

- d. Revised asset allocation plan for the Fargodome Capital Escrow Fund.
- e. Modification of the financial advisory agreement with Springsted, Inc. to provide professional assistance for the selection of a fixed income investment manager.
- f. Out-of-Grade pay for Fire Captain LeRoy Skarloken beginning 5/10/10.
- g. Expenditure of Neighborhood Stabilization Program funds for the acquisition and redevelopment of 1409 10th Street South and 921 4th Street North and for acquisition and demolition of 1534 1st Avenue South and 1209 4th Avenue North.
- h. Neighborhood Stabilization Program Partnership with Fargo Public Schools for the redevelopment of 1409 10th Street South, 810 25th Street North and 1430 10th Street South.
- i. Addendum to the vehicle lease agreement with Handi-Wheels Transportation.
- j. Acceptance of North Dakota DOT Federal Transit Capital Investment Grant in the amount of \$199,400.00 to purchase 2 hybrid paratransit vehicles (CFDA #20.500).
- k. Agreement with Deb Haugen to support the Moving More, Eating Smarter community program.
- l. Training contract with Catalyst for the Youth Tobacco Summit.
- m. Encroachment agreement with Prairie Public Broadcasting, Inc. to place fiber optic cable in the downtown skyway system.
- n. Change Order No. 7 for an increase of \$1,671.00 for the Skyway Reconstruction project.
- o. Applications for tax exemptions for improvements made to buildings:
 - (1) Cheryl and Penny Long, 52 South Terrace North (5 year).
 - (2) Mary Leff, 56 17 1/2 Avenue North (5 year).
 - (3) Stephens Property Management of Fargo, LLC, 4761 13th Avenue South (3 year).
- p. Site Authorizations for Games of Chance:
 - (1) Special Olympics North Dakota at Rooters Bar, Inc.
 - (2) ShareHouse, Inc. at Vista Inn/Alibi, the Bismarck Tavern and Woody's.
 - (3) Prairie Public Broadcasting, Inc. at Dempsey's Public House, Labby's and Tailgator's.

- q. Applications for Games of Chance:
 - (1) Fargo Babe Ruth League, Inc. for a raffle on 5/8/10.
 - (2) Roger Maris Celebrity Golf Tournament for a raffle on 6/27/10.
- r. Acceptance of quote from Master Construction, in the amount of \$106,113.75, for construction of an Osgood recycling drop-site.
- s. Land Use Permit with Eileen Buringrud for property located south of 19th Avenue North near the 45th Street Intersection (Improvement Dist. No. 5729).
- t. List of properties for voluntary acquisition for flood mitigation purposes (moved to the beginning of the Regular Agenda).
- u. USGS funding agreement for 2010 flood flow monitoring.
- v. Purchase Agreements – Temporary Construction Easements in connection with Improvement District No. 5700:
 - (1) Jon Anderson.
 - (2) Eastern ND Synod of the Evangelical Lutheran.
 - (3) Edgewood Development Group, LLC.
- w. Contract Amendment No. 1 for an increase of \$47,611.52 for Project No. 5426.
- x. Bid awards for Project Nos. 5839 (bid concurrence with NDDOT) to Northern Improvement Company in the amount of \$1,964,972.34; 5683-07 to Midwest Testing Laboratory in the amount of \$26,275 and 5920-01 to Strata Corporation in the amount of \$51,725.20.
- y. Bills in the amount of \$4,943,975.70.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 (Aldrich and Roberts Addition):

Commissioner Piepkorn moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924:

Adopt Resolution Creating Improvement District No. 5924:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5924 in the City of Fargo, North Dakota, be created

From 14th to 15th Street between 12th and 13th Avenue South, in Block 7 of Aldrich & Roberts Addition.

COMPRISING:

Part of Lot 1, Block 7, described as follows: Beginning at SW corner of Lot 1, then N 00 minutes 00 seconds E 79.62 feet on W line of Lot 1 to a point, then S 89 degrees 48 minutes 44 seconds E 46.28 feet to a point on E line of Lot 1, then S 00 degrees 03 minutes 56 seconds W 78.89 feet on E line of Lot 1 to SE corner of Lot 1, then S 89 degrees 17 minutes 10 seconds W 46.19 feet on S line of Lot 1 to point of beginning.

Lots 2 through 10, Block 7.

South 55 feet of Lots 11 & 12, Block 7.

North 50 feet of Lots 13, 14, 15, Block 7.

Lots 16 through 21, Block 7.

North 47 feet of Lots 22, 23, & 24, Block 7.

All in Aldrich & Roberts 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. 5924 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. 5924:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5924 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 \$59,000.)

Order Plans and Specifications for Improvement District No. 5924:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5924 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5924:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5924 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. 5924 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. 5924 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 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 5924:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5924 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5931 (Veterans Park First Addition):

Commissioner Piepkorn moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5931:

Adopt Resolution Creating Improvement District No. 5931:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5931 in the City of Fargo, North Dakota, be created

47th, 48th & 49th Avenue South between 57th Street and 53rd Street South.
54th, 55th & 56th Street South between 47th & 49th Avenue South.

COMPRISING:

Lots 1 through 19, inclusive, Block 1.
Lots 1 through 24, inclusive, Block 2.
Lots 1 through 34, inclusive, Block 3.
Lots 1 through 26, inclusive, Block 4.
Lots 1 through 59, inclusive, Block 5.
All platted in Veterans Park First Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5931 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. 5931:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5931 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 \$800,000.)

Order Plans and Specifications for Improvement District No. 5931:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5931 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5931:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5931 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. 5931 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5931:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5931 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Contract for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5640 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Northern Improvement Company for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5640 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Contract Bond for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5640 Approved:

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

Western Surety Company, in the amount of \$1,296,021.73, for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5640 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

List of Properties for Voluntary Acquisition for Flood Mitigation Purposes Approved: Excluding All of the Properties on South River Road Except the Property Located at 1330 South River Road:

The Board received a communication from City Engineer Mark Bittner stating the Public Works Projects Evaluation Committee reviewed an email from Assistant City Attorney Butch McConn concerning the City's potential interest in acquiring three properties currently for sale on South Terrace in the Oak Grove area. He said these properties were included in the listing of flood mitigation recommendations previously presented to the City Commission and he is requesting clarification on the City's position for acquisition of flood prone properties in Oak Grove and other areas. He said the properties recommended for acquisition on a volunteer basis are as follows:

Oak Grove Area - 8 Properties

17, 23, 31, 35-37 (duplex), 73, 125 and 135 South Terrace.

The houses at 17 and 35-37 (duplex) are currently listed for sale.

South River Road - 16 Properties

1330, 1348, 1408, 1414, 1422, 1430, 1436, 1442, 1450, 1454, 1458, 1462, 1502, 1510, 1514 and 1518 South River Road.

The City has been negotiating with the owner of 1330 SRR for purchase of this property. The City has received a number of requests for funding assistance under the Flood Protection Incentive Program (FPIP) for private construction of flood protection improvements in the rear yards of these properties. The FPIP policy currently excludes properties recommended for acquisition.

The house at 1525 South River Road may need to be acquired to accommodate raising the Belmont Park Dike between SRR and Lindenwood Drive South.

Belmont Park Area - 1 Property

245 Lindenwood Drive.

Southwood Drive - 6 Properties

509, 515, 606, 706, 718 and 810 Southwood Drive.

Commissioner Wimmer stated, after meeting with several of the residents on South River Road, his recommendation would be to leave out 16 of the South River Road properties until Engineering and staff can officially meet with the neighborhood.

Mr. Bittner stated his only concern is that the City is in negotiations with the property owner at 1330 South River Road and would like to continue with those negotiations.

Commissioner Wimmer moved the list of properties for voluntary acquisition for flood mitigation purposes be approved, excluding all of the properties on South River Road except for the property located at 1330 South River Road.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

The Board of City Commissioners reconvened as the 2010 Board of Equalization to consider valuation appeals carried forward from the April 13, 2010 Meeting.

Valuation Appeals Carried Forward:

City Assessor Ben Hushka stated there were three appeals from the floor at the original Board of Equalization meeting. He said these were property owners who had not previously contacted the Assessor's Office and after consideration he is now bringing forward his recommendations on these properties.

Swede Stelzer, 3017 University Drive South:

Mr. Hushka said his recommendation for the property located at 3017 University Drive South is to retain the current value of \$527,000 for the 2010 assessment year.

Commissioner Piepkorn moved the current value of \$527,000 on the property at 3017 University Drive South be retained for the 2010 assessment.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

(Commissioner Mahoney present)

Wentz Office Building, 2315 University Drive North:

Mr. Hushka said his recommendation for the property located at 2315 University Drive North is to retain the current value of \$253,000 for the 2010 assessment year.

Dan Wentz, owner of property at 2315 University Drive North, stated this would be a 37.5% increase to his property and with this kind of an increase it does not give a person a chance to rearrange rents to try and compensate for some of that increase. He said he is not sure that the property tax relief he received really ended up being relief when everything else was re-evaluated.

Mr. Hushka stated this property was part of a reappraisal and he can understand the issue with the increase but Assessors and Boards of Equalization have a statutory responsibility to bring properties up to true and

full value. He said there is no provision in the law to do step-ups to bring them to the true and full value.

Commissioner Williams moved the current value of \$253,000 on the property at 2315 University Drive North be retained for the 2010 assessment.

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

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

Sunwood Townhomes, 2522-2532 18th Street South:

Mr. Hushka said his recommendations for the properties located at 2522-2532 18th Street South are as follows:

2522 18th Street South, current value of \$176,100 change to a new value of \$166,500; 2524 18th Street South, current value of \$168,500 change to a new value of \$155,700; 2526 18th Street South, current value of \$159,100 change to a new value of \$150,400; 2528 18th Street South, current value of \$174,300 change to a new value of \$164,600; 2530 18th Street South, current value of \$158,800 change to a new value of \$155,300; 2532 18th Street South, current value of \$172,200 change to a new value of \$159,400.

Lynn Wolff, 2524 18th Street South said he is Chairman of the Condo Association and has found a couple of errors with the report. He said he feels a 14% increase is a little steep.

Mr. Hushka stated he received a phone call from another resident of this area and he told that individual that his department would be looking at all the units to verify their information.

Commissioner Williams moved the current value of the properties at 2522-2532 18th Street South be adjusted to the new recommended values for the 2010 assessment and that a recommendation be forwarded by the Assessment Department to the County Board of Equalization if necessary.

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

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

2010 Assessments of Property in the City of Fargo for Tax Purposes Approved:

Commissioner Wimmer moved the 2010 assessments of property in the City of Fargo for tax purposes as prepared by the Assessment Department be approved subject to the list of reviews being worked on by the City Assessor's Office and, and that the City Auditor's Office be directed to certify the 2010 assessments to the County.

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.

Application Filed by Sea Stone, Inc. d/b/a Yuki-Hana Grill and Sushi for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Sea Stone, Inc. d/b/a Yuki-Hana Grill and Sushi for a Class "GH" Alcoholic Beverage License at 1450 25th Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

Commissioner Piepkorn moved the application be approved.

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

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

Amendment to the Growth Plan on Portions of Section 28 Approved (4802, 4902 and 5402 32nd Avenue South, 5052 36th Avenue South, 4952 and 5202 40th Avenue South, and 3506 and 3600 Veterans Blvd.):

A Hearing had been set for this day and hour to consider approval of an amendment to the Growth Plan on portions of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.

The Fargo Planning Commission recommended approval of the amendment to the Growth Plan at their January 13, 2010 meeting.

No written protest or objection to the amendment to the Plan has been received or filed in the Planning and Development Department.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

Commissioner Wimmer moved the amendment to the Growth Plan be approved.

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

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

Special Assessment List for New Construction and Reconstruction of City Ordered Sidewalks Approved:

A Hearing had been set for this day and hour on the special assessment list for New Construction and Reconstruction of City Ordered Sidewalks in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

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.

Commissioner Williams moved that the special assessment list for New Construction and Reconstruction of City Ordered Sidewalks in the City of Fargo,

North Dakota be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

Discussion Regarding Bond Sales:

The Board received a communication from Finance Director Kent Costin stating the City of Fargo will be selling two bond issues on Monday, May 3, 2010. The first bond issue, Series 2010B, he said, is a new money issue, of which proceeds will be used for infrastructure projects. The second bond issue, he said, Series 2010C is a refinancing issue recommended by the Finance Committee for interest rate savings. The new money bond structure, he said, is the first time the City is taking advantage of or issuing the Build America Bonds, aka BAB's. He said BAB's were created as part of the American Recovery and Reinvestment Act of 2009 and a unique feature of the bond is that the federal government will now reimburse 35% of the interest costs, for the life of the bond, as a way to lower overall borrowing costs and stimulate the economy. The refinancing issue, he said, is anticipated to save the City about \$390,000 or 4.6% of net present value saving. He said Springsted, Inc. has identified this issue as a good candidate for refinancing in light of the current low interest environment and the Finance Committee concurs with their recommendation.

David MacGillivray, Springsted, Inc. summarized the details of the bond structure and sale results.

Resolution Adopted Approving Certain Actions and Awarding Sale of \$22,820,000 Taxable Refunding Improvement Bonds (Build America Bonds - Direct Pay), Series 2010B:

Commissioner Mahoney moved the Resolution entitled "Resolution Adopted Approving Certain Actions and Awarding Sale of \$22,820,000 Taxable Refunding Improvement Bonds (Build America Bonds - Direct Pay), Series 2010B" and referred to as Attachment "A", be adopted and attached hereto.

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

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

Resolution Adopted Creating the Funds of Improvement Districts, Providing for and Appropriating Special Assessments for the Support and Maintenance of Said Funds, and Authorizing the Issuance of Improvement Warrants Thereon:

Commissioner Mahoney moved the Resolution entitled "Resolution Creating the Funds of Improvement Districts, Providing for and Appropriating Special Assessments for the Support and Maintenance of Said Funds, and Authorizing the Issuance of Improvement Warrants Thereon" and referred to as Attachment "B", be adopted and attached hereto.

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

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

Resolution Adopted Authorizing the Issuance of \$22,820,000 Taxable Refunding Improvement Bonds (Build America Bonds – Direct Pay), Series 2010B Prescribing the Terms and Covenants Thereof, and Creating a Fund for the Payment Thereof:

Commissioner Mahoney moved the Resolution entitled "Resolution Authorizing the Issuance of \$22,820,000 Taxable Refunding Improvement Bonds (Build America Bonds – Direct Pay), Series 2010B Prescribing the Terms and Covenants Thereof, and Creating a Fund for the Payment Thereof" and referred to as Attachment "C", be adopted and attached hereto.

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

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

Resolution Adopted Providing for the Issuance of \$8,250,000 City of Fargo Refunding Improvement Refunding Bonds, Series 2010C:

Commissioner Mahoney moved the Resolution entitled "Resolution Adopted Providing for the Issuance of \$8,250,000 City of Fargo Refunding Improvement Refunding Bonds, Series 2010C" and referred to as Attachment "D", be adopted and attached hereto.

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

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

Fargo Human Relations Commission 2010 Strategic Plan and 2009 Annual Report Received and Filed:

The Board received a communication from Community Development Planner Nate Bailly submitting the 2010 Strategic Plan and 2009 Annual Report for the Fargo Human Relations Commission (FHRC).

Prairie Rose, Chair of the Human Relations Commission, summarized the Commission's 2009 activities.

Commissioner Mahoney moved the 2010 Strategic Plan and the 2009 Annual Report be received and filed.

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.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, May 17, 2010.

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

The time at adjournment was 5:52 o'clock p.m.