

- f. Contract with the North Dakota Department of Health for the Women's Way Program (CFDA #93.919).
- g. Agreement for Public Health Emergencies for Clay County City Readiness Initiative Grant Activity in Clay County.
- h. Recommendation for 2013 City Commission meeting schedule.
- i. Community Development Committee and Historic Preservation Commission's recommendation for storefront rehabilitation projects in downtown Fargo at 213 North 5th Street, 124 North 8th Street and 306 North 4th Street.
- j. Expenditure of Neighborhood Revitalization Funds for the acquisition of 314 7th Street North for \$140,000.
- k. 2012 computer surplus equipment donations.
- l. Contract extension to June 30, 2013 for Duncan Solutions for parking citation management and fine collections.
- m. Request from Woodys Bar for an extension of the noise Ordinance until 10:30 p.m. on September 5, 2012 for outdoor music in their parking lot.
- n. Amended Gaming Site Authorization for Special Olympics North Dakota at Rooters Bar, Inc.
- o. Application for Games of Chance:
 - (1) Holy Spirit Catholic Church for bingo and raffles from 10/3/12 to 10/28/12.
 - (2) March of Dimes for a raffle on 9/13/12.
 - (3) Fargo Moorhead AM Rotary for sports pools from 9/10/12 through 2/3/13.
 - (4) 4 Luv of Dog Rescue for a raffle on 11/3/12; Public Spirited Resolution.
 - (5) Villa Nazareth d/b/a Friendship, Inc. for a raffle on 11/2/12.
- p. Fifth Amendment to the Lease of Rights to Sewer System with the City of Harwood.
- q. Reduction of \$500,000.00 from the 2012 Capital Improvements Plan for the City Landfill.
- r. Change Order No. 3 for an increase of \$3,289.00 for Project No. 5725.
- s. Change Order No. 2 for a deduction of \$8,990.00 for Project No. WA0901.
- t. Final Change Order for an increase of \$19,267.00 for Project No. SW 11-03.

- u. Purchase Agreement – Permanent Easement for Shanon M. Sell (Improvement District Nos. 5499 and 5966-1).
- v. Purchase Agreement and Use of Property and Access Agreement with James M. Johnson and Kristi L. Johnson (Project No. 5949-3).
- w. Purchase Agreement – Permanent Easement for The Evangelical Lutheran Good Samaritan Society (Project No. 6032).
- x. Purchase Agreement – Permanent Easement for Living Waters Lutheran Church (Project No. 6032).
- y. Authorize \$1,442.00 in reimbursements for 4202 Timberline Drive and \$750.00 for 4628 Timberline Drive (Project No. 5949-03) (moved to the Regular Agenda).
- z. Modification of a completed modular block wall at 2817 Lilac Lane, provided the appropriate easements can be obtained and the property owner agrees to be responsible for 50% of the additional costs (Project No. 5946-02).
- aa. Policy for reimbursement of repairs to private irrigation systems with a \$1,000.00 approval limit by the project manager and up to \$2,500.00 with approval by a division engineer or the City engineer.
- bb. Bid award in the amount of \$1,298,440.24 to H & S Contracting for Project No. 6043-02.
- cc. Contract time extension for Project No. 5951-02 to 9/15/12.
- dd. Bid advertisement for Project Nos. 6112 and 6113-04.
- ee. Bills in the amount of \$9,473,008.74.

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.

Resolution Adopted Regarding Improvement District No. 5202 Recognizing the Project is Substantially Complete:

The Board received a communication from City Auditor Steve Sprague stating the City of Fargo has entered into an agreement with the North Dakota Department of Transportation (NDDOT) for the construction of 1st Avenue North (Improvement District No. 5202). Construction of this roadway is substantially complete, he said, with only minor punch list items remaining to be completed. He said the Resolution recognizes the incomplete work as a separate section or work unit.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City has established a Special Improvement District No. 5202 which includes improvements to 1st Avenue North and related items; and

WHEREAS, Special Improvement District No. 5202 includes work performed by and at the direction of North Dakota Department of Transportation the cost of which was to be funded, in part, by the City, which funding is to be obtained and financed by the City through special assessments and Special Improvement District No. 5202 includes work performed by and at the direction of the City, which work is also to be funded and financed through said special assessments; and

WHEREAS, Although portions of the above-described project are complete, nevertheless, to the extent any additional work remaining undone is the responsibility of the City and of North Dakota Department of Transportation, it is desirable that said incomplete work be recognized as a separate section or work unit;

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

1. The separate sections or work units that remain incomplete are described as follows:

- 1.1. Punch list items.
- 1.2 Landscaping.
- 1.3 Seeding.

2. This Resolution is established for the purpose of meeting any requirements set forth in N.D.C.C. § 40-23-06.

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

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

Resolution Adopted Regarding Improvement District No. 5903 Recognizing the Project is Substantially Complete:

The Board received a communication from City Auditor Steve Sprague stating the City of Fargo has entered into an agreement with the SE Cass Water Resource District for improvements along Drain 27 (Improvement District No. 5903). Construction of this roadway is substantially complete, he said, with only minor punch list items remaining to be completed. He said the Resolution recognizes the incomplete work as a separate section or work unit.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City has established a Special Improvement District No. 5903 which includes improvements along Drain 27 and related items; and

WHEREAS, Special Improvement District No. 5903 includes work performed by and at the direction of SE Cass Water Resource District the cost of which was to be funded, in part, by the City, which funding is to be obtained and financed by the City through special assessments and Special Improvement District No. 5903 includes work performed by and at the direction of the City, which work is also to be funded and financed through said special assessments; and

WHEREAS, Although portions of the above-described project are complete, nevertheless, to the extent any additional work remaining undone is the responsibility

of the City and of SE Cass Water Resource District, it is desirable that said incomplete work be recognized as a separate section or work unit;

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

1. The separate sections or work units that remain incomplete are described as follows:

1.1. Punch list items.

1.2 Seeding.

2. This Resolution is established for the purpose of meeting any requirements set forth in N.D.C.C. § 40-23-06.

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

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

Resolution Adopted Regarding Improvement District No. 5904 Recognizing the Project is Substantially Complete:

The Board received a communication from City Auditor Steve Sprague stating the City of Fargo has entered into an agreement with the SE Cass Water Resource District for improvements along Drain 53 (Improvement District No. 5904). Construction of this roadway is substantially complete, he said, with only minor punch list items remaining to be completed. He said the Resolution recognizes the incomplete work as a separate section or work unit.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City has established a Special Improvement District No. 5904 which includes improvements along Drain 53 and related items; and

WHEREAS, Special Improvement District No. 5904 includes work performed by and at the direction of SE Cass Water Resource District the cost of which was to be funded, in part, by the City, which funding is to be obtained and financed by the City through special assessments and Special Improvement District No. 5904 includes work performed by and at the direction of the City, which work is also to be funded and financed through said special assessments; and

WHEREAS, Although portions of the above-described project are complete, nevertheless, to the extent any additional work remaining undone is the responsibility of the City and of SE Cass Water Resource District, it is desirable that said incomplete work be recognized as a separate section or work unit;

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

1. The separate sections or work units that remain incomplete are described as follows:

1.1. Punch list items.

1.2 Seeding.

2. This Resolution is established for the purpose of meeting any requirements set forth in N.D.C.C. § 40-23-06.

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

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

Resolution Adopted Regarding Improvement District No. 5908 Recognizing the Project is Substantially Complete:

The Board received a communication from City Auditor Steve Sprague stating the City of Fargo has entered into an agreement with the North Dakota Department of Transportation (NDDOT) for the construction of 7th Avenue North (Improvement District No. 5908). Construction of this roadway is substantially complete, he said, with only minor punch list items remaining to be completed. He said the Resolution recognizes the incomplete work as a separate section or work unit.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City has established a Special Improvement District No. 5908 which includes improvements to 7th Avenue North and related items; and

WHEREAS, Special Improvement District No. 5908 includes work performed by and at the direction of the North Dakota Department of Transportation the cost of which was to be funded, in part, by the City, which funding is to be obtained and financed by the City through special assessments and Special Improvement District No. 5908 includes work performed by and at the direction of the City, which work is also to be funded and financed through said special assessments; and

WHEREAS, Although portions of the above-described project are complete, nevertheless, to the extent any additional work remaining undone is the responsibility of the City and of the North Dakota Department of Transportation, it is desirable that said incomplete work be recognized as a separate section or work unit;

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

1. The separate sections or work units that remain incomplete are described as follows:

- 1.1. Punch list items.
- 1.2. Landscaping.
- 1.3. Seeding.
- 1.4. Striping.

2. This Resolution is established for the purpose of meeting any requirements set forth in N.D.C.C. § 40-23-06.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement

District No. 6152 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 2 and 9, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152.

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.

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 1, 2012 and the bids were found to be as follows:

Aggregate Industries Bid:	Moorhead, MN \$619,744.70
Northern Improvement Company Bid:	Fargo, ND \$674,963.50
Border States Paving, Inc. Bid:	Fargo, ND \$707,865.40

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 Awarded to Aggregate Industries in the Amount of \$619,744.70:

Commissioner Williams 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 Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 1, 2012 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6152 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$619,744.70 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Aggregate Industries in the sum of \$619,744.70 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District

No. 6152 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$619,744.70, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 2 and 9, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155.

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.

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 1, 2012 and the bids were found to be as follows:

Aggregate Industries Bid:	Moorhead, MN \$1,158,692.50
Northern Improvement Company Bid:	Fargo, ND \$1,249,830.33
Border States Paving, Inc. Bid:	Fargo, ND \$1,421,381.80

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 Awarded to Aggregate Industries in the Amount of \$1,158,692.50:

Commissioner Williams 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 Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 1, 2012 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$1,158,692.50 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Aggregate Industries in the sum of \$1,158,692.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6155 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$1,158,692.50, 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 Williams, Wimmer, Mahoney, Sobolik and Walaker voted aye.

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 2 and 9, 2012 and protests representing 12.28 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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.

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 1, 2012 and the bids were found to be as follows:

Key Contracting Bid:	West Fargo, ND \$94,088.00
Heston Contracting, Inc. Bid:	Frazee, MN \$97,622.80
Adelman Concrete and Excavating Bid:	Fargo, ND \$99,005.00
Opp Construction Company Bid:	Fargo, ND \$99,785.00
Dakota Underground Bid:	Fargo, ND \$117,906.00

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 Awarded to Key Contracting in the Amount of \$94,088.00:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 1, 2012 for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 shows the bid of Key Contracting of West Fargo, North Dakota in the sum of \$94,088.00 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 \$94,088.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6156 in the City of Fargo, North Dakota, be and the same is hereby awarded to Key Contracting for the sum of \$94,088.00, 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 Williams, Wimmer, Mahoney, Sobolik and Walaker voted aye.

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District

No. 6160 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 2 and 9, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams 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. 6160.

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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 1, 2012 and the bids were found to be as follows:

Ryan Contracting Bid:	Shakopee, MN \$573,173.36
Dakota Underground Bid:	Fargo, ND \$589,542.78
Master Construction Company, Inc. Bid:	Fargo, ND \$606,264.45
Northern Improvement Company Bid:	Fargo, ND \$648,731.27

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160 Awarded to Ryan Contracting in the Amount of \$573,173.36:

Commissioner Williams 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. 6160; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 1, 2012 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6160 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. 6160 shows the bid of Ryan Contracting of Shakopee, Minnesota, in the sum of \$573,173.36 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 Ryan Contracting in the sum of \$573,173.36 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. 6160 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting for the sum of \$573,173.36, 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 Williams, Wimmer, Mahoney, Sobolik and Walaker voted aye.

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

Contract Time Extension for Improvement District No. 6061 Approved:

Commissioner Williams moved approval of a Contract Time Extension to August 12, 2012 for Improvement District No. 6061.

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.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6036 (Agassiz Crossing 4th Addition, C & G Addition, Amber Valley 6th Addition and Amber Valley West 1st Addition):

Commissioner Williams moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6036:

Adopt Resolution Creating Improvement District No. 6036:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6036 in the City of Fargo, North Dakota, be created

On 23rd Avenue South from 51st Street South to 55th Street South.

On 51st Street South from 23rd Avenue South to Amber Valley Parkway South.

COMPRISING:

All of the unplatted parcels of land in Section 21, Township 139 North, Range 49 West, lying South of Interstate 94 and East of Veterans Boulevard.

Lot 1, Block 1

Agassiz Crossing 4th Addition

Lot 1, Block 1
Lot 2, Block 2
C & G Addition

Lot 1, Block 1
Lot 2, Block 1
Lot 3, Block 1
Lot 1, Block 4
Amber Valley 6th Addition

Lot 1, Block 2
Lot 2, Block 2
Lot 3, Block 2
Lot 4, Block 2
Amber Valley West 1st 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. 6036 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. 6036:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6036 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 \$812,500.00.)

Order Plans and Specifications for Improvement District No. 6036:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6036 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6036:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6036 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. 6036 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. 6036:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6036 in the City of Fargo, North Dakota.

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.

Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147 (Osgood Estates Third Addition):

Commissioner Williams moved the following action be taken in connection with Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147:

Adopt Resolution Creating Improvement District No. 6147:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6147 in the City of Fargo, North Dakota, be created

On 52nd Street South and Farmstead Court South

COMPRISING:

Lots 1 through 11, Block 1.

All in Osgood Estates Third Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main and Incidentals Improvement District No. 6147 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. 6147:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6147 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 \$71,280.00.)

Order Plans and Specifications for Improvement District No. 6147:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6147 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6147:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6147 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. 6147 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. 6147:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6147 in the City of Fargo, North Dakota.

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.

P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path and Incidentals Improvement District No. 6163 (Brandt Crossing 1st Addition):

Commissioner Williams moved the following action be taken in connection with P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path and Incidentals Improvement District No. 6163:

Adopt Resolution Creating Improvement District No. 6163:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6163 in the City of Fargo, North Dakota, be created

On Veterans Boulevard from 32nd Avenue South to 40th Avenue South.

COMPRISING:

Lots 1, Block 1.

Lots 1, Block 2.

Lots 1, Block 3.

Lots 28 through 30, inclusive, Block 14.

All in Brandt Crossing 1st Addition.

The unplatted land in the W 1/2 of Section 28, Township 139 North, Range 49 West.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path and Incidentals Improvement District No. 6163 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. 6163:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6163 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 \$7,920,000.00.)

Order Plans and Specifications for Improvement District No. 6163:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6163 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6163:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6163 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. 6163 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path and Incidentals Improvement District No. 6163 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path and Incidentals improvement is to be paid from Sales Tax, and approximately 34% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed P.C. Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Traffic Signals, Street Lighting, Shared Use Path 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. 6163:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6163 in the City of Fargo, North Dakota.

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.

Contract for Tree Planting and Incidentals Improvement District No. 6141 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Merritt Landscape Design for Tree Planting and Incidentals Improvement District No. 6141 in the City of Fargo, North Dakota.

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.

Contract Bond for Tree Planting and Incidentals Improvement District No. 6141 Approved:

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

Westchester Fire Insurance Company, in the amount of \$71,972.50, for Tree Planting and Incidentals Improvement District No. 6141 in the City of Fargo, North Dakota.

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.

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6150 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Northern Improvement Company for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6150 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6150 Approved:

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

Western Surety Company, in the amount of \$1,324,588.22, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6150 in the City of Fargo, North Dakota.

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.

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6151 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Rising Sun Construction, Inc. for Sanitary Sewer, Storm Sewer, Water Main and Incidentals Improvement District No. 6151 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6151 Approved:

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

Granite Re, Inc., in the amount of \$149,338.48, for Sanitary Sewer, Storm Sewer, Water Main and Incidentals Improvement District No. 6151 in the City of Fargo, North Dakota.

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 Appareo Systems, LLC for an Extension of the Existing Property Tax Exemption Approved:

The Board received a communication from City Assessor Ben Hushka stating the purpose of the application is to extend an existing exemption granted on December 15, 2008 for additional space the project operator will occupy in the current building at 1810 NDSU Research Circle North. The extension, he said, will only apply to the remaining tax years of the original exemption granted which is 2012, 2013 and 2014. He stated, according to statute, when investment in buildings exceeds the original investment by 20% or more, reapplication is required to receive the exemption on the added value of the property. The applicant, he said, has exceeded the original job creation goal of thirteen newly created jobs in the first two years by adding twenty-three jobs.

Commissioner Wimmer moved that the extension of the existing property tax exemption for additional space Appareo Systems, LLC will occupy at 1810 NDSU Research Circle North pursuant to Chapter 40-57.1, NDCC be approved.

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.

Dirk Ockhardt Appointed to the Historic Preservation Commission:

The Board received a communication from Mayor Walaker recommending that Dirk Ockhardt be appointed to the Historic Preservation Commission to fill the unexpired term of Melissa Sobolik who resigned.

Commissioner Sobolik moved the appointment of Dirk Ockhardt to the Historic Preservation Commission for the term ending October 31, 2013 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.

Ordinance Repealing Article 25-32 of the Fargo Municipal Code Relating to Dealers in Precious Metals and Precious Gems and Amending Sections 25-1013 Relating to Pawnbrokers and Section 25-3512 Relating to Secondhand Goods Dealers to be Placed on First Reading at the Next Regular Meeting of the Board:

Commissioner Wimmer moved the Ordinance Repealing Article 25-32 of Chapter 25 of the Fargo Municipal Code Relating to Dealers in Precious Metals and Precious Gems and Amending Section 25-1013 of Article 25-10 of Chapter 25 of the Fargo Municipal Code Relating to Pawnbrokers and Amending Section 25-3512 of Article 25-35 of Chapter 25 of the Fargo Municipal Code Relating to Secondhand Goods Dealers be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

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

A Hearing had been set for this day and hour on an application filed by Prinsco, Inc. for a five-year property tax exemption for the project at 4141 37th Street North where the applicant manufactures high density, polyethylene, plastic pipe products.

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 this is a new business and a new facility. He clarified that Item No. 21 on the application, number of jobs created the first year, is 16 not 24. Four jobs added in each of the next two years will bring the total of jobs expected to be created to 24, he said.

Commissioner Williams said while the number of jobs created is acceptable, he would not support the exemption because the wages are not at the level that had been discussed.

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

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

Commissioner Williams voted nay.

The motion was declared carried.

Application to Transfer the Alcoholic Beverage License from Dos Mango's Inc. d/b/a Mango's to Dos Mango's Inc. d/b/a Mango's Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "F" Alcoholic Beverage License from Dos Mango's Inc. d/b/a Mango's at 2901 Main Avenue to Dos Mango's Inc. d/b/a Mango's, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

City Auditor Steve Sprague said this application was denied by the Board in June due to issues with one applicant's credit history and debt, and the other applicant's recent alcohol related violations. He said the applicant with credit issues has resolved those and the other applicant sold his interest in the business to a new owner who has an acceptable background report. He said with the two issues resolved, the Liquor Control Board was supportive of the transfer.

Commissioner Wimmer moved the application be approved.

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.

Parcels of Land in Brandt Crossing Fifth Addition Rezoned (5207 33rd Avenue South):

At a Hearing held on July 3, 2012 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial to MR-3, Multi-Dwelling and the extinguishment of the existing Conditional Overlay of the proposed Lot 2, Block 1 of Brandt Crossing Fifth 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 Sobolik 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Wimmer, 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 Brandt Crossing Fifth Addition, Fargo, Cass County, North Dakota:

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

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

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

Resolution Adopted Approving Brandt Crossing Fifth Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Brandt Crossing Fifth Addition" containing 2 Lots, 1 Block, and 27.87 acres of land more or less, located at 5207 33rd Avenue South; and

WHEREAS, A Hearing was held July 3, 2012 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on July 23 and 30, 2012 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., August 6, 2012 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Brandt Crossing Fifth Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

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

Ordinance Relating to Panhandling to be Placed on First Reading at the Next Regular Meeting of the Board:

Assistant City Attorney Jason Loos said this revised Ordinance makes panhandling an infraction with a \$50.00 fine and places restrictions on the location of panhandling activities. He said aggressive panhandling would be a criminal violation subject to a fine of up to \$500.00.

Commissioner Sobolik said the Ordinance was tabled two weeks ago to allow for a public input meeting. She said that meeting was attended by 23 people, including homeless providers, NDSU students and panhandlers themselves. She said participants agreed safety is important and medians are not a safe place for this activity. She said NDSU students do get permission from private owners and would be able to continue their fundraising activities under the revised Ordinance.

Commissioner Sobolik moved the Ordinance Amending Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Panhandling be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

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

Downtown Parking Demand Study Received and Filed:

The Board received a communication from Commissioner Mike Williams stating, as directed by the City Commission, a Downtown Parking Demand Study has been completed and has been approved by the Fargo Parking Commission.

Senior Planner Robert Stein gave an overview of the study and shared comparisons of current findings and past studies. He said the Kilbourne Group recently extended their options on the US Bank lot for another year and attempts to purchase additional lots adjacent to a City owned lot at another site on Roberts Street at Second Avenue have not been successful. The study area was increased to 36 blocks in Downtown, he said, and shows 1,600 on-street parking spaces and over 6,000 off-street parking spaces. He stated much of the off-street parking is not accessible for public parking and occupancy is high in City owned facilities. He said the parking system is self supporting; however, the need exists to continue to invest in the system if it is to be maintained and improved. Currently the parking system is spread across several City departments, private contracts and local partnerships with the center of management housed in the Planning Department, he said, which can be confusing and creates challenges in efficiencies and communication. He said the study showed changes, such as personnel reallocation, could improve efficiencies and customer service. He said a recommendation for organizational change is the creation of a single department to house parking with a parking manager to communicate with all departments. One big improvement to efficiency would be the

implementation of a license plate recognition system that could scan information and automate enforcement of time limits and permits, he said, and could be incorporated into off-street management and also reduce appeals.

Commissioner Williams said the study is a good resource and includes a lot of good information. He said managing parking and transit and increasing walkability and biking are all part of revitalizing downtown. He stated recent changes have made it more convenient to pay parking tickets online by removing the service fee for credit cards. Additional parking structures are needed and a long term parking management system needs to be put in place, he said, and this is just the start of it.

Commissioner Williams moved the Downtown Parking Demand Study be received and filed.

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.

Bike Facility Plan Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating Division Engineer Jeremy Gorden submitted his final recommendations for on-street bike lanes for 2012. They said Mr. Gorden's recommendations are an expansion of the original request made to the City Commission and are as follows:

- Installation of left side on-street buffered bike lanes on 10th Street between 4th Avenue North and 17th Avenue North (recommended funding Infrastructure Sales Tax and Street Rehab funds).
- Installation of left side on-street buffered bike lanes on University Drive between 4th Avenue North and 19th Avenue North (recommended funding Infrastructure Sales Tax and Street Rehab funds).
- Installation of bike lanes on both sides of 4th Avenue North between Roberts Street and University Drive.
- Installation of shared lane markings on 1st Avenue South between 10th Street and University Drive.

Mr. Gorden said his recommendation is based on the need for the facilities, review of engineering standards, relevant planning studies, documented public meetings, roadway impacts, legal impacts, traffic speed and volume data, crash data, comments received, cost estimates, public awareness information and safety information. He said this is part of the comprehensive plan to connect Downtown to NDSU. He outlined additional cost estimates to include bike lanes and recommended funding. Signing and striping are usually two to four percent of a project's cost, he said, and the cost is about a quarter of the cost of a sidewalk. He said the markings visually remind motorists of the bicyclist's right to the street. The two guiding documents used for the engineering standards were the MNDOT Bikeway Facility Manual and the AASHTO Guide for Bike Lane Facilities, he said. Bike lanes will be a minimum of seven feet and up to nine feet wide, he said, and he advocates for buffered lanes where the speed limit is 30 mph and conventional solid lines where the speed limit is 25 mph. On 10th Avenue North, adding a bike lane will reduce driving lanes by a foot, he said, and on University Drive North a driving lane would be lost between 4th and 8th Avenues and on-street parking would be eliminated on 4th

Avenue North. He stated recent crash data for the stretch being discussed on 10th Avenue North and University Drive North shows that between 2004 and 2009, 16 crashes were reported. Of those 16 accidents, he said, 15 involved a bicyclist in the crosswalk and only one involved a person riding on the street.

At 6:07 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Mayor Walaker stated this is a complex issue which involves a change in the attitude of drivers and bicyclists. He said judging from the e-mails he received on the topic, there seems to be a disconnect between bicyclists and motorists, and there needs to be a commitment to share the road. Cost and upkeep are factors to be considered, he said, and his feeling is that there should be more time for planning. He stated he does not feel the industry standards for lane widths are adequate, particularly in the underpasses.

Commissioner Wimmer said he favors moving ahead and feels this greatly improves the connectivity between NDSU and Downtown. He said education has to continue for sharing the road.

Commissioner Williams agreed it is important to focus on education. He said there is adequate capacity so another bridge or underpass does not need to be built to accommodate the lanes and there are still alternate routes for family friendly meandering.

In response to a question from Commissioner Mahoney about the feasibility of an alternate route, Mr. Gorden said shared lane markings are on 7th Avenue North, Roberts Street and others now; however, these are not direct routes and there are many four-way stops. He said a route parallel to the railroad tracks from Roberts to 7th Avenue North would be expensive and would not be as direct of a route.

Director of Engineering Mark Bittner said the eleven foot lane width is a typical width used for areas where streets are reconstructed. He said he shares the Mayor's concerns about underpasses; however, he was less concerned after he viewed the split of lanes that Mr. Gorden provided. The important thing is that things are changing, he said, and people who want to use bike lanes should be given that opportunity and this is a good place to start.

Commissioner Williams moved the Bike Facility Plan for 2012 be approved as presented.

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

Mayor Walaker voted nay.

The motion was declared carried.

Reimbursements for 4202 Timberline Drive and for 4628 Timberline Drive Approved:

Commissioner Mahoney said he asked that Item "y" be moved to the Regular Agenda due to the fact that he is the owner of the property at 4628 Timberline Drive.

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) recommending reimbursements for two separate requests from property owners related to property impacts from the installation of the Timberline Levee. They said the property owner at 4202 Timberline Drive is requesting \$1,442.00 for damages to the irrigation system and staff is recommending

approval of that request. The property owner at 4628 Timberline requested \$1,388.00 (80% of damages) under the Yard Damage Restoration Program authorized following the 2011 flood, they said; however, staff determined that program is no longer available and calculated a recommended reimbursement of \$750.00 based on projected project savings related to the work not needing to be done under the City's contract.

Commissioner Williams moved the reimbursements in the amount of \$1,442.00 for 4202 Timberline Drive and \$750.00 for 4628 Timberline Driver be approved.

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.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, August 20, 2012.

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

The time at adjournment was 6:30 o'clock p.m.