

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: April 30, 2012:

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, April 30, 2012.

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 Williams. 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 April 16, 2012 be approved as read.

Second by Williams. 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. 1st reading of an Ordinance Repealing the 1989 Sign Code of the City of Fargo, As Amended.
- b. 1st reading of an Ordinance Amending Section 8-0925.8 of Article 8-09 of Chapter 8 of the Fargo Municipal Code Relating to Equipment of Vehicles—Size, Weight, and Height and Load Restrictions.
- c. Extension of unpaid leave for Pam Nygaard in the Engineering Department.
- d. Position Evaluation Committee recommendations regarding reorganization in the Engineering Department:

Engineering requests approval of the formation of an additional division in the Engineering Department that would separate the current Engineering Division into Design and Construction and Engineering Services. This request also includes the reclassification of the current Senior Engineer (Grade 20) to a Division Engineer (Grade 22) effective January 1, 2012.

PEC recommends approval of these requests. Budget impact: \$4,818

Engineering requests reevaluation of the pay increases the current Division Engineers were given on January 1, 2012 due to the department's reorganization. The request includes moving the current Division Engineers rate of pay to the next step in their pay grade. Annual cost of request: \$6,646

PEC recommends no change to the rate of pay for the current Division Engineers as their increases at the time of the reorganization were calculated using the same methods as other employees impacted by reorganization at that time.

Engineering requests the reclassification of the Special Assessment Coordinator Position from a Grade 17 to a Grade 19. Annual cost of request: \$5,957

PEC recommends no change to the pay grade for the Special Assessment Coordinator Position at this time.

- e. Request of Empire Liquors for extensions of the noise Ordinance until 10:30 p.m. on the following dates: Thursday, May 17; Friday, May 25; Thursday, June 7; Friday, June 22; Thursday, July 5; Thursday, July 19; Friday, July 20; Thursday, August 2; Friday, August 16; Friday, August 30; Thursday, September 6 and Friday, September 21.
- f. Trade Agreement between the Transit Department and Fargo Baseball, LLC.
- g. Amend the loan terms between the NRI fund and the Water Fund to reduce the interest rate to 0% to the beginning of the loan.
- h. Health Department budget adjustment in the amount of \$3,200.00 and contract with the North Dakota Department of Health for the WIC program (CFDA #10.557).
- i. Inter-Local Agreement between the City of Fargo, the City of West Fargo and Cass County Relative to a Department of Justice Assistance Grant (CFDA #16.738).
- j. Site Authorizations for Games of Chance:
 - (1) Plains Art Museum at King Pin Casino in the Bowler, Big Top Bingo and Blue Wolf Casino in West Acres Bowl.
 - (2) Teamsters at the Teamsters.
 - (3) ShareHouse, Inc. at Woody's, Vista Inn/Alibi and the Bismarck Tavern.
- k. Applications for Games of Chance:
 - (1) Fargo Moorhead Cosmopolitan Club for sports pools from 7/1/12 to 12/31/12.
 - (2) Fargo Moorhead Cosmopolitan Club for raffles from 7/1/12 to 6/30/13.

- (3) FM Walleyes Unlimited, Inc. for a raffle on 9/20/12.
 - (4) Samantha Meyer Benefit for a raffle on 5/10/12; Public Spirited Resolution.
 - (5) Bill Anderson Benefit Fund for a raffle on 6/21/12; Public Spirited Resolution.
 - (6) Laura McShane Benefit Group for a raffle on 5/12/12; Public Spirited Resolution.
- I. Resolution Approving Plat of BMI Addition (Attachment "A").
 - m. Resolution Approving Plat of Brandt Crossing Fourth Addition (Attachment "B").
 - n. Purchase of a spray patcher from Swanston Equipment for \$57,800.00.
 - o. Joint Powers Agreement with Cass County and Stanley Township concerning the extension of 70th Avenue South from its existing platted location to University Drive.
 - p. Encroachment Agreement for a balcony at the third story level at 305 Broadway.
 - q. Release of drain right-of-way and easements on property located at 6218 53rd Avenue South, authorize preparation of corrective documents, and procurement of land survey consultant assistance.
 - r. Professional Services Contract Amendment No. 1, in the amount of \$72,383.00, for Project No. 5681-02.
 - s. Bid advertisements for Project Nos. 6107, 6108 and 6118.
 - t. Contract and bond for Project No. 6105.
 - u. Bills in the amount of \$5,119,551.72.

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

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

Mill and Overlay and Incidentals Improvement District No. 6098: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 26 and April 2, 2012 and protests representing less than 1 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for Mill and Overlay and Incidentals Improvement District No. 6098:

The bids for Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 25, 2012 and the bids were found to be as follows:

| | |
|--------------------------------------|--------------------------------|
| Aggregate Industries Bid: | Moorhead, MN \$797,578.70 |
| Border States Paving, Inc. Bid: | Fargo, ND \$843,948.20 |
| Central Specialties, Inc. Bid: | Alexandria, MN \$883,302.70 |
| Northern Improvement Company Bid: | Fargo, ND \$887,577.20 |

Contract for Mill and Overlay and Incidentals Improvement District No. 6098 Awarded to Aggregate Industries in the Amount of \$797,578.70:

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 Mill and Overlay and Incidentals Improvement District No. 6098; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 25, 2012 for Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Mill and Overlay and Incidentals Improvement District No. 6098 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$797,578.70 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 Aggregate Industries in the sum of \$797,578.70 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$797,578.70, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Williams, Wimmer, Piepkorn and Walaker voted aye.

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

Time Extension for Improvement District No. 5945-03 Approved:

Commissioner Mahoney moved approval of a Time Extension to Master Construction for Improvement District No. 5945-03, making the substantial completion date April 27, 2012 and forgiveness of \$2,000 in liquidated damages that resulted from the City requested delay of the contract.

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

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

Change Order No. 1 for Improvement District No. 5958-02 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$52,788.30 for Improvement District No. 5958-02.

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

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

Final Balancing Change Order No. 2 for Improvement District No. 5971 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 2 in the amount of \$140,907.73 for Improvement District No. 5971.

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

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

Mill and Overlay and Incidentals Improvement District No. 6097 (On 32nd Avenue North from Eagle Street North to 135' west of 9th Street North):

Commissioner Mahoney moved the following action be taken in connection with Mill and Overlay and Incidentals Improvement District No. 6097:

Adopt Resolution Creating Improvement District No. 6097:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6097 in the City of Fargo, North Dakota, be created

On 32nd Avenue North from Eagle Street North to 135' west of 9th Street North.

COMPRISING:

The following described land located in Township 140 N, Range 48 W:

The land in Section 19 bounded on the north by the Red River of the North or 37th Avenue North and on the west by 10th Street North.

All of the land in Section 20.

The land in Section 29 bounded on the east by the Red River of the North and on the south by Meadowlark Lane North or Park Lane North.

The land in Section 30 bounded on the south by 25th Avenue North and on the west by 9 1/2 Street North.

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

NOW, THEREFORE, BE IT RESOLVED, That Mill and Overlay and Incidentals Improvement District No. 6097 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. 6097:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6097 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 \$600,000.00.)

Order Plans and Specifications for Improvement District No. 6097:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6097 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6097:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6097 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. 6097 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 Mill and Overlay 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 Mill and Overlay and Incidentals Improvement District No. 6097 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 Mill and Overlay 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. 6097:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6097 in the City of Fargo, North Dakota.

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02 (Various Locations in North Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02:

Adopt Resolution Creating Improvement District No. 6101-02:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6101-02 in the City of Fargo, North Dakota, be created

On 4th Avenue North from 10th Street North to Robert's Street North.

On 7th Street North from 4th Avenue North to BNSF right-of-way to the north.

COMPRISING:

Lots A thru L excluding the north 50 feet of Lots A & I, inclusive, Block B.

Part of Block E starting at the north right-of-way line of 4th Avenue North, north approximately 293.83 feet.

All in Chapin, Johnson & Barrett Addition.

Lot 1, Block 1.

All in Christianson Addition.

Lots 2 thru 5, Block A.

All in Sheehan's Subdivision.

All of Block A.
Lots 6 thru 9, Block 10.
The south 20' of Lot 7 & all of Lots 8 & 9 including the west 1/2 of the adjacent vacated alley, Block 19.
Lots 3 thru 7, Block 20.
All in Robert's Second Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02 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. 6101-02:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6101-02 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,825,000.00.)

Order Plans and Specifications for Improvement District No. 6101-02:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6101-02 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6101-02:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6101-02 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. 6101-02 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 Reconstruction 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 Reconstruction and Incidentals Improvement District No. 6101-02 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 Water Main Replacement, Street Reconstruction 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. 6101-02:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6101-02 in the City of Fargo, North Dakota.

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

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

Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117:

Adopt Resolution Creating Improvement District No. 6117:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6117 in the City of Fargo, North Dakota, be created

On 14th Avenue South from University Drive South to a point located 190 feet west of 14 1/2 Street South.

On 14th Street South and 14 1/2 Street South from 13th Avenue South to 15th Avenue South.

COMPRISING:

Lots 11 through 13, Block 1

Lots 14 through 26, Block 2

Lots 1 through 24, and the west 50 feet of Lots 25 and 26, Block 3

Lots 1 through 13, Block 4

Lots 1 through 13, Block 11

Lots 1 through 26, Block 12

Lots 1 through 3, and Lots 14 through 26, Block 13

All in Morton & Doty's Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 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. 6117:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6117 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 \$200,000.00.)

Order Plans and Specifications for Improvement District No. 6117:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6117 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6117:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6117 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. 6117 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 Concrete Pavement 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 Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 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 Concrete Pavement Rehabilitation 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. 6117:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6117 in the City of Fargo, North Dakota.

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139:

Adopt Resolution Creating Improvement District No. 6139:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6139 in the City of Fargo, North Dakota, be created

On 6th Avenue South from 4th Street South to 7th Street South
On 5th Avenue South from 4th Street South to 9 1/2 Street South

COMPRISING:

Lots 1 through 4, Block 1
All in Island Park Addition.

Lots 7 through 12, Block 35
Lots 7 through 12, Block 36
Lots 7 through 12, Block 37
The north 80 feet of Block 43
Lots 1 through 3, Block 44
Island Park as dedicated
All in Northern Pacific Addition.

Lots 1 and 2
Lots 7 and 8
All in Tyler's Subdivision of Block 42 of Northern Pacific Addition.

The north 200 feet of Block H and Block T
Chas A Roberts Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139 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. 6139:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6139 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,576,870.00.)

Order Plans and Specifications for Improvement District No. 6139:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6139 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6139:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6139 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. 6139 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 Reconstruction 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 Reconstruction and Incidentals Improvement District No. 6139 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 a portion of said Water Main Replacement, Street Reconstruction and Incidentals improvement is to be paid from Street Sales Tax Funds and approximately 27% is to be assessed against the benefited property 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 Reconstruction 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. 6139:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6139 in the City of Fargo, North Dakota.

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

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

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6062 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Adelman Concrete and Excavating, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6062 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6062 Approved:

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

Ohio Farmers Insurance Company, in the amount of \$75,132.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6062 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries-MWR, Inc. for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069 Approved:

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

Western Surety Company, in the amount of \$404,430.11, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069 in the City of Fargo, North Dakota.

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

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

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6092 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Adelman Concrete and Excavating, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6092 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6092 Approved:

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

Ohio Farmers Insurance Company, in the amount of \$119,960.60, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6092 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Wearing Course and Incidentals Improvement District No. 6099 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries-MWR, Inc. for Asphalt Wearing Course and Incidentals Improvement District No. 6099 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Wearing Course and Incidentals Improvement District No. 6099 Approved:

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

Western Surety Company, in the amount of \$297,294.40, for Asphalt Wearing Course and Incidentals Improvement District No. 6099 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6100 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. 6100 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6100 Approved:

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

Western National Mutual Insurance Company, in the amount of \$627,055.00, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6100 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Wearing Course and Incidentals Improvement District No. 6102 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries-MWR, Inc. for Asphalt Wearing Course and Incidentals Improvement District No. 6102 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Wearing Course and Incidentals Improvement District No. 6102 Approved:

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

Western Surety Company, in the amount of \$206,304.75, for Asphalt Wearing Course and Incidentals Improvement District No. 6102 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6110 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. 6110 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6110 Approved:

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

Western National Mutual Insurance Company, in the amount of \$1,535,079.60, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6110 in the City of Fargo, North Dakota.

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

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

Second Reading and Final Adoption of an Ordinance Amending Sections 20-0501, 0502, 0503 and 0610 and Enacting Section 20-0508 of Articles 20-05 and 20-06 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Regarding Dimensional Standards and Subdivision Design and Improvements (River Setback Provisions):

Commissioner Williams moved that the proposed Ordinance amending Sections 20-0501, 0502, 0503 and 0610 and Enacting Section 20-0508 of Articles 20-05 and 20-06 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Regarding Dimensional Standards and Subdivision Design and Improvements (River Setback Provisions) which was placed on its first reading April 16, 2012 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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.

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

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

No Commissioner being absent and none voting nay, the Ordinance was duly passed and adopted.

Resolution Adopted Establishing the Truck Routes Within the City of Fargo as Shown on the Official Truck Route Map (Attachment "C"):

The Board received a communication from Assistant City Attorney Nancy Morris stating the resolution relates to the establishing of truck routes within the City of Fargo as shown on the Official Truck Route Map (Revised April 2012) which is attached to the Resolution.

Engineering Tech Supervisor Al Schumacher said in order to officially change the routes the City has to pass a Resolution. The map includes new streets that have been put in, he said, and the City may want to approve a new map on a yearly basis.

Commissioner Williams offered the following Resolution and moved its adoption:

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

WHEREAS, The electorate of the City of Fargo has adopted a Home Rule Charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by Ordinance; and

WHEREAS, Article 3(G) of the Home Rule Charter of the City of Fargo, North Dakota grants the City of Fargo power to provide for the adoption, amendment and repeal of Ordinances and Resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals and welfare, and penalties for a violation thereof; and

WHEREAS, The Board of City Commissioners, Fargo, North Dakota, pursuant to authority granted to it under Home Rule, has adopted and approved an Ordinance to establish such rules and regulations as are necessary to restrict truck and commercial vehicle traffic in the City of Fargo; and

WHEREAS, Section 8-0923 of the Fargo Municipal Code provides that the truck routes shall be established by Resolution of the Board of City Commissioners, after notice and hearing.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota:

Truck routes in the City of Fargo are established as shown on the Official Truck Route Map (Revised April 2012) attached hereto and incorporated herein.

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

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

Resolution Approving of the Issuance of University Facilities Revenue Refunding Bonds, Series 2012A (NDSU Development Foundation Project):

The Board received a communication from Finance Director Kent Costin stating a public hearing is required under existing bond regulations. The refinancing of the bonds is for interest savings, he said.

Jim Stewart, representing the NDSU Development Foundation, said the bond proceeds will be used to pay off the 2007 series of bonds which were used to finance Barry and Klai Hall.

Commissioner Wimmer moved the Resolution entitled "Resolution Approving of the Issuance of University Facilities Revenue Refunding Bonds, Series 2012A (NDSU Development Foundation Project) and referred to as Attachment "D", be adopted and attached hereto.

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

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

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, May 14, 2012.

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

The time at adjournment was 5:16 o'clock p.m.