Lots 1 through 16, inclusive, Block 13.  
Lots 1 through 21, inclusive, Block 14.  
Lots 1 through 21, inclusive, Block 15.  
Lots 1 through 12, inclusive, Block 16.  
Lot 2, Block 17.  
All platted in Osgood First Addition.

Lots 1 through 18, inclusive, Block 1.  
All platted in Villas by the Green Addition.



Lots 1 through 4, inclusive, Block 1.  
All platted in Sheyenne Estates Addition.

Lots 1 through 8, inclusive, Block 2.  
All platted in Osgood River Addition.  
All unplatted land located in the NW ¼ of Section 32, Township 139, Range 49.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1, 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. 5706-1:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5706-1, 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 \$3,087,000.00)

Order Plans and Specifications for Improvement District No. 5706-1:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5706-1, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5706-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5706-1, 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. 5706-1, 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 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 P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1 in the City of Fargo, North Dakota, according to 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.

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 Pavement 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. 5706-1:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5706-1, in the City of Fargo, North Dakota.

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

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

Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863 (19th Street to 420' North of 3rd Avenue and 19th, 20th and 21st Streets from 5th to 7th Avenues North):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863:

Adopt Resolution Creating Improvement District No. 5863:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5863, in the City of Fargo, North Dakota, be created

On 19th Street North from 3rd Avenue to 420' north on 19th, 20th & 21st Streets North from 5th to 7th Avenues North.

COMPRISING:

Lots 1 through 20, Block 2.

Lots 1 through 20, Block 3.

Lots 1 through 20, Block 4.

Lots 1 through 18, Block 5.

Lots 8 through 13, Block 14 and 50.20' of 14 and all of 15 – 27, Block 15.

All in Tylers Subdivision.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863, 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. 5863:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5863, 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 \$548,000.00)

Order Plans and Specifications for Improvement District No. 5863:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5863, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5863:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5863, 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. 5863, 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 Water Main Replacement, Street Rehabilitation 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 Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863 in the City of Fargo, North Dakota, according to 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.

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 Water Main Replacement, Street Rehabilitation 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. 5863:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5863, in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5890 (15th to 16th Avenues North between 3rd and 4th Streets):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5890:

Adopt Resolution Creating Improvement District No. 5890:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5890, in the City of Fargo, North Dakota, be created

From 15th to 16th Avenues North between 3rd Street and 4th Streets, in Block 3 of Hogan's Addition.

COMPRISING:

Lots 1 through 26, inclusive, Block 3.  
Hogan's 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. 5890, 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. 5890:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5890, 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 \$66,000.00)

Order Plans and Specifications for Improvement District No. 5890:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5890, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5890:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5890, 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. 5890, 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. 5890 in the City of Fargo, North Dakota, according to 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.

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. 5890:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5890, in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5891 (15th to 16th Avenues North between 2nd and 3rd Streets):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5891:

Adopt Resolution Creating Improvement District No. 5891:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5891, in the City of Fargo, North Dakota, be created

From 15<sup>th</sup> to 16<sup>th</sup> Avenues North between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street, in Block 4 of Hogan's and in Block 1, McDermott's Addition.

COMPRISING:

Lots 1 through 13, inclusive.  
All in Block 4, Hogan's Addition.

Lots 12 through 22.  
All in Block 1, McDermott's 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. 5891, 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. 5891:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5891, 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 \$90,000.00)

Order Plans and Specifications for Improvement District No. 5891:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5891, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5891:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5891, 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. 5891, 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. 5891 in the City of Fargo, North Dakota, according to 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.

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 PC 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. 5891:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5891, in the City of Fargo, North Dakota.

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

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

Contract for Sanitary Forcemain, Drain 40 Improvements and Incidentals Improvement District No. 5729 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Riley Brothers Construction, Inc. for Sanitary Forcemain, Drain 40 Improvements and Incidentals Improvement District No. 5729 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Forcemain, Drain 40 Improvements and Incidentals Improvement District No. 5729 Approved:

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

Travelers Casualty and Surety Company of America, in the amount of \$8,418,563.82, for Sanitary Forcemain, Drain 40 Improvements and Incidentals Improvement District No. 5729 in the City of Fargo, North Dakota.

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

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

Projects for the Department of Energy Recovery Act Grant Approved:

The Board received a communication from Senior Planner Bob Stein stating the American Recovery and Reinvestment Act of 2009 appropriated funds for the Department of Energy to award local governments based on existing formulas and the City received a direct allocation of \$948,900. He stated in order to receive the allocated funds, the City is required to submit an Energy Efficiency and Conservation Strategy (EECBG) no later than 120 days after the effective date of the award or at the time of application. A list of 14 eligible activities was included with the Funding Opportunity Announcement, he said, and based on that list and staff input the following projects were proposed:

| <u>Activity</u>                            | <u>Location</u>   | <u>Estimated Costs</u> |
|--|---|------------------------|
| Energy Efficient Lighting Upgrades         | Island Park Ramp  | \$75,000               |
|  | GTC Garage  | \$50,000               |
|  | Broadway Street Lights  | \$175,000              |
| Energy Audits                              | GTC-Greyhound Building  | \$5,000                |
|  | Police Station  | \$5,000                |
|  | Public Health   | \$7,000                |
|  | Fargodome   | \$12,000               |
|  | Water Plant   | \$7,000                |
| Energy Efficient Upgrades                  | GTC-Greyhound Building  | \$225,000              |
| Asphalt Recycler                           | Street Department   | \$140,000              |
| Comprehensive Plan Update Code Enforcement | Comprehensive Plan Update   | \$250,000              |
|  | Energy Code Enforcement   |                        |
|  | Training  | \$4,000                |
| Solar Thermal (Fargo School District)      | FSD Central Kitchen   | \$121,500              |
| Conservation Education                     | Information Center for Energy Efficient Building Techniques and Materials | \$25,000               |
| Total                                      |   | \$1,101,500            |

Mr. Stein said the total amount of the proposed costs exceeds the amount of the appropriated funds. He said in order to make up the difference, the Commission could eliminate a project; provide local funds for a share of the costs; and/or identify other funding partners.



In response to a question from Commissioner Mahoney regarding whether the proposed projects would be completed without the allocation of stimulus funds, Mr. Stein said most of the projects would probably have been approved.

Commissioner Williams moved the proposed list of projects for the Department of Energy Recovery Act grant be approved and appropriate staff be authorized to proceed with preparation and submittal of the application.

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

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

City Attorney Directed to Prepare an Ordinance Eliminating Remote Calling for Commission Meetings: Information Services Staff to Look Into Alternative Technology for Remote Calling:

Commissioner Piepkorn stated there is a need to have open discussion about not being present for Commission meetings and using the call-in feature. He said if Commissioners are unable to attend, one option would be to table specific agenda items until Commissioners can be present.

Commissioner Wimmer said it would be helpful if there was better technology available than the current setup. He said it would be better to either table an item or have the Commissioners present act than have a poor connection. He stated he would rather not call in but there are times that make it necessary to miss meetings because of work-related business.

Commissioner Williams said he understands the necessity to be gone and all of the Commissioners have used the conference call feature but the June 1, 2009 meeting conference call with two Commissioners did not go well. He suggested only one caller per meeting and also to notify Commission staff one week in advance of being gone. He said possibly calling in by telephone should not be allowed.

In response to a question from Commissioner Mahoney regarding a better microphone or call-in system, Executive Assistant Sharon Odegaard said she talked to Chief Information Officer Ron Gronneberg about the technology and he will look into available technology that may improve off-site communication.

Mayor Walaker said attendance should be required and call-ins should not be allowed.

Commissioner Williams moved the City Attorney be directed to draft an Ordinance eliminating the practice of remote calling for Commission meetings for consideration at the July 13, 2009 meeting and that Information Services staff be directed to look into alternative technology for conference calls.

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

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

Application Filed by Agassiz Investment Company of Fargo, LLC/Magnum Contracting for a Property Tax Exemption Withdrawn:

A Hearing had been set for this day and hour on an application filed by Agassiz Investment Co. of Fargo, LLC/Magnum Contracting for a property tax exemption for

the project at 1266 North Fayland Drive, however, the applicant has withdrawn the request.

Resolution Adopted Approving Name Change Plat to the City of Fargo, Cass County, North Dakota (Portion of 57th Street South from Interstate 94 to 64th Avenue South):

Commissioner Wimmer 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 "Name Change Plat" of a portion of 57th Street South between Interstate 94 and 64th Avenue South shall be renamed and hereinafter designated, and in the future shall be known by said designated name "Veterans Boulevard"; and

WHEREAS, A Hearing was scheduled to be held May 13, 2009 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 1 and 8, 2009 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., June 15, 2009 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 "Name Change Plat" 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 Register of Deeds of Cass County, North Dakota.

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

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

Resolution Adopted Approving Lindenwood Park Addition (1901 Roger Maris Drive South):

Commissioner Wimmer 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 "Lindenwood Park Addition" containing 1 Lot, 1 Block and 93 acres of land more or less, located at 1901 Roger Maris Drive South; and

WHEREAS, A Hearing was scheduled to be held February 11, 2009 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 8 and 15, 2009 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., June 15, 2009 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 "Lindenwood Park 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 Register of Deeds of Cass County, North Dakota.

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

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

Resolution Adopted Approving Adams Seventh Addition (2810 38th Street South; 2952, 2975, 2980 and 2991 39th Street South; and 2820 and 2852 Thunder Road South):

Commissioner Wimmer 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 "Adams Seventh Addition" containing 3 Lots, 3 Blocks and 15.84 acres of land more or less, located at 2810 38th Street South; 2952, 2975, 2980, and 2991 39th Street South; and 2820 and 2852 Thunder Road South; and

WHEREAS, A Hearing was scheduled to be held April 8, 2009, continued to May 13, 2009, and further continued to June 10, 2009 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 8 and 15, 2009 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., June 15, 2009 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 "Adams Seventh 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 Register of Deeds of Cass County, North Dakota.

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

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

Parcels of Land in Davies First Addition Rezoned (7150 25th Street South):

At a Hearing held on February 11, 2009 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR4, Single-Dwelling on Lot 1, Block 2, Davies First Addition.

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

In response to a comment from Commissioner Williams regarding protection of this property until the City can grow more efficiently and assurance of any development being built above the floodplain, Mr. Hinderaker said the Growth Plan has two tiers. This proposal, he said, matches the first tier in which services can be extended with the opening of Davies High School. He stated upon redevelopment, structures would be required to be elevated 2.5 feet above the floodplain.

Commissioner Wimmer 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 adopted Area Plan, the Standards of Article 20-06, 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 Wimmer, Piepkorn, Mahoney and Walaker voted aye.

Commissioner Williams voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Davies First Addition to the City of Fargo:

Commissioner Wimmer 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 Davies First Addition to the City of Fargo be placed on first reading.

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

Commissioner Williams voted nay.

The motion was declared carried.

Resolution Adopted Approving Davies First Addition (Part of the West Half of Section 12, T138N, R49W):

Commissioner Wimmer 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 "Davies First Addition" containing 3 Lots, 2 Blocks and 127.964 acres of land more or less, located at 7150 25th Street South; and

WHEREAS, A Hearing was scheduled to be held February 11, 2009 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 8 and 15, 2009 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., June 15, 2009 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 "Davies First 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 Register of Deeds of Cass County, North Dakota.

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

Commissioner Williams voted nay.

The Resolution was adopted.

Parcels of Land in C & G Addition Rezoned (5001 Amber Valley Parkway South):

At a Hearing held on April 8, 2009 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to MR-3, Multi-Dwelling on Lot 1, Block 1 and LC, Limited Commercial on Lot 2, Block 1, C & G 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 Wimmer 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 adopted Area Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Williams.

Commissioner Williams said this request is a good example of development within the current footprint.

On the vote being taken on the question of the adoption of the Resolution Commissioners Wimmer, Williams, Mahoney, Piepkorn and Walaker voted aye.

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

First Reading of an Ordinance Rezoning Certain Parcels of Land in C & G Addition, Cass County, North Dakota:

Commissioner Wimmer 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 in C & G Addition to the City of Fargo be placed on first reading.

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

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

Resolution Adopted Approving C & G Addition (5001 Amber Valley Parkway South):

Commissioner Wimmer 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 "C & G Addition" containing 2 Lots, 1 Block and 6.18 acres of land more or less, located at 5001 Amber Valley Parkway South; and

WHEREAS, A Hearing was scheduled to be held March 11, 2009, continued to March 25, 2009, and further continued to April 8, 2009 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, Announced in the City Commission agenda and made available on June 11, 2009 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., June 15, 2009 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 "C & G 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 Register of Deeds of Cass County, North Dakota.

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

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

Moratorium on On-Premise Signs Amended:

The Board received a communication from Senior Planner Jim Hinderaker stating on May 18, 2009, the City Commission approved a three-month moratorium on the issuance of all on-premise LED sign permit applications. At the direction of the Planning Commission, he said, staff is working to update the City of Fargo Sign Code. In an effort to address concerns raised by the sign industry, he said, staff suggests that some changes to the scope of the moratorium may be appropriate. In addition, he stated, staff suggests that to accurately describe the type of signage intended to be included within the moratorium, the language of the moratorium should be amended.

Mr. Hinderaker stated, since the moratorium adopted by the Board on May 18, 2009, the sign industry has expressed concern regarding the scope of the moratorium and there are a couple of options. The first option, he said, is to do nothing and let the moratorium stand as is and continue with updating the sign code. He said the second option is to reduce the scope by removing the moratorium on all on-premise signs that are greater than 300 feet from any residential zoned property and possibly include a Conditional Use Permit in the application process. He said 300 feet is defensible because it mirrors the off-premise Ordinance. The other option, he said, is to repeal the moratorium and direct staff to work with the various groups on the sign code. He stated the Planning Commission recommends removing the moratorium greater than 300 feet from any residential zoned property and replacing the term LED (Light-Emitting Diode) with EMC (Electronic Messaging Center).

Tom Neihart, 1102 9th Street South, said the Hawthorne neighborhood is a unique area and has been well maintained since the 1800s. He said the City has been involved with restoration and protection of historic neighborhoods and the Hawthorne neighborhood should not be used as a testing ground for LED signs. He said the issue presented tonight has to do with the LED signs and regulation of an updated sign code. Mr. Neihart submitted information from several studies in regard to the LED codes around the country and the need to update the sign code.

At 6:00 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Linda Dregseth, 1205 7th Street South, said she is in support of the moratorium and the need to study the sign code.

David Schultz, Chair of the Historic Preservation Commission (HPC), submitted a letter on behalf of the HPC stating a motion was approved supporting the moratorium in relation to a Historic Overlay that was approved at their June 11, 2009 meeting. He said the HPC would welcome the opportunity to have representation as the sign code is reviewed and updated.

Bernie Dardis, Indigo Signworks, Inc., said he is in support of ending the moratorium. He said the City's sign code has been used as a benchmark for other cities' codes and now is not the time to rewrite it.

In response to a question from Mayor Walaker in regard to removing the moratorium on signs greater than 300 feet from residential zoned property, Mr. Dardis said 300 feet is used for billboards and the sign in question cannot be read from 300 feet, which is a full city block.

Jonathan Garaas, Attorney representing Steven Stremick, said Mr. Stremick received a Conditional Overlay with his application which was approved by the Board. Mr. Garaas submitted a sign application from Carl Ben Eielson School which was recently approved and which, he said, did not have to go through Engineering for a permit. He said Mr. Stremick is being singled out and he has tried to meet the objections raised by the neighborhood.

Commissioner Wimmer said signage does not belong in a historic area like Erskine's Addition. The sign code, he said, needs to be studied so that residential areas are protected from issues such as this. He suggested the moratorium be amended from 300 feet to 150 feet.

There was discussion regarding the use of radius or curb line for the standard of measurement in the moratorium. Planning Director Jim Gilmour said radius is used for sign-to-residential-property measurements and curb line is used for sign-to-sign standards. He said radius makes the most sense in this situation.

Commissioner Wimmer moved the moratorium on all on-premise LED signs that are greater than 150 feet from any residentially zoned property be removed and the term LED (Light-Emitting Diode) be replaced with EMC (Electronic Messaging Center).

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

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

First Reading of an Ordinance Annexing a Certain Parcel of Land Lying in the North Half of the East Half of the Northwest Quarter of Section 13, Township 138 North, Range 49 West, Cass County, North Dakota:

Planning Director Jim Gilmour said the request tonight is for annexation. He said the rezoning request will be on the July 13, 2009 agenda. Any questions regarding public safety, he said, could be directed to Chief Ternes.

Gene Kaseman, President of the Dakota Boys and Girls Ranch, said the organization and its facilities have always been good neighbors in the cities where they are located. He submitted documentation from the Ward County Tax Director regarding property value increases for properties near the Minot Dakota Boys and Girls Ranch. Mr. Kaseman said property values around the Minot campus went up an average of 7 percent in 2008 and an average of 8 percent in 2009.

In response to questions from Commissioner Williams regarding the cost to the City of providing services and flood protection plans for the property, Mr. Kaseman said annexation will bring necessary services to the area and the full value of the property can be realized through annexation. He said they have an agreement with the Planning Commission to build a containment pond which would benefit the entire area and a mass evacuation plan would also be in place if major flooding occurred.



The organization, he said, wants to consolidate services in order to position itself for the next 15 to 20 years.

Commissioner Williams said the City should not subsidize the Boys and Girls Ranch facility.

At 7:05 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Dave Ekman, 1615 Round Hill Drive, said he is opposed to the annexation. The Boys and Girls Ranch, he said, took a gamble when they purchased the property and the City has a growth plan which should be followed. Right now, he said, there is 3.5 square miles north of this property which should be annexed first.

In response to a comment from Dale Ziegler, 1630 Round Hill Drive, regarding Round Hill being in the Extraterritorial (ET) area and not having representation in the City, Mr. Gilmour said John Miller is the ET representative and more representatives are needed on the Planning Commission.

Jim Carlson, President of the Round Hill Association, said the neighborhood has serious concerns about the annexation of this property which includes the lack of tax revenue from a non-profit, flood protection problems and lack of services for the area.

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 Annexing a Certain Parcel of Land Lying in the North Half of the East Half of the Northwest Quarter of Section 13, Township 138 North, Range 49 West, Cass County, North Dakota be placed on first reading.

Second by Wimmer.

Commissioner Mahoney said with the new high school being built, it is important for this area to be annexed so infrastructure and services can be provided to the area.

Commissioner Wimmer said the City needs to be planning for the future and tonight's issue is the annexation proposal. He said there will be opportunity for discussion July 13th when the rezoning request is made.

Commissioner Williams said the annexation is a premature expansion and would be a detriment to the City.

On call of the roll Commissioners Piepkorn, Wimmer and Mahoney voted aye.

Commissioners Williams and Walaker voted nay.

The motion was declared carried.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, June 29, 2009.

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

The time at adjournment was 7:35 o'clock p.m.