



- g. Contract for employment agreement with Maria Sauvageau to be an Assistant Planner in the Planning and Development office.
- h. Request from First Link to hang banners in the Skyway from August 31 until September 17, 2012 to promote National Suicide Prevention Week.
- i. Agreement to Terminate Joint Powers Agreement (as Revised May 2005) and Second Amendment to Lease Agreement (as Revised May 2005) relating to the Housing and Redevelopment Authority High Rise radio and communications antenna and backup generator.
- j. Quitclaim Deed to Kemps, LLC for \$18,803.30 for property at 3rd Avenue North and 20th Street.
- k. Purchase of two articulating wheel loaders from Swanston Equipment for \$237,700.00.
- l. Bid award for the Central Garage fuel station replacement to O'Day Equipment, LLC for \$1,031,330.00.
- m. Application filed by Fargo-Moorhead Symphony Orchestra for a raffle on 6/6/12.
- n. Site Authorizations:
  - (1) North Dakota Association for The Disabled, Inc. at Bulldog Tap and O'Kellys.
  - (2) Northern Prairie Performing Arts at Old Broadway, the Windbreak Saloon and the Doublewood Inn.
  - (3) Team Makers Club, Inc. at the Fargodome, Lucky's 13 Pub and the Holiday Inn.
  - (4) The Arc Upper Valley, Inc. at JT Cigarros.
  - (5) American Gold Gymnastics, Inc. at The Box, Side Street Grille and Pub and Big D's Bar and Grill.
- o. Bid awards for the WWTP effluent pump station to PKG Contracting, Inc., in the amount of \$806,900.00 for General Construction and to JDP Electric, Inc., in the amount of \$132,200.00 for Electrical Construction (Project No. WW1103).
- p. Request of Cass Rural Water Users District for a 50% reduction in billing fees for lost water from 2/27/12 to 3/15/12.
- q. Reimbursement to the Fargo Park District for expenses in connection with restoration of the Rose Creek Golf Course tee box that was damaged by the installation of a permanent levee (Project No. 5958-02).
- r. Addition of a supernatant pump station and force main to Project No. WW1103.

- s. 3-year extension to the Household Hazardous Waste disposal contracts for Green Lights Recycling, Inc. and Clean Harbors Environmental Services, Inc.
- t. Change Order No. 1 for an increase of \$5,445.00 for Project No. WA1201.
- u. Resolution authorizing the City Engineer to execute partial releases of the drainage easement for land located in Sections 4, 5, 8 and 9 in Stanley Township (Attachment "A").
- v. Professional Services Agreement Amendment #1 for AE2S, for an increase of \$49,000.00, in connection with the City Wide 20 Year Capital Improvement Plan (Project No. 6075).
- w. Request for Proposals for engineering services to assist in the completion of the evaluation and certification of the City's existing levee systems that have been provisionally accredited by FEMA (Project No. 6153).
- x. Request for Proposals for engineering services to assist in the completion of a corridor study for the 4th Street Corridor from 13th Avenue South to 1st Avenue North (Project No. 6076-01).
- y. Bid advertisements for Project Nos. 5949-04, 6113-01 and 6113-03.
- z. Contracts and bonds for the football turf system replacement and the parking lot expansion project at the Fargodome.
- aa. Contract and bond for Project No. 5884.
- bb. Bills in the amount of \$3,960,152.83.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 5932 Approved:

Commissioner Wimmer moved approval of Final Balancing Change Order No. 1 for an increase in the amount of \$116,474.30 for Improvement District No. 5932.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 6001 Approved:

Commissioner Wimmer moved approval of Final Balancing Change Order No. 1 for an increase in the amount of \$13,144.06 for Improvement District No. 6001.

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

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

Change Order No. 1 for Improvement District No. 5729-02 Approved:

Commissioner Wimmer moved approval of Change Order No. 1 for an increase in the amount of \$9,000.00 for Improvement District No. 5729-02.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-01:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-01 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 9 and 16, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Wimmer 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. 6101-01.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-01:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 9, 2012 and the bids were found to be as follows:

Shermans, LLC Bid:	West Fargo, ND \$1,515,791.20
Master Construction Company, Inc. Bid:	Fargo, ND \$1,522,130.10
Dakota Underground Company Bid:	Fargo, ND \$1,538,875.40
Paras Contracting, Inc. Bid:	Fargo, ND \$1,557,212.15
George E. Haggart, Inc. Bid:	Fargo, ND \$1,597,926.48

Robert Gibb and Sons, Inc.  
Bid:

Fargo, ND  
\$1,908,591.00

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-01 Awarded to Shermans, LLC in the Amount of \$1,515,791.20:

Commissioner Wimmer 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. 6101-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 9, 2012 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-01 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. 6101-01 shows the bid of Shermans, LLC of Fargo, North Dakota, in the sum of \$1,515,791.20 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 Shermans, LLC in the sum of \$1,515,791.20 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. 6101-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Shermans, LLC for the sum of \$1,515,791.20, 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Wimmer, Piepkorn, Williams and Walaker voted aye.

Absent and not voting: Commissioner Mahoney.  
The Resolution was adopted.

Water Main, Storm Sewer and Incidentals Improvement District No. 6104 (19th Avenue North from 45th Street North to Interstate 29): Advertisement of Request for Proposals for Engineering Services Approved:

Commissioner Wimmer moved the following action be taken in connection with Water Main, Storm Sewer and Incidentals Improvement District No. 6104:

Adopt Resolution Creating Improvement District No. 6104:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6104 in the City of Fargo, North Dakota, be created

19th Avenue North from 45th Street North to Interstate 29.

COMPRISING:

All platted and unplatted lots located in the Southeast and Southwest quarters of Section 27, Township 140, Range 49.

Portions of all platted and unplatted lots in the Northeast and Northwest quarters of Section 34, Township 120, Range 49, bounded to the south by the railroad right of way, bounded to the north by 19th Avenue North, bounded to the west by 45th Street North, and bounded to the east by Interstate 29.

NOW, THEREFORE, BE IT RESOLVED, That Water Main, Storm Sewer and Incidentals Improvement District No. 6104 in the City of Fargo, North Dakota, be and the same is hereby created.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Commissioner Wimmer moved advertisement of Request for Proposals for engineering services be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Tree Planting and Incidentals Improvement District No. 6141 (Veterans Park First Addition):

Commissioner Wimmer moved the following action be taken in connection with Tree Planting and Incidentals Improvement District No. 6141:

Adopt Resolution Creating Improvement District No. 6141:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6141 in the City of Fargo, North Dakota, be created

Various parcels owned by the Fargo Park District which are all located within Veterans Park First Addition.

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 Tree Planting and Incidentals Improvement District No. 6141 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. 6141:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6141 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 \$61,280.00.)

Order Plans and Specifications for Improvement District No. 6141:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6141 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6141:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6141 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. 6141 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 Tree Planting 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 Tree Planting and Incidentals Improvement District No. 6141 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 Tree Planting 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. 6141:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6141 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

P.C. Concrete Pavement and Incidentals Improvement District No. 6142 (Dakota Drive from 19th Street North to 12th Avenue North):

Commissioner Wimmer moved the following action be taken in connection with P.C. Concrete Pavement and Incidentals Improvement District No. 6142:

Adopt Resolution Creating Improvement District No. 6142:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6142 in the City of Fargo, North Dakota, be created

On Dakota Drive from 12th Avenue North to 19th Street North.

COMPRISING:

Lots 7 through 21.

All in Great Northern 2nd Addition.

Lots 1 through 3, Block 1.

All in J.D. Dahle 2nd Subdivision.

Lots 3 through 5, Block 1.

All in Kapaun's Addition.

All of the foregoing 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. 6142 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. 6142:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6142 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 \$686,400.00.)

Order Plans and Specifications for Improvement District No. 6142:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6142 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6142:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6142 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. 6142 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. 6142 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 P.C. Concrete Pavement 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. 6142:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6142 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

(Commissioner Mahoney present.)

Study Findings for the 9th Street/Veterans Boulevard Corridor Study Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the 9th Street/Veterans Boulevard Corridor Study has

come to a close and PWPEC has accepted the findings and is now submitting the Study to the Board for final approval.

Fargo-Moorhead Metropolitan Council of Governments (Metro COG) Executive Director Wade Kline said the Study area covers the 9th Street/Veterans Boulevard corridor from 40th Avenue South and East, to County Road 20. He said relevant sections of the Study pertaining to the City of Fargo relate to the segment of Veterans Boulevard from I-94 to 40th Avenue South/East, which is a shared corridor with the City of West Fargo. The Study contains recommendations and an implementation plan for improvements along this stretch of Veterans Boulevard, he said, with the most immediate set of improvements involving the expansion of the corridor from 32nd Avenue South to 40th Avenue South to a five lane section of roadway starting as soon as 2012, with completion needed prior to the start of the 2013 academic year. He said there will be 50/50 cost share with West Fargo on various aspects of the projects and costs are estimated to be about \$17.3 million for the work on 40th Avenue South and the Veterans Boulevard project, with Fargo's share estimated at about \$10 million. He said with West Fargo's plans for new schools, the Costco facility and Sanford Health's planned medical center, it will all contribute to the growth and increased traffic flows in this area. He said in the long term, beyond 10 years, there will be a need to add capacity to Veterans Boulevard north of 32nd Avenue South to handle development. Following approval of the Study by both the City of Fargo and the City of West Fargo, an update of the current street agreement between the two cities will be required, he said.

In answer to a question from Commissioner Wimmer about the funding mechanisms, Traffic Engineer Jeremy Gorden said much of Fargo's share will likely come from special assessments to benefiting properties and sales tax.

Commissioner Piepkorn moved the Study Findings for the 9th Street/Veterans Boulevard Corridor Study be approved.

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

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

City Auditor's Office Directed to Publish Notice of Hearing on an Application Filed by Aghogho Brume Obebeduo d/b/a Go Cab Transportation Company for a Taxicab License: Commissioner Piepkorn Appointed to Serve on the Taxicab License Committee:

The Board received a communication from City Auditor Steve Sprague stating his office received an application from Aghogho Brume Obebeduo d/b/a Go Cab Transportation Company for a taxicab license. He stated in accordance with Article 25, Section 0403, Paragraph B of the Fargo Municipal Code, the application shall be submitted by the City Auditor to the Board of City Commissioners to appoint a member of the City Commission to serve on a committee with himself and Police Chief Ternes to examine the need for the license. He said the Ordinance calls for the City Auditor's office to publish notice at least 10 days in advance of the time and place for said Hearing, after which the committee would submit their recommendation to the Board.

Commissioner Wimmer moved that the City Auditor's Office be directed to publish a notice of hearing on the application and Commissioner Piepkorn be appointed to serve on the taxicab license committee.

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.

Hearing on the Erskine's Addition Historic Overlay District Continued to June 11, 2012:

This was the time and date set for a Hearing on the Erskine's Addition Historic Overlay District; however, the Planning Commission continued their hearing to June 5, 2012 and therefore, the City Commission will need to continue their Hearing to June 11, 2012.

Commissioner Wimmer moved the Hearing be continued to 5:15 o'clock p.m. on Monday, June 11, 2012.

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

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

Application Filed by CNH America, LLC for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by CNH America, LLC for a five-year property tax exemption for the expansion project at 3401 1st Avenue North where the applicant will manufacture component parts for tractors and wheel loaders.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

City Assessor Ben Hushka said the property tax exemption request is for a 20,000 square foot addition to the plant and would add a total of 48 jobs. He said the application lists 772 employees and should be corrected to read 939 current employees. He said an exemption was granted in 2008 for another expansion where they projected 250 new employees then the economy took a hit and subsequently 116 employees were laid off; however, the 116 were added back plus 267, therefore, the plant has 17 more employees than they had prior to that exemption and have met the goal. He said the Tax Exempt Review Committee reviewed the application and recommends approval of a five-year exemption.

Commissioner Wimmer moved that the application filed by CNH America, LLC for a five-year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved.

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 Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, May 29, 2012.

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

The time at adjournment was 5:25 o'clock p.m.