

- g. Bid award for six bus shelters with benches and two solar-powered lighting packages to Columbia Equipment in the amount of \$32,190.00.
- h. Purchase of a salt brine production and blending system from BrineXtreme for \$115,841.00.
- i. Site Authorizations for Games of Chance:
 - (1) Red River Human Services Foundation at The Fargo Elks and The Northern.
 - (2) VFW Club of Fargo Post 762 at the VFW Club Post 762 and Rick's Bar.
 - (3) Special Olympics North Dakota at R. D. Offutt Company and Rooters Bar, Inc.
 - (4) Boys & Girls Club of the Red River Valley (dba Youth Commission) at Borrowed Bucks, The Bar and Slammers/Red River Lanes.
- j. Applications for Games of Chance:
 - (1) El Zagal Shrine Provost for a Sports Pool from 9/9/12 to 12/30/12.
 - (2) Kringen Club, Inc. for bingo from 7/1/12 to 6/30/13.
 - (3) Ronald McDonald House Charities of the Red River Valley for a raffle on 7/13/12.
- k. Request for an extension of the noise Ordinance until 12:00 midnight for fireworks at the Redhawks games on June 29, July 7, August 3 and August 31, 2012.
- l. Request for an extension of the noise ordinance until 11:00 p.m. on June 21, 2012 for an outdoor event at Big D's Bar and Grill.
- m. Purchase Agreements for temporary and permanent easements:
 - (1) David and Jolette Olig (Project No. 5949).
 - (2) Robert J. Shook and Susan K. Shook, Trustee of the Robert J. Shook and Susan K. Shook Revocable Living Trust (Project No. 5949-3).
- n. Professional Services Agreement Amendment #1 with SRF Consulting Group in the amount of \$2,500.00 for Project No. 5933.
- o. Consultant Services Amendment #12 with Houston Engineering in the amount of \$49,500.00 for Project No. 5031-02 (moved to the Regular Agenda).
- p. Contract time extension for Project No. 5951-02 to 7/20/12.
- q. Bid awards for Project Nos. 6107 to Adelman Concrete and Excavating in the amount of \$353,500.00; 6108 to Adelman Concrete and Excavating in the amount of \$320,017.50; 6113-01 to Fritz Electric in the amount of \$57,452.00; 6113-03 to Strata Corporation in the amount of \$67,136.92; and 6118 to H & S Contracting in the amount of \$97,154.05.
- r. Bid advertisement for Project No. 6115.

- s. Contract and bond for Project No. 6119.
- t. Bills in the amount of \$5,052,657.05.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 7 and 14, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 6, 2012 and the bids were found to be as follows:

Dakota Underground Company	Fargo, ND
Bid:	\$1,548,678.45

Master Construction Company, Inc.	Fargo, ND
Bid:	\$1,720,183.55

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02 Awarded to Dakota Underground Company in the Amount of \$1,548,678.45:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 6, 2012 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6101-02 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. 6101-02 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,548,678.45 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Dakota Underground Company in the sum of \$1,548,678.45 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. 6101-02 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,548,678.45, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 7 and 14, 2012 and protests representing less than 2 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 Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Piepkorn, Williams and Walaker voted aye.

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

Bids Received for Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117:

The bids for Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 6, 2012 and the bids were found to be as follows:

Key Contracting Bid:	Fargo, ND \$156,228.00
Dakota Underground Company Bid:	Fargo, ND \$179,630.00
Opp Construction Bid:	Fargo, ND \$180,456.00

Master Construction Company, Inc.
Bid:

Fargo, ND
\$184,780.00

Diamond Surface, Inc.
Bid:

Rogers, MN
\$220,225.00

Contract for Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 Awarded to Key Contracting in the Amount of \$156,228.00:

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 Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 6, 2012 for Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 shows the bid of Key Contracting of Fargo, North Dakota, in the sum of \$156,228.00 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 Key Contracting in the sum of \$156,228.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Pavement Rehabilitation and Incidentals Improvement District No. 6117 in the City of Fargo, North Dakota, be and the same is hereby awarded to Key Contracting for the sum of \$156,228.00, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 7 and 14, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 6, 2012 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,341,334.95
George E. Haggart, Inc. Bid:	Fargo, ND \$1,456,332.25
Master Construction Company, Inc. Bid:	Fargo, ND \$1,489,147.00
Kindred Plumbing and Heating, Inc. Bid:	Kindred, ND \$1,598,189.70

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139 Awarded to Dakota Underground Company in the Amount of \$1,341,334.95:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 6, 2012 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6139 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. 6139 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,341,334.95 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 Dakota Underground Company in the sum of \$1,341,334.95 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. 6139 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,341,334.95, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6150 (Urban Plains):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6150:

Adopt Resolution Creating Improvement District No. 6150:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6150 in the City of Fargo, North Dakota, be created

On 28th Avenue South from the 4900 block of 28th Avenue South to 51st Street South.

On 51st Street South from 28th Avenue South to Amber Valley Parkway South.

COMPRISING

Lot 1, Block 1.

Located in Amber Valley Fourth Addition.

Lot 1 Block 2.

Lot 1, Block 5.

Located in Amber Valley Sixth Addition.

Lots 8 through 10, inclusive, Block 2.

Lot 1, Block 3.

All located in Urban Plains by Brandt First Addition.

Lots 1 through 3, inclusive, Block 1.

All located in Brandt Park Addition.

Lot 1, Block 2.

Located in Urban Plains Center Addition.

Lot 3, Block 1.

Located in Urban Plains Medical Park 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, Paving, Street Lights and Incidentals Improvement District

No. 6150 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. 6150:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6150 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 \$1,596,944.00.)

Order Plans and Specifications for Improvement District No. 6150:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6150 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6150:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6150 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. 6150 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. 6150 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. 6150:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6150 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6154 (Deer Creek):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6154:

Adopt Resolution Creating Improvement District No. 6154:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6154 in the City of Fargo, North Dakota, be created

56th Avenue South from Deer Creek Parkway to 67th Street South.
56th Avenue South from 58th Street to 60th Street South.
55th Avenue South from 58th Street to 59th Street South.
57th Avenue South from 58th Street to 61st Street South.
58th Street South from 55th Avenue to 57th Avenue South.
61st Street South from 65th Avenue to 57th Avenue South.

COMPRISING:

Lots 1 through 2, inclusive, Block 5
Lots 1 through 7, inclusive, Block 7
Lot 1, Block 8
Lots 1 through 23, inclusive, Block 9
Lots 1 through 12, inclusive, Block 10
Lots 33 through 70, inclusive, Block 11
Lots 1 through 17, inclusive, Block 12
Lots 9 through 35, inclusive, Block 15
Lots 1 through 16, inclusive, Block 16
Lots 21 through 27, inclusive, Block 17
All platted in Deer Creek 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. 6154 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. 6154:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6154 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 \$1,412,400.00.)

Order Plans and Specifications for Improvement District No. 6154:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6154 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6154:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6154 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. 6154 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. 6154:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6154 in the City of Fargo, North Dakota.

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

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

Update on the Fargo-Moorhead Sheltering Churches Project:

The Board received a communication from Senior Planner Dan Mahli stating this year from January through March; nine area churches setup emergency overflow shelters in their facilities for a week at a time and staffed the sites with volunteers. The homeless guests were screened by area shelters, he said, and transported to the church shelters for a nights rest. A total of 1,418 individuals; 1,320 men and 98 women, were provided with shelter for ninety-one nights, he said. Over 800 church volunteers contributed more than 7,000 hours to organize and operate the three-month program, he stated, with thousands of dollars in food and services being contributed by scores of individuals, organizations and community businesses. He

said the homeless situation in the community will be closely monitored during the summer months and if it appears that there will again be a need for overflow sheltering in the winter months, plans will be made in the early fall. Mr. Mahli stated hundreds of community volunteers and staff members from a wide variety of service organizations will be coming together in October to conduct half-hour interviews with homeless individuals that can be reached in Fargo and Moorhead. He said the data will be supplied to the Wilder Research Center in St. Paul which will then provide a lengthy report on the homeless in the communities with emphasis being placed on describing the homeless population and identifying some of the factors contributing to their homelessness. The individuals involved in the Project agree that the only way to prevent the need for an overflow sheltering program is permanent housing, he said, which is the overriding goal for activities and focus in the coming years.

Elim Lutheran Church Pastor Sue Koesterman said she would like to express her gratitude to all of the volunteers that helped make this project such a success. She said they do not know what the winter will hold, but will continue to keep the relationships built with the other churches open.

Application Filed by Aghogho Brume Obebeduo d/b/a Go Cab Transportation Company for a Taxicab License Approved:

The Board received a communication from City Auditor Steve Sprague stating the Taxi License Committee held a public hearing on Wednesday, May 30, 2012 on the application filed by Aghogho Brume Obebeduo d/b/a Go Cab Transportation Company for a taxicab license. Mr. Sprague submitted minutes of the hearing and copies of the police report and stated no serious concerns were raised in the police report or review of Mr. Obebeduo's personal financial status. He said the Taxi License Committee voted unanimously to recommend that the application be approved.

Commissioner Piepkorn moved the application be approved.

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

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

Chad Peterson and Michael Love Reappointed to the Board of Adjustment:

The Board received a communication from Mayor Walaker recommending that Chad Peterson and Michael Love be reappointed to the Board of Adjustment.

Commissioner Mahoney moved Chad Peterson and Michael Love be reappointed to the Board of Adjustment for three-year terms ending June 30, 2015.

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

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

Appointments to the Fargo Access Channel Board:

The Board received a communication from Mayor Walaker recommending that Barbara Spaeth Baum be reappointed and Syed Sajid Ahmad be appointed to the Fargo Access Channel Board.

Commissioner Mahoney moved Barbara Spaeth Baum be reappointed and Syed Sajid be appointed to the Fargo Access Channel Board for three-year term ending June 30, 2015.

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

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

Application Filed by TMI Hospitality, Inc. for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by TMI Hospitality, Inc. for a five-year property tax exemption for an expansion project at 4903 33rd Avenue South where the applicant will house the corporate headquarters of their hotel company.

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.

Commissioner Wimmer moved that the application filed by TMI Hospitality, Inc. for a five-year property tax exemption for the incremental difference in value of the new improvements at 4903 33rd Avenue South and the current locations of TMI Hospitality, Inc. be approved.

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.

Renaissance Zone Project for Mark Richman Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Mark Richman at 720 Main Avenue.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Mark Richman meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. He said the applicant is proposing to upgrade the exterior and interior space, and replace all electrical and mechanical systems to accommodate the rehabilitation of commercial office space at this location in downtown Fargo. Mr. Stein recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by Mark Richman for a project located at 720 Main Avenue be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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.

Renaissance Zone Project for Ryan Botner and Joshua Bach Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Ryan Botner and Joshua Bach for a business leasing property as part of a zone project at 34 North 4th Street, Suite 202.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone". He said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". He stated the Renaissance Zone Authority felt that lease projects such as the application from Ryan Botner and Joshua Bach would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. He said staff review found the applicant has met the aforementioned requirements. He said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Piepkorn moved the Renaissance Zone application filed by Ryan Botner and Joshua Bach for a lease project located at 34 North 4th Street, Suite 202 be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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.

Renaissance Zone Project for Richard Coursey, Jr. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Richard Coursey, Jr. at 300 Broadway, #306.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Richard Coursey, Jr. meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by Richard Coursey, Jr. for a project located at 300 Broadway, #306 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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.

Request for the Establishment of the Erskine's Addition Historic Overlay District Approved:

A Hearing had been held by the Fargo Planning Commission on June 5, 2012 for the purpose of considering a request for the establishment of the Erskine's Addition Historic Overlay District on properties located south of 10th Avenue South, west of 5th Street South, north of 13th Avenue South and east of University Drive South, but excluding 1117 and 1155 13th Avenue South, and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

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.

At the May 14, 2012 meeting, the Hearing was continued to this day and hour.

Senior Planner Jim Hinderaker gave a history of the proposed historic overlay district. He said there has been a valid protest presented and in order for the overlay to be approved, it will require a super majority vote by the Commission. There are approximately 41 acres in the proposed overlay, he said, with 44.34% of those properties in support of the proposal and 21.5% in opposition; the threshold for opposition is 20%. The major issue, he said, seemed to be with the boundaries of the overlay and the Historic Preservation Commission (HPC) was very supportive of having the boundaries go all the way to University; however, staff had a different opinion about the boundaries and is recommending something that deviates from what HPC recommended and what the Planning Commission approved.

In response to a question from Commissioner Williams wondering whether or not this overlay will hinder any multi-use or commercial type development that helps make a neighborhood more vibrant, Mr. Hinderaker said in his opinion, the overlay has the potential of limiting development that would accommodate more mixed use development. He said he is not opposed to the overlay itself, he just thinks that the boundary that is being proposed is too far to the west.

Steven Stremick, 1155 13th Avenue South, said he agrees with staff's recommendation and the reason being is for future development. Mr. Stremick said when he purchased his property and remodeled, his goal was to keep it affordable; however, with thirty pages of standards that would have to be met with the proposed historic overlay that would be very difficult to do.

In response to a question from Commissioner Piepkorn as to what the difference is with Option 2 and Option 3, Mr. Hinderaker said Option 3 is the original staff recommendation that was made to the Planning Commission. He said at the first and second hearings the Planning Commission felt that it was a little too jagged and wanted to see something with more of a clean line delineation, so at the last meeting Planning staff brought Option 2 back to the Planning Commission as a possibility. The Planning Commission did consider Option 2, he said, but they did not recommend this option.

Tom Vesel, 1203 7th Street South, said he was one of the first people that questioned the proposed overlay and he and other opponents believe that it is wrong for many reasons. He said one of the primary reasons that he and others are

opposing the overlay is because of the nature of government itself. If the Commission believes that representative government is here to create solutions to specific problems, he said, he has to ask, what the residents of Erskine's Addition have done that is so wrong that the City is willing to impose 6 additional pages of zoning restrictions on construction? He said it has been suggested that this overlay is like a restrictive covenant, however, with a restrictive covenant a property owner knows going in that these rules apply and buys the property with that full understanding. Putting these rules in place after residents have lived in this neighborhood is not a restrictive covenant, he said. Another issue they have with the overlay, he said, is that the support is not universal with 7th, 8th and 9th Streets and, there is opposition within that area as well.

Commissioner Williams said he believes in Historical Overlays, however, he wonders if the City is getting into something that may hamper some of the City's long term goals.

David Shultz, Chair of the Historic Preservation Commission, said this project has been a long time in the works, over three years, with support from the neighborhood. He said property values are enhanced with Historic Overlay districts and the HPC believes that the value of the neighborhood is the diversity and uniqueness of the properties. He said two things that the HPC focused on in Erskine's is to move to a uniform standard that can be applied in other districts and HPC came to the conclusion that these blocks need to be looked at as original developments. HPC's recommendation, he said, is to apply the overlay to the whole development so that there is more uniformity in the development.

At 6:10 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Andrew Nielsen, Historic Preservation Commissioner, said if individuals looked at the whole document they would know that it is not as restrictive as some individuals are stating. He said part of the writing of the language was to make the overlay applicable to other neighborhoods.

Natasha Neihert, 1102 9th Street South; Linda Dregseth, 1205 7th Street South; Steve Zieser, Fargo resident and Polly Wendelbo, 1118 6th Street South all spoke in support of the proposed Erskine's Addition Historical Overlay.

Lenora Halverson, Fargo resident, said she is adamantly opposed to this request as she does not see anything good that will come from this. She said she was only made aware of this in November of 2011 when discussions have been going on for four years and feels that City codes are enough.

Commissioner Wimmer moved the request for the establishment of the Erskine's Addition Historic Overlay District, as presented in Option #4, be approved.

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

Commissioners Williams and Piepkorn voted nay.

The motion died for a lack of a majority.

Commissioner Wimmer moved the request for the establishment of the Erskine's Addition Historic Overlay District, as presented in Options #2 and #3, be approved.

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

Commissioners Piepkorn and Williams voted nay.

The motion died for a lack of a majority.

Commissioner Piepkorn moved the request for the establishment of the Erskine's Addition Historic Overlay District, as presented in Option #2, 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.

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

After recess: All Commissioners present. Mayor Walaker presiding.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Erskine's Addition to the City of Fargo – Historic Overlay District:

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 Erskine's Addition to the City of Fargo – Historic Overlay District be placed on first reading.

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.

Special Assessment Lists for Various Improvement Districts Approved:

A Hearing had been set for this day and hour on the special assessment lists for the construction of the following Improvement Districts in the City of Fargo, North Dakota, on which special assessment lists Hearings had been held by the Special Assessment Commission after which they had been confirmed and filed with the Board of City Commissioners:

Water Main Replacement, Street Reconstruction and Incidentals No. 5727.

Water Main Replacement, Street Reconstruction and Incidentals No. 5805.

Water Main Replacement, Street Reconstruction and Incidentals No. 5806.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5821.

Sanitary Sewer, Water Main Storm Sewer and Incidentals No. 5822.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals No. 5823.

Pedestrian Bridge, Drain 27 Osgood Shared Use Path and Incidentals No. 5838.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. 5878.

Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals No. 5905.

Water Main Replacement, Street Reconstruction and Incidentals No. 5914.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5931.

P.C. Concrete Pavement and Incidentals No. 5938.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 5942.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5955.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5964.

P.C. Concrete Alley Paving and Incidentals No. 5972.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 5985.

Mill and Overlay and Incidentals No. 5987.

Asphalt Wearing Course and Incidentals No. 5988.

Seal Coat and Incidentals No. 5989.

Water Main Replacement and Incidentals No. 5993.

2011 New Construction City Ordered Sidewalks and Incidentals No. 6007.

2011 Reconstruction City Ordered Sidewalks and Incidentals No. 6008.

P.C. Concrete Alley Paving and Incidentals No. 6022.

P.C. Concrete Alley Paving and Incidentals No. 6033.

P.C. Concrete Alley Paving and Incidentals No. 6037.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6057.

Mayor Walaker stated Improvement District No. 5806 needs to be pulled from the list and considered separately, and Improvement District No. 5905 has been pulled from the list by the Engineering Department for consideration at a later date.

No appeals have been filed in writing against any item appearing on such special assessment lists and no person is present at this Hearing to appeal or offer any objection thereto with the exception of Improvement District No. 5806.

Commissioner Piepkorn moved that the special assessment lists for the construction of the above listed Improvement Districts except for Improvement District Nos. 5806 and 5905 be and the same are 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 Williams. On call of the roll Commissioners Piepkorn, Williams, Wimmer, Mahoney and Walaker voted aye.

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

Special Assessment List for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 Referred to the Special Assessment Commission:

A Hearing had been set for this day and hour on the special assessment list for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 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.

Chuck Hoge, representing the Fargo Country Club, provided a handout to the Commission. He said the Fargo Country Club has 3 parcels of property; one being

for the maintenance area, the other is the golf course and lastly is the clubhouse and pro shop area. He said the Fargo Country Club did appeal this assessment to the Special Assessment Commission and were advised that this area of land was treated similarly to other properties like Lindenwood Park. However, he said, Lindenwood Park was based upon frontage only. Mr. Hoge said there are a lot of issues here and as a club they feel this assessment is quite high.

Special Assessments Coordinator Dan Eberhardt said this assessment was looked at in great detail as there are three large tracts of land associated with this assessment. He said the golf course land itself is buildable, which was calculated to be 1.2 million square feet if brought to elevation. Then, he said, staff took the footprint of the Fargo Country Club's levee and did some computations and again took out the Fargo Country Club's floodway and what was calculated in the end was 35,000 square feet. As it compares to the Park, he said, the same was done with Lindenwood; however, at the Fargo Country Club there are three distinct, large tracts of land that are being calculated. He said if just the golf course land was being calculated at straight square footage, which is buildable, the cost would have been \$120,000 twice due to the two arterials; therefore, the Commission felt they were doing the best and giving them the most.

Director of Engineering Mark Bittner suggested the new setback requirements be looked at to determine if those would impact the area that the City believes is buildable.

Commissioner Piepkorn moved that the Special Assessment List for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 be referred back to the Special Assessment Commission.

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

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

Draft Renaissance Zone Lease Project Policy Received and Filed: Appropriate Staff Directed to Publish a Notice of Hearing on the Proposed Amendment:

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Authority has been considering issues that relate to lease projects in the Fargo Renaissance Zone. He said there was a concern that the current state law and local policy could allow a lease applicant to receive Renaissance Zone lease project benefits that were not commensurate with the level of investment or commitment by the applicant. Such a project, he said, could comply with all existing state and local laws and policies but still not meet the intent of the program and it was felt that a cap on lease benefits would remedy this potential problem. This action would represent an amendment to the Fargo Renaissance Zone Development Plan and would require a public hearing for adoption, he said. He said the Renaissance Zone Authority is recommending the following amendments to the Fargo Renaissance Zone Development Plan:

- (1) The aggregate lease benefits for each lease project parcel may not exceed a level that is 40% of the investment in project construction or rehabilitation made by the property owner.

- (2) Aggregate lease benefits for this policy would be calculated using the total estimated state income tax exemption over five years that is provided to each lease project applicant.
- (3) Investment for this policy would be calculated using the current assessed value of the building plus the total investment in project construction or rehabilitation made by the property owner.
- (4) Other factors to be evaluated if an exemption were to be requested could include: jobs created, a major civic component included in the project, positive economic impact to the community such as primary sector business and overall community benefit that exceeds the value of the benefit.

Commissioner Wimmer moved the draft Renaissance Zone Lease Project Policy be received and file, and appropriate staff be directed to publish a notice of hearing on the proposed amendment.

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.

Revised Agreement with the Fargo Public School District for School Resource Officers Approved:

The Board received a communication from Chief of Police Keith Ternes stating the primary revision to the agreement intends to reflect a more accurate accounting of the expenses associated with having School Resource Officers (SRO's) assigned to the School Districts Senior High and Middle Schools. He said currently the expenses associated with the SRO's are shared equally between the City of Fargo and the School District. Since the officer's assigned as SRO's are generally not new or entry level police officers, but instead are usually experienced officers who are at or near the mid-point of the police officer pay scale, he said, it would seem appropriate to calculate the total cost of the SRO's positions by using the mid-point salary and benefit figures to determine the total amount to be shared. If the agreement is approved, the increase to the School District would be \$25,725.00, he said.

Commissioner Wimmer moved the revised agreement with the Fargo Public School District for School Resource Officers be approved.

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.

City Attorney Directed to Draft Revisions to the Panhandling Ordinance:

The Board received a communication from Police Chief Keith Ternes stating the Police Department has received an increasing number of complaints regarding persons "panhandling" throughout the City. He said in some cases the complaints involve specific violations of the current panhandling ordinance and were responded to accordingly; however, many complaints are from citizens, business owners and others who have observed what they describe as an ever-increasing number of panhandlers standing on street corners, roadway medians or along the most heavily travelled streets and avenues within the City, holding signs that solicit or otherwise

beg for financial assistance from motorists or others who are passing by. He said although some complainants might expect enforcement action to deal with those holding signs and panhandling, as a general rule, the persons engaged in this activity are acting lawfully and therefore no enforcement action is warranted. In most instances, he said, the persons engaged in the "sign-holding" solicitation are passive in their activity and do not aggressively make an overture towards those driving or walking by, other than displaying a message on a sign that asks for money or some other form of assistance. However, he said, the Police Department has received complaints from individuals who claim they have been approached or otherwise intimidated into giving a donation. He said while current provisions relative to panhandling are generally effective, there are revisions worth considering. He said panhandling should be prohibited from occurring within residentially-zoned areas of the City and close proximity (i.e. within twenty feet) of any roadway intersection, crosswalk or bus stop. Restricting panhandling from occurring near these locations ensures pedestrians are not approached or impeded by those who are engaged in panhandling, he said, and ensures that sight-lines and visibility for those operating a motor vehicle are not unnecessarily obstructed. Also, he stated, in the interest of safety, panhandling should be prohibited from occurring on or within the confines of any roadway within the City, to include, any median or traffic barrier that separates motor vehicle traffic. He said the City's interest in regulating panhandling must maintain an appropriate balance of safety against the rights and interests of those who engage in this activity. He said the revisions will mitigate complaints brought to the attention of the Police Department by those concerned with the panhandling activity.

Commissioner Wimmer moved the City Attorney be directed to draft revisions to the City's existing Panhandling Ordinance.

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.

Setback Waiver Request for Property at 4385 66th Street South Approved Contingent Upon a Favorable Geotechnical Report:

The Board received a communication from Division Engineer – Storm Sewer Utilities Nathan Boerboom stating the Engineering Department met with Richard Schmit to discuss the setback waiver request he submitted for property at 4385 66th Street South. He said a drawing supplied by Mr. Schmit indicates the distance that the structure will be from the center of the Sheyenne River will be approximately 250 feet. Final grading around the structure will result in a disturbance that will be around 215 feet from the center of the river, he said, and at the highest point, the final grading will increase the lot elevation by 2 feet. He said Mr. Schmit indicated that at no time will any disturbances take place within the minimum disturbance zone (MDZS); with the closest any disturbance will get to the MDZS as shown on the drawing is 30 feet. Mr. Schmit is currently working with a geotechnical engineer to complete the necessary analysis of the property, he said. He stated no disturbance will occur within the MDZS and there will be minimal fill placed within the limited disturbance zone (LDZS) staff would recommend the issuance of a building permit for

the construction of the structure, contingent upon a favorable geotechnical report stating the long term stability of the structure will be met for this property.

Commissioner Piepkorn moved the setback waiver request for property at 4385 66th Street South be approved, contingent upon a favorable geotechnical report.

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

Commissioner Williams voted nay.

The motion was declared carried.

No Action Taken Regarding the Setback Waiver Request Submitted by Norberg Transfers, LLC for Property at 4375 66th Street South:

The Board received a communication from Division Engineer Nathan Boerboom stating the Engineering Department met with Jon Norberg to discuss the setback waiver request for his property at 4375 66th Street South. He said Mr. Norberg indicated he will not be the builder and his concerns are for the proposed improvements that his potential buyer may desire for this property. He said no drawings of the proposed improvements were available at the time of the meeting and staff communicated to Mr. Norberg the concerns with construction at this property are related to long term geotechnical stability and disturbances that would occur in the minimum disturbance zone (MDZS). Mr. Norberg was going to convey the concerns to the potential buyers, he said, and develop a plan showing where the proposed structures would be located, along with locations of any disturbances on the property. He said he anticipates that Mr. Norberg will have additional information for staff to review in upcoming months and at that point, staff will make a recommendation on how to proceed with this waiver request.

No action was taken on this item.

Item No. 11 Delayed Until June 25, 2012:

Item No. 3 (Library trends update by Library Director Tim Dirks) was delayed until June 25, 2012.

Consultant Services Amendment #12 for Project No. 5031-02 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed a communication from City Engineer April Walker relating to the development of a plan to provide certifiable protection to the City based on the preliminary floodplain. She said to complete the work an existing contract with Houston Engineering was expanded adding \$49,500.00 to the task. The City has received the report related to this work, she said, and has been using the information created by the task to make informed decisions regarding future mitigation projects and financing needs as well as providing guidance to property owners who are in the process of platting and/or developing.

Commissioner Piepkorn moved the Consultant Services Amendment #12 with Houston Engineering in the amount of \$49,500.00 for Project No. 5031-02 be approved.

Second by Williams. On call of the roll Commissioners Piepkorn, Williams, Wimmer, Mahoney 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, June 25, 2012.

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

The time at adjournment was 7:53 o'clock p.m.