



- f. Expenditure of Neighborhood Stabilization Program funds for the acquisition of 1514 1st Avenue South for \$66,000.00 and 902 27th Street North for \$7,900.00.
- g. Employment contract for Willard Yellowbird to serve as Cultural Planner.
- h. Bid award for Fargodome lighting upgrade and contract and bond.
- i. Applications for 5-year tax exemptions for improvements made to buildings:
  - (1) Thomas Goodhart, 1534 8th Street North.
  - (2) GDG Properties, 325 22nd Street South.
- j. Request for an extension of the noise ordinance until 11:00 p.m. on Friday, July 29, 2011 and Saturday, July 30, 2011 at Newman Outdoor Field for the Blues Festival.
- k. Acceptance of proposals for sulfate removal pilot project at the Water Treatment Plant.
- l. Site Authorizations for Games of Chance:
  - (1) The Arc Upper Valley, Inc. at JT Cigarros.
  - (2) Special Olympics North Dakota at Rooters Bar, Inc.
  - (3) National Multiple Sclerosis Society - NTH Chapter at Rick's Bar and The Box – Select Inn.
  - (4) Boys & Girls Club of the Red River Valley (d/b/a Youth Commission) at Wow the Bar, Borrowed Bucks Roadhouse and Slammers/Red River Lanes.
  - (5) Plains Art Museum at King Pin Casino (The Bowler), Blue Wolf Casino (Cactus Jack's Saloon) and Big Top Bingo.
  - (6) West Fargo Hockey Association at Fort Noks and Old Chicago.
- m. Applications for Games of Chance:
  - (1) Ronald McDonald House of the Red River Valley for a raffle on 7/13/11.
  - (2) African Soul, American Heart for a raffle on 12/10/11; Public Spirited Resolution.
- n. Declaration of Flood Protection Elevation with Jonathon and Sadie Erickson, 161 South Woodcrest Drive North.
- o. Temporary Dike Easement with the North Dakota Department of Transportation for property at 4201 University Drive South (Improvement District No. 5952).
- p. Agreement for Purchase/Easement and Agreement for Entry and Construction with James and Sheila Meyer (Improvement District No. 5969).
- q. Cost share of \$5,200.00 for Red River bridge inspections at 5 locations (Project No. 6039).

- r. Contract with Moore Engineering in the amount of \$105,900.00 for completion of Drain 40 improvements at 19th Avenue North (Improvement District No. 5729-02).
- s. Interim street repairs in Coulee's Crossing Addition by the Street Department.
- t. Change Order No. 3 for an addition of \$550.00 for Project No. 5906.
- u. Bid awards for Project Nos. 5946-02 to Dakota Underground in the amount of \$861,160.00; 6007 to Adelman Concrete and Excavating in the amount of \$114,475.00; 6008 to Master Construction Company, Inc. in the amount of \$380,625.00; 6024 to Northern Improvement Company in the amount of \$148,100.00.
- v. Bid advertisement for Project Nos. 5991, 5995 and 6032.
- w. Contract and bond for Project No. 5923.
- x. Bills in the amount of \$6,769,806.35.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Change Order No. 1 for Improvement District No. 5987 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$77,791.85 for Improvement District No. 5987.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Bids Received for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905-3:

The bids for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905-3 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 25, 2011 and the bids were found to be as follows:

Adelman Concrete and Excavating Bid:	Fargo, ND \$48,917.25
Key Contracting Bid:	Fargo, ND \$51,324.50
Paras Contracting, Inc. Bid:	Fargo, ND \$52,459.50



33rd Avenue South between 45th & 51st Streets South.  
51st Street South between 32nd Avenue South and 33rd Avenue South.

COMPRISING:

Lot 1, inclusive, Block 1.  
Lot 1, inclusive, Block 2.  
Lots 1 through 3, inclusive, Block 3.  
Lot 1, inclusive, Block 4.  
Lot 1, inclusive, Block 5.  
Lots 1 through 12, inclusive, Block 6.  
Lots 1 through 24, inclusive, Block 7.  
Lots 1 through 24, inclusive, Block 8.  
Lots 1 through 24, inclusive, Block 9.  
Lots 1 through 12, inclusive, Block 10.  
Lots 1 through 14, inclusive, Block 11.  
Lots 1 through 14, inclusive, Block 12.  
Lots 1 through 12, inclusive, Block 13.  
Lots 1 through 30, inclusive, Block 14.  
All platted in Brandt Crossing.

Lot 2, Block 2.  
Lot 6, Block 3.  
Lot 1, Block 4.  
All platted in the Urban Plains Center Addition.

Lots 1, 2, & 3, Block 1.  
All platted in the Urban Plains Recreational Addition.

Lots 1, 2, 3, & 4, Block 5.  
Lot 2, Block 4.  
All platted in the Urban Plains by Brandt 1st Addition.

Lots 1-7, inclusive, Block 1.  
Lots 1-4, Block 2.  
Lot 1, Block 3.  
All platted in the Amber Valley West First Addition.

All unplatted lots south of Interstate Highway 94 and east of Veterans Boulevard and north of the Amber Valley West First Addition within the Northwest quarter-section of Section 21-T139N-R49W.

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, Paving, Street Lights and Incidentals Improvement District No. 6020 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. 6020:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6020 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 \$2,442,000.00.)

Order Plans and Specifications for Improvement District No. 6020:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6020 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6020:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6020 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. 6020 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. 6020 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. 6020:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6020 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Contract for Storm Sewer, Paving and Incidentals Improvement District No. 5960 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Storm Sewer, Paving and Incidentals Improvement District No. 5960 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Storm Sewer, Paving and Incidentals Improvement District No. 5960 Approved:

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

The Guarantee Company of North America USA, in the amount of \$526,795.00, for Storm Sewer, Paving and Incidentals Improvement District No. 5960 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5727 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5727 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5727 Approved:

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

The Guarantee Company of North America USA, in the amount of \$2,256,245.50, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5727 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5973 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Tom's Backhoe Service, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5973 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5973 Approved:

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

Granite RE, Inc., in the amount of \$1,755,903.10, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5973 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Mill and Overlay and Incidentals Improvement District No. 5987 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Mill and Overlay and Incidentals Improvement District No. 5987 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Mill and Overlay and Incidentals Improvement District No. 5987 Approved:

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

Liberty Mutual Insurance Company, in the amount of \$462,806.67, for Mill and Overlay and Incidentals Improvement District No. 5987 in the City of Fargo, North Dakota.



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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Stephen Dawson Appointed Presiding Judge:

The Board received a communication from Clerk of Court Susan Thompson stating Judge Thomas Davies has been hospitalized and it is not known when he may be able to resume his duties and responsibilities as Municipal Judge. Ms. Thompson said Stephen Dawson is currently appointed as Alternate Municipal Judge and is handling all judicial court matters during Judge Davies' absence. She said she is recommending Stephen Dawson be temporarily appointed presiding judge until Judge Davies is able to resume his duties or until the next election.

Commissioner Mahoney moved Stephen Dawson be appointed as the temporary Presiding Judge of Municipal Court until such time as Judge Davies is able to serve as Judge or until the next election.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Andrea Smith Appointed Alternate Judge:

The Board received a communication from Alternate Municipal Judge Stephen Dawson stating Judge Davies has been hospitalized and it is not known when he may be able to resume his duties and responsibilities as Municipal Judge. Mr. Dawson requested that attorney Andrea Smith be appointed Alternate Judge for Municipal Court to assist with the workload during Judge Davies absence.

Commissioner Mahoney moved Andrea Smith be appointed Alternate Judge for Municipal Court effective June 1, 2011.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Discussion Regarding Storm Clean-Up: Mutual Aid Agreement with the City of Bismarck Approved:

City Administrator Pat Zavoral said a staff meeting was held this afternoon with Xcel Energy and Cass County Electric giving an update on the clean-up progress after Monday night's storm. He said Xcel Energy anticipates having power restored to the majority of the residents by this evening; however, there will be about 180 residents that will not have power until tomorrow morning.

City Attorney Erik Johnson said he has been reviewing a Mutual Aid Agreement that he received from the City of Bismarck. He said it is a very straightforward document and he recommended approval.

Commissioner Mahoney moved the Mutual Aid Agreement with the City of Bismarck be approved.

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

Absent and not voting: Commissioner Wimmer.  
The motion was declared carried.

Application to Transfer the Alcoholic Beverage License from DJJ Ventures LLC d/b/a Justy's Bar and Grill to RBI Investments LLC d/b/a/ 9 Iron Bar and Grill Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "FA-Golf" Alcoholic Beverage License from DJJ Ventures LLC d/b/a Justy's Bar and Grill at 4400 Clubhouse Drive to RBI Investments LLC d/b/a/ 9 Iron Bar and Grill 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 Williams. On call of the roll Commissioners Piepkorn, Williams, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Parcels of Land in Brandt Crossing Second Addition Rezoned (4608 and 5506 33rd Avenue South):

At a Hearing held on April 5, 2011 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial to MR-3, Multi-Dwelling and the extinguishment of the existing Conditional Overlay on Lot 30, Block 14, Brandt Crossing First Addition; to MR-3, Multi-Dwelling and the extinguishment of the existing Conditional Overlay on Lots 1 through 3, 7 through 9 and 11; Block 1 and to P/I, Public Institutional and the extinguishment of the existing Conditional Overlay on Lot 10, Block 1 of the proposed Brandt Crossing Second 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 Piepkorn offered the following Resolution and moved its adoption:

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

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

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

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Brandt Crossing First Addition and Brandt Crossing Second Addition, Fargo, Cass County, North Dakota:

Commissioner Piepkorn moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Brandt Crossing First Addition and Brandt Crossing Second Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Resolution Adopted Approving Brandt Crossing Second Addition (4608 33rd Avenue South):

Commissioner Piepkorn offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Brandt Crossing Second Addition" containing 11 Lots, 1 Block, and 36.13 acres of land more or less, located at 4608 33rd Avenue South; and

WHEREAS, A Hearing was held February 1, 2011 and continued to March 1, 2011 and further continued to April 5, 2011 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, As announced in the City Commission agenda which was made available on May 26, 2011 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., on May 31, 2011 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 "Brandt Crossing Second 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 the 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 Piepkorn, Williams, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Discussion Regarding Storm Clean-Up (Continued):

Public Works Director of Operations Ben Dow said starting tomorrow morning his crews will begin the clean-up process and are hoping to be done by next week.

Solid Waste Utility Manager Terry Ludlum said the landfill will be expanding their hours tonight and tomorrow night. He said if residents have other debris from the storm, arrangements can be made with Solid Waste to have it hauled away at no additional charge.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, June 13, 2011.

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

The time at adjournment was 5:37 o'clock p.m.