



- d. Elimination of credit card processing fees charged on parking ticket payments.
- e. Budget adjustment in the amount of \$19,814.00 and grant award amendment with the North Dakota Department of Health for Public Health Emergency Preparedness and Response, County Allocation (CFDA #93.069).
- f. Grant Award from the North Dakota Department of Health for Public Health Emergency Preparedness and Response for the All-Hazards Allocation for local public health (CFDA #93.889).
- g. Contracts with the North Dakota Department of Health:
  - (1) Title V Maternal and Child Health Block Grant (CFDA #93.994).
  - (2) Title X Family Planning Program (CFDA #FP93.217).
- h. Request from NDSU for noise extensions until midnight on July 25, 2012 for NDSU outdoor movie night, August 20, 2012 for the NDSU Street Dance and August 24, 2012 for NDSU outdoor movie night.
- i. Request from Old Broadway Corporation for extension of the noise ordinance until 11:00 p.m. on July 19 and July 20, 2012 for outdoor music in the Old Broadway parking lot.
- j. Application filed by C. Gregg and Laurie Thielman for a five-year tax exemption for improvements made to a building at 1258 2nd Street North.
- k. Proposal from IdeaOne for SIP trunks; and proposal from High Point Networks for the Shore Tel IP Telephony solution.
- l. Sole source procurement of Heyer Engineering, in the amount of \$9,500.00, for completion of an engineering study and development of bid specifications for maintenance of the Island Park Ramp.
- m. Listing of Neighborhood Stabilization Program properties for sale at 714 10th Avenue North for \$144,900.00 and at 1430 10th Street South for \$149,900.00.
- n. Report regarding term limits for Boards and Commissions.
- o. Extension of unpaid leave for Pam Nygaard, Office Associate III in Engineering, through October 4, 2012.
- p. Applications for Games of Chance:
  - (1) Riverview Place for a raffle on 10/14/12.
  - (2) Nativity Church of Fargo for a raffle on 11/4/12.
- q. Neighborhood Revitalization Initiative partnership with River Keepers and AmeriCorps to permit members to stay at property located at 1514 1st Avenue North and complete housing rehabilitation and other service activities in Fargo.

- r. Task Order with Wenck Associates, Inc., in the amount of \$29,670.00, to complete an avian point count survey at the Fargo Landfill.
- s. Task Order with Wenck Associates, Inc., in the amount of \$129,800.00, for completion of a Facility Plan for the Fargo Landfill.
- t. Sole source procurement of three sludge pumps for the Wastewater Treatment Plant from Carter Pump in the amount of \$82,000.00.
- u. Change Order No. 1 for Sun Electric, in the amount of \$29,475.00, for the electrical contract for Project WA0901.
- v. Encroachment for parking lot expansion at Agassiz School, provided the expansion meets the provisions of the Land Development Code and that a landscape buffer is provided.
- w. Encroachment Agreement into City right-of-way by BMI to install a storm water retention pond and associated storm sewer which is across the street from 2021 Dakota Drive.
- x. Installation of bird netting in the 500 block of the 10th Street Underpass by IBI for \$34,669.00.
- y. Bid awards for Project Nos. 5747-29 to H and S Contracting in the amount of \$232,163.70 and 6042-01 to Midwest Landscaping in the amount of \$75,756.00.
- z. Bid advertisement for Project No. 6148.
- aa. Contracts and bonds for Project Nos. 5949-04, 6107 and 6118.
- bb. Bills in the amount of \$5,012,131.00.

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

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

Payment of \$20,200.00 for Emergency Sewer Service Repair for Improvement District No. 5699-01 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating during installation of the water main under Improvement District No. 5699-01 the existing sewer service was severed. They said the sewer service used by the Curling Club is generally not in use at this time of the year; therefore, no backup was detected until the paving was reinstalled and open to traffic. Staff identified a new point to reconnect the sewer, they said, and contacted Randall's Excavating for a quote which was \$20,200.00. They said a second contractor was contacted for a quote, however, due to their workload they contacted Randall's

Excavating in an attempt to sublet the work. Randall's was determined to be the best quote, they said, and due to the immediate nature the work was authorized to proceed by the City Engineer.

Commissioner Sobolik moved payment of \$20,200.00 to Randall's Excavating for emergency sewer service repair for Improvement District No. 5699-01 be approved.

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 4 and 11, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 3, 2012 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$2,869,782.89
Dakota Underground Company Bid:	Fargo, ND \$3,115,744.58
Northern Improvement Company Bid:	Fargo, ND \$3,199,475.77
United Crane and Excavation, Inc. Bid:	Grand Forks, ND \$3,219,047.72
Sellin Brothers, Inc. Bid:	Hawley, MN \$3,475,865.36

S.J. Louis Construction, Inc. Waite Park, MN  
Bid: \$3,530,540.60

Carstensen Contracting, Inc. Pipestone, MN  
Bid: \$3,597,119.69

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 Awarded to Master Construction Company, Inc. in the Amount of \$2,869,782.89:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 3, 2012 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$2,869,782.89 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 Master Construction Company, Inc. in the sum of \$2,869,782.89 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$2,869,782.89, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams, Wimmer and Walaker voted aye.

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

Final Balancing Change Order for Improvement District No. 5945-03 Approved:

Commissioner Sobolik moved approval of Final Balancing Change Order in the amount of \$70.25 for Improvement District No. 5945-03.

Second by Mahoney. On call of the roll Commissioners Sobolik, Mahoney, Williams, Wimmer 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. 6098 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 in the amount of \$30,197.50 for Improvement District No. 6098.

Second by Mahoney. On call of the roll Commissioners Sobolik, Mahoney, Williams, Wimmer 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. 6110 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 in the amount of \$13,763.10 for Improvement District No. 6110.

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

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

Street Lighting Improvement District No. 6159 (Various Locations in South Fargo):

Commissioner Sobolik moved the following action be taken in connection with Street Lighting Improvement District No. 6159:

Adopt Resolution Creating Improvement District No. 6159:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6159 in the City of Fargo, North Dakota, be created

51st Avenue South – Veterans Boulevard to 53rd Street

51st Avenue South – 53rd Street going east +/- 750'

53rd Street – 50th Avenue South to 52nd Avenue South

53rd Avenue South – Veterans Boulevard to 52nd Avenue South

COMPRISING:

Lots 1 through 11, inclusive, Block 1.

Lots 1 through 5, inclusive, Block 2.

All in Rocking Horse East 1st Subdivision.

Lot 59, inclusive, Block 5.

All in Veterans Park 1st Addition.

Lot 3, inclusive, Block 6.

All in South Forty at Osgood 2nd Addition.

Lots 1 through 13, inclusive, Block 1.

All in Commerce on 52nd First Addition.

Lots 1 through 4, inclusive, Block 1.

All in Dakota Plaza Addition.

Lots 2 through 8, inclusive, Block 1.

Lots 1 through 3, inclusive, Block 2.

All in Austin's Subdivision.

Lots 1 and 2, inclusive, Block 1.  
All in L,L & L Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Street Lighting Improvement District No. 6159 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. 6159:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6159 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 \$174,571.32.)

Order Plans and Specifications for Improvement District No. 6159:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6159 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6159:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6159 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. 6159 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 Street Lighting 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 Street Lighting Improvement District No. 6159 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 Street Lighting 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. 6159:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6159 in the City of Fargo, North Dakota.

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

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

Contract for Street Rehabilitation and Incidentals Improvement District No. 5699-02 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Key Contracting, Inc. for Street Rehabilitation and Incidentals Improvement District No. 5699-02 in the City of Fargo, North Dakota.

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

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

Contract Bond for Street Rehabilitation and Incidentals Improvement District No. 5699-02 Approved:

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

Western Surety Company, in the amount of \$131,784.90, for Street Rehabilitation and Incidentals Improvement District No. 5699-02 in the City of Fargo, North Dakota.

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

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

Contract for Mill and Overlay and Incidentals Improvement District No. 6097 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Northern Improvement Company for Mill and Overlay and Incidentals Improvement District No. 6097 in the City of Fargo, North Dakota.

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

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



Contract Bond for Mill and Overlay and Incidentals Improvement District No. 6097Approved:

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

Western Surety Company, in the amount of \$456,637.60, for Mill and Overlay and Incidentals Improvement District No. 6097 in the City of Fargo, North Dakota.

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

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

Contract for P.C. Concrete Pavement and Incidentals Improvement District No. 6142Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Northern Improvement Company for P.C. Concrete Pavement and Incidentals Improvement District No. 6142 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Pavement and Incidentals Improvement District No. 6142 Approved:

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

Western Surety Company, in the amount of \$544,137.85, for P.C. Concrete Pavement and Incidentals Improvement District No. 6142 in the City of Fargo, North Dakota.

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

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

Commissioner Mahoney Appointed Deputy Mayor:

The Board received a communication from Mayor Walaker recommending that Commissioner Mahoney be appointed Deputy Mayor.

Commissioner Williams moved Commissioner Mahoney be appointed Deputy Mayor.

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

Commissioner Mahoney abstained from voting.

The motion was declared carried.

Liaison Commissioner Assignments Approved:

The Board received a communication from Mayor Walaker submitting the following recommendations for Liaison Commissioner assignments:

Mahoney

Departments: Health, Police  
 Committees: MetroCOG, GFMEDC, Community Development  
 Board Liaison: Board of Health

Sobolik

Departments: Planning  
 Committees: MetroCOG, Cass County Planning, Community Development,  
 Metro Area Transit Coordinating Board, Renaissance Zone  
 Board Liaison: Board of Adjustment, Historic Preservation, Housing Authority,  
 Human Relations, Native American, Planning

Walaker

Departments: Engineering, Enterprise, Operations, City Commission, Human  
 Resources  
 Committees: GFMEDC, Finance, Liquor Control, Position Evaluation, Tax  
 Exempt Review, Utility, Vector Control  
 Board Liaison: Airport Authority, Dome Authority, Special Assessment

Williams

Departments: Fire, Information Services  
 Committees: MetroCOG, Cable Review, Metro Area Transit Coordinating  
 Board, Parking, Renewable Energy and Conservation, Traffic  
 Tech, Utility  
 Board Liaison: Library, Auditorium

Wimmer

Departments: Finance  
 Committees: MetroCOG, Finance, Liquor Control, Position Evaluation,  
 Renaissance Zone, Tax Exempt Review  
 Board Liaison: Civil Service, Housing Authority

Commissioner Williams moved the recommendations submitted by Mayor Walaker be approved as outlined above.

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

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

Resolution Adopting Rules and Regulations Relative to the Operation of the Agenda and Conduct of City Commission Meetings:

The Board received a communication from Executive Assistant Sharon Odegard submitting a copy of a Resolution adopting rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings.

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, It is desirable that the transaction of City business be done in an orderly fashion; and

WHEREAS, The Board of City Commissioners of the City of Fargo deems it desirable and necessary to promulgate rules and regulations for the guidance of commissioners and citizens.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Fargo that the following rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings IS HEREBY ADOPTED, superseding any and all former rules and regulations which have been adopted:

I. AGENDA

- A. There shall be one agenda prepared for each meeting.
- B. Any City Commissioner, City employee or citizen of the City may place an item or issue on the agenda.
- C. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- D. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- E. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public records of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- F. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there, or by his or her duly and properly authorized agent.
- G. Any items or issues which have not qualified for the regular agenda under the rules as stated above, or any new and timely issues which arise after preparation of the regular agenda may, with the consent of a majority of the City Commissioners who are present and voting, be considered as an extra item.
- H. Ordinances shall be sponsored by a member of the Board of City Commissioners or the City Commission as a whole. Any citizen or City employee desiring any ordinance change shall submit such request to a member of the Board of City Commissioners or to the Commission as a

whole. No ordinances shall be drafted by the City Attorney, except upon request of a member of the Board of City Commissioners or by the City Commission as a whole.

- I. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
  1. Consent agenda at the beginning of the agenda. The consent agenda shall be non-controversial routine items as may be determined by the Executive Assistant.
  2. Non-consent agenda at the end of the agenda. Non-consent items shall be as determined by the Executive Assistant.
- J. The calling and conduct of special meetings shall be in accordance with ordinances of the City of Fargo and laws of the State of North Dakota.

## II. RULES GOVERNING CONDUCT OF CITY COMMISSION MEETINGS

- A. Meetings shall be conducted in accordance with Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
- B. At each regular meeting, the first item of business shall be the consideration and approval of the agenda, including the deletion of any item which the Commission deems to be frivolous or repetitious and the addition of requested extra items.
- C. The Mayor or other presiding Commissioner will announce the item on the agenda. It is suggested the person who requested placement of the item on the agenda will then be given up to three (3) minutes to present any additional information not included in the letter. There will be opportunity for input after a motion is made and seconded. Proponents will be recognized first, then opponents. It is suggested persons wishing to speak will be allowed no more than three minutes each. Time for each side will be designated by the Chair. Additional time will be allowed only if Commissioners have questions or if there has been a majority vote to allow additional discussion. The item will be voted upon and no further discussion will be allowed.
- D. Each member of the Board of City Commissioners shall vote on every issue unless absent from the meeting or excused from voting. Any member wishing to be excused from voting, or who does not feel qualified to vote because of a conflict of interest, shall ask to be excused from voting and state the reasons therefore. The remaining Commissioners shall, by majority vote, either grant or deny such request to be excused. If the Commissioner making such request is excused, he or she shall be deemed

to be disqualified and the abstention shall not be counted as an aye or nay. If the request is denied and the Commissioner refuses to vote, his or her vote shall be deemed to be the same as the majority of those voting.

- E. The Chairman of the meeting shall not refuse to recognize any member who wishes to make a motion or to be heard on a particular item.
- F. A member of the Board of City Commissioners voting with the minority on any issue may not move to reconsider that issue or place the matter on the agenda again until a minimum of 28 days has elapsed since the issue was last considered.
- G. In the event that any member of the Board of City Commissioners moves to reconsider an issue previously decided after formal hearing pursuant to published notice, the Board shall vote on the motion to reconsider, subject to the restrictions contained in rule F above. In the event the motion for reconsideration passes, the matter shall not be reconsidered until all persons appearing at the original hearing on the matter have been advised and offered an opportunity to appear and be heard again, or until notice of rehearing on the matter has been published in the official newspaper of the City.
- H. Any on duty police officer may be considered as a sergeant at arms for Commission meetings and may be summoned to maintain order by any member of the Board of City Commissioners at any time.

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

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

Ordinance Relating to Ambulance Service and Draft Ambulance Service Agreement with F-M Ambulance Omitted:

Mayor Walaker stated at the request of the Fire Chief and City Attorney, this item has been omitted. Negotiations and discussions will continue, and the item will be brought back at a later date, he said.

Task Orders for the Facility Plan (Phase 2) and Equipment Procurement for the Water Treatment Plant Approved:

The Board received a communication from Enterprise Director Bruce Grubb stating the Commission previously approved a Task Order with the consulting team of AE2S and Black and Veatch (BV) for the first phase (Phase 1) of a new Facility Plan. Phase 1 has been completed, he said, and the recommended next steps from Phase 1 included the following items of work:

- Water Treatment Plant (WTP) Facility Plan – Phase 2
- Equipment Procurement

- Final Design
- Bidding
- Construction

He said the Water Utility currently has an Engineering Services Agreement with the consultant team of AE2S and BV, who were competitively selected through a formal RFP process in 2011 for a three-year term. Terms of the agreement require the Utility Committee and the Commission to approve professional fees exceeding \$200,000.00; therefore, he said, two separate engineering service Task Orders were requested by AE2S/BV for the most critical next steps which are as follows:

1.	WTP Facility Plan – Phase 2	\$966,900
	Preliminary Engineering	\$914,400
	Concentrate Disposal Permit	\$ 40,500
	SRF Loan Document and Application	\$ 12,000
2.	Equipment Procurement	\$175,400

He also pointed out that BV was the engineering design firm for the current WTP, and they have intimate knowledge and experience with the existing plant and associated treatment processes. The engineering service fees related to the WTP Facility Plan (Phase 1 and Phase 2) and Equipment Procurement Task orders are included in the current Water Infrastructure CIP and represent 1.8% of the total estimate project cost, he said.

Mr. Grubb said sulfate issues stem from Sheyenne River sulfate concentrations due to Devils Lake discharges and this facility plan would remove sulfate and expand the capacity of the treatment plant. He said when issues were raised about the best option for the location of the facility, comparisons were done between locating the facility at the Water Treatment Plant or on 52nd Avenue, and it showed the WTP option was the less expensive option and has the added benefit of a flood protection contingency plan that is already in place.

In response to a question from Commissioner Mahoney about whether the State will contribute to the cost, Mr. Grubb said the membrane treatment process for water is extremely expensive, \$95.5 million, and the State has agreed to contribute \$30 million.

In response to a question from Commissioner Mahoney about whether Fargo is able to help West Fargo with water treatment, Mr. Grubb said a formal presentation was well received by representatives from West Fargo. He said a presence has been established on 52nd Avenue with the new ground storage reservoir and pump station. Fargo could be a purveyor of water to West Fargo less expensively than West Fargo can do it for themselves, he said.

Commissioner Williams commended Mr. Grubb and his staff for being proactive. He said this has been planned and budgeted for well in advance.

Commissioner Williams moved the Task Orders with the consultant team of AE2S/BV for the Water Treatment Plant Facility Plan (Phase 2) in the amount of \$966,900.00 and Equipment Procurement related to sulfate treatment improvements at the Water Treatment Plant in the amount of \$175,400.00 be approved.

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

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

Application Filed by Sysco North Dakota, Inc. for a Ten-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on applications filed by Sysco North Dakota, Inc. for a property tax exemption for a building to be purchased at 3101 12th Avenue North and expansion of the improvement at 3225 12th Avenue North where the applicant operates a food service distribution center.

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 exemption is for a two-phase expansion, the first phase is to purchase and occupy property at 3101 12th Avenue North and the second involves a 93,200 square foot addition to their current building at 3225 12th Avenue North. He said the Tax Exempt Review Committee recommends a five-year property tax exemption.

Mike Hagen, representing Sysco, said Sysco wants to stay in Fargo but has outgrown its facility and is facing obstacles with expansion. He said their site is landlocked and it would be necessary to pave over a drainage ditch separating the business from the neighboring property they would like to purchase and to reroute an electrical transmission. He said because of the expansion, offsite storm retention will also be necessary. He said at the Tax Exempt Review Committee meeting he understood the only option to be a five-year exemption. He said since that meeting, and at the request of his company, he is asking for a tax exemption of 100% for the first five years and 50% for years six through ten.

Mr. Hushka said some exemptions have been done for ten years with 50% the last five; however, the model lately has been for five years at 100% and they have been for job creation, not to defray infrastructure costs.

City Administrator Pat Zavoral said the project is acceptable and is a good renewal project; it keeps the business here and utilizes a building that will be returned to tax rolls.

Commissioner Wimmer said the Tax Exempt Review Committee was not aware of the full extent of the obstacles and the job creation projections may be conservative.

Commissioner Williams said the Board needs to be cognizant of the citizens and the State, and only give incentives needed to have viable business here. He said programs have been successful with a shorter duration and quicker return. He is comfortable, he said, with the recommendation from the Tax Exempt Review Committee for a five-year tax exemption and if Sysco chooses to expand beyond Phase I and II they could ask for an exemption at a later date.

Commissioner Wimmer moved the application filed by Sysco North Dakota, Inc. for 100% property tax exemption for years one through five and a 50% property tax exemption for years six through ten for the building to be purchased at 3101 12th Avenue North and expansion and improvements at 3225 12th Avenue North pursuant to Chapter 40-57.1, NDCC be approved.

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

Commissioner Williams voted nay.

The motion was declared carried.

Appropriate Staff Directed to Develop an Agreement with Sysco to Provide for Offsite Storm Water Storage and Use of City Property:

The Board received a communication from Planning Director Jim Gilmour stating Sysco is interested in expanding their Fargo facility on 12th Avenue North by acquiring property on the east side of their facility. He said the expansion would include an addition to the existing building, covering Drain 10, and expansion of parking on the site. He said Sysco needs to be able to develop up to 85% of the proposed site with impervious surfaces in order for the expansion to work at this site and in order to do this, City approval will be needed for offsite storm water retention and use of City property adjacent to Drain 10. The City property appears to be used for a utility transmission line, he said, which Sysco is asking to be relocated as part of this expansion.

Commissioner Mahoney moved appropriate staff be directed to develop an agreement with Sysco to provide for offsite storm water storage and use of City property.

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

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

Application for a Zoning Change on Parcels of Land in Buland's Subdivision Referred to Planning Staff for Review:

At a Hearing held on June 5, 2012 the Fargo Planning Commission considered a change in zoning from SR-3, Single-Dwelling to NC, Neighborhood Commercial on Lot 9, Block 1, Buland's Subdivision.

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.

Planner Nicole Crutchfield said the property at 1205 16th Avenue South is zoned SR-3, Single Dwelling and a Special Use Permit prior to the current Land Development Code (LDC) permitted the existing dental office. She said at the adoption of the LDC in 1998, Special Use Permits were considered null and void upon ceasing of the original use. The existing land owner plans to sell the property, she said, and based on his desire to be sure the entitlements continue, staff suggested he petition for a zoning change from SR-3, Single Dwelling to NC, Neighborhood Commercial. She said a number of letters of protest were received the day prior to the public hearing and a meeting with property owners was quickly arranged. She said the primary concerns she heard at that meeting were based on a previous case where Essentia Health removed a church and built a parking lot, which a number of property owners felt affected their property values. There are concerns with street parking as well, she said, and Planning staff is coordinating with the Traffic Engineering Department for timed parking on 16th Avenue South.



Bonnie Hansen, 1105 16th Avenue South, spoke in opposition of the zoning change. The neighborhood feels their concerns raised about the commercialization of the neighborhood are not being heard, she said, and few were able to be at the meeting Ms. Crutchfield referenced. It seems inappropriate to consider commercial property with no vested interest in the zoning change when arriving at a percentage for decisions, she said, while not including neighbors which could be adversely affected financially and environmentally. She said the neighborhood is concerned about the future use of that property and fears more commercial usage is a possibility.

Ben Schlicht, 1106 16th Avenue South, said he has been in the neighborhood for 43 years and does not see why a zoning change is necessary to sell the property.

Bill Hunter, 1205 16th Avenue South, said the zoning change request would increase the ability to sell his property. He said it is likely the property would remain office use and would have equal to, or less, usage than the dental office.

In response to a question from Commissioner Sobolik on how the zoning change may affect property values, Ms. Crutchfield said market appraisals are not part of the case analysis; nuisances such as sound, noise and odor to the surrounding property owners are looked at. Based on the location and the existing land use, she said, encouraging commercial use to encroach further into the neighborhood would not be supportive of long range plans. She said the item could be returned to the Planning Commission, or perhaps a Conditional Overlay could be placed on this item to address additional restrictions.

Planning Director Jim Gilmour said a buyer would have difficulty with any expanded use. He said purchasing an additional lot for parking would require rezoning and additional parking requirements would apply if the size of the building were increased. Mr. Gilmour said the current special use permit is very specific and a buyer would be looking at a three month process to have it rezoned for a use other than a residence or office. He said a Conditional Overlay would make the zoning even more restrictive.

Mayor Walaker said he understands the concerns about the unknown and does not favor property being rezoned prior to marketing.

Commissioner Wimmer said he would support the rezoning but will not support any expansion or greater usage of the property if it comes back to the Board at a later time. He said a small commercial venture can be an asset to a neighborhood and there have been small businesses at this location for many years.

James Jehlik, 1109 16th Avenue South, said he would like further investigation of potential impacts on neighboring properties prior to rezoning.

In response to a question from Commissioner Mahoney about property values in that area, Ms. Crutchfield said she would work with the Assessment Department to determine that.

Commissioner Williams moved the application for a zoning change on parcels of land in Buland's Subdivision be referred to Planning staff for further review.

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

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

At 6:05 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Parcels of Land in Huntington's Addition Rezoned (1330 University Drive South):

At a Hearing held on June 5, 2012 the Fargo Planning Commission recommended approval of a change in zoning from SR-3, Single Dwelling to GO, General Office on portions of Lot 12, and Lots 13 through 26, Block 7, Huntington's Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Wimmer offered the following Resolution and moved its adoption:

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

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

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

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Huntington's Addition, Fargo, Cass County, North Dakota:

Commissioner Wimmer 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 Huntington's Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

No Action Taken on a Petition to Grant a Sidewalk Waiver from the City of Fargo Initiated Installation of Sidewalks Along the Southeast Corner of 27th Street South and 26th Avenue South Intersection and Abutting Bluemont Lakes First Addition:

A Hearing had been held by the Fargo Planning Commission on June 5, 2012, for the purpose of considering a petition to grant a Sidewalk Waiver from the City of Fargo initiated installation of sidewalks along the southeast corner of 27th Street South and 26th Avenue South intersection and abutting the Bluemont Lakes First Addition to the City of Fargo, Cass County, North Dakota. No action was taken by the Fargo Planning Commission on the petition.

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.

The Board received a communication from Planner Nicole Crutchfield stating, based on public hearing testimony received at the June 5th meeting of the Planning Commission, staff performed additional research on the creation and adoption history of the Planned Unit Development for Bluemont Lakes Addition. She said staff has found the Planned Unit Development (PUD) adopted by the City Commission January 5, 1981 explicitly states "The street and open space including pedestrian paths will be developed as indicated on the PUD site plan dated 11/24/80..." She said since a sidewalk is not shown abutting 26th Avenue South or 27th Street South (which is the scope of the 2012 construction order being petitioned for a waiver), the City Engineer has halted the construction for 2012. Therefore, she said, the sidewalk waiver is no longer relevant and staff recommends no action be taken on the Bluemont Lakes Sidewalk Waiver due to the fact that the original PUD addressed pedestrian paths.

Dean Arel, 15 Fremont Drive South, said he walks that area daily and there is a sidewalk on the other side of the street. He said a sidewalk in the proposed location would be a waste of money.

Jeff McKay, 2564 26th Avenue South, said there are concerns this topic will keep reoccurring and he thinks perhaps a waiver could provide closure.

Commissioner Wimmer said the Board could not speak for what may happen in the future.

City Engineer April Walker said if the Engineering Department takes any action in the future, it will be to research and piece together the plan that they have been able to find which shows an alternative to having sidewalks at this location. She said nothing will be done without a public meeting and discussions with the neighborhood.

No action was taken on this item.

#### Renaissance Zone Project for Brandt Preferred Company Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Brandt Preferred Company for a business leasing property as part of a zone project at 309 Broadway.

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 Brandt Preferred Company 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 and the project

addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Wimmer moved the Renaissance Zone application filed by Brandt Preferred Company for a project located at 309 Broadway be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for Boulger Funeral Home, Inc. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Boulger Funeral Home, Inc. at 123 10th Street South.

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 Boulger Funeral Home, Inc. 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 Wimmer moved the Renaissance Zone application filed by Boulger Funeral Home, Inc. for a project located at 123 10th Street South be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for JPO Rentals, LLP Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for JPO Rentals, LLP at 400 Roberts Street North.

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 JPO Rentals, LLP 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 project is for a 45-unit, 4-story apartment complex which will redevelop a key block in downtown. Mr. Stein recommended that the project be approved.

Commissioner Williams moved the Renaissance Zone application filed by JPO Rentals, LLP for a project located at 400 Roberts Street North 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 Williams, Wimmer, Mahoney, Sobolik and Walaker voted aye.

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

Renaissance Zone Project for Aldevron, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Aldevron, LLC at 315 North University Drive.

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 Aldevron, LLC 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 project will house the new corporate center for Aldevron, LLC, and the concept at this time is that offices will be housed on the ground level and the second and third floors will be used for laboratories and support activities. Aldevron will invest significant resources to repurpose and enhance an existing historic building, he said, and the project will promote economic vitality to the western portion of the downtown area. Mr. Stein recommended that the project be approved.

Commissioner Wimmer moved the Renaissance Zone application filed by Aldevron, LLC for a project located at 315 North University Drive be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Hearing on a Text Amendment Relating to the House Moving Board, House Moving Regulations and the House Moving Commission Returned to City Attorney and Appropriate Staff for Further Consideration:

A Hearing had been set for June 25, 2012 to consider a Text Amendment to Repeal Article 25-20 of Chapter 25 of the Fargo Municipal Code; to amend Section 20-0801, 20-0803, 20-0901 of Article 20-08 and 20-09 of Chapter 20 of the Fargo Municipal Code (Land Development Code); and to establish Section 20-0805, House Moving Board of Article 20-08 and Section 20-0917 House Moving Permits of Article 20-09, both of Chapter 20 of the Fargo Municipal Code (Land Development Code) regarding house moving regulations and the House Moving Commission.

At the June 25, 2012 meeting, the Hearing was continued to this day and hour.

The Board received a communication from City Attorney Erik Johnson stating it is likely the revisions that will be proposed will be substantial enough to warrant the revised draft be returned to the Planning Commission for their input and recommendation before it comes to the Board for review and action. He said he

recommends the Board direct the City Attorney to continue working on the matter and it be brought back to the Commission with a recommendation from the Planning Commission.

Commissioner Wimmer moved the request for a Text Amendment to Repeal Article 25-20 of Chapter 25 of the Fargo Municipal Code; to amend Section 20-0801, 20-0803, 20-0901 of Article 20-08 and 20-09 of Chapter 20 of the Fargo Municipal Code (Land Development Code); and to establish Section 20-0805, House Moving Board of Article 20-08 and Section 20-0917 House Moving Permits of Article 20-09, both of Chapter 20 of the Fargo Municipal Code (Land Development Code) regarding house moving regulations and the House Moving Commission be returned to the City Attorney and appropriate staff for further consideration.

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

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

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, July 23, 2012.

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

The time at adjournment was 6:40 o'clock p.m.