

- f. Applications for Games of Chance:
 - (1) NDSU Student Athletic Advisory Council for a raffle on 2/26/13.
 - (2) NDSU Student Athletic Advisory Council for a raffle on 2/23/13.
 - (3) Blessed John Paul II Catholic Schools for a raffle on 4/27/13.
- g. Junk vehicle removal services agreement with Hazer's Auto and Truck Parts, Inc. for 2013.
- h. Deferral agreements for Mark and Kristi Gilbertson for Improvement District Nos. 5969, 5966 and 5904 and any additional districts.
- i. Consultant selection and contract awards for surveying services for Project No. 6184.
- j. Reimbursement of \$2,700.00 to the owners of property at 1951 Dakota Drive for repair of an irrigation system damaged during a construction project (Improvement District No. 6142).
- k. Purchase Agreement – Permanent Easements for Randy and Stacie Harwood (Project No. 5946-02).
- l. Purchase Agreement – Permanent Easements for Steven and Michele Anderson (Project No. 5958-02).
- m. Update to Standard Specifications for Construction.
- n. Consultant selection and contract award for consulting services in connection with auction services for flood acquisitions (Project No. 6190-01).
- o. Authorize preparation and submittal of grant applications for the Transportation Alternative Program and the Safe Routes to School Program.
- p. Request for Proposals for plan review and inspection services for the Sanford Health Care Project.
- q. Bills in the amount of \$3,757,329.32.

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

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

Final Balancing Change Order No. 1 for Improvement District No. 5969-01 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$13,154.26 for Improvement District No. 5969-01.

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

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

Final Balancing Change Order No. 1 for Improvement District No. 6061 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$10,322.50 for Improvement District No. 6061.

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

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

Street Rehabilitation and Incidentals Improvement District No. 5996 (On 1st Avenue between 13 1/2 Street and the Red River and On Northern Pacific Avenue between University and the Red River):

Commissioner Mahoney moved the following action be taken in connection with Street Rehabilitation and Incidentals Improvement District No. 5996:

Adopt Resolution Creating Improvement District No. 5996:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5996 in the City of Fargo, North Dakota, be created

On 1st Avenue between 13 1/2 Street and the Red River.

On Northern Pacific Avenue between University and the Red River.

COMPRISING:

All of the land lying in the south half of Section 6, Township 139, Range 48 (bounded on the west by University Drive, on the east by the Red River and on the north by 4th Avenue North).

All of the land lying in the north half of Section 7, Township 139, Range 48 (bounded on the west by University Drive, on the east by the Red River and on the south by Main Avenue).

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

NOW, THEREFORE, BE IT RESOLVED, That Street Rehabilitation and Incidentals Improvement District No. 5996 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. 5996:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5996 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,000,000.00)

Order Plans and Specifications for Improvement District No. 5996:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5996 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5996:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5996 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. 5996 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 Rehabilitation and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Street Rehabilitation and Incidentals Improvement District No. 5996 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 Rehabilitation and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5996:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5996 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 (Davies Second Addition):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171:

Adopt Resolution Creating Improvement District No. 6171:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6171 in the City of Fargo, North Dakota, be created

On 65th Avenue South from 25th Street South to a point approximately 900 feet east of the 25th Street South right-of-way.

COMPRISING:

Lots 1 thru 3 of Block 1 of the replat of Lot 2, Block 1 of the Davies First Addition.

The unplatted lot in Section 12, Township 138, Range 49 bounded on the north by the 64th Avenue South right-of-way, on the west by the 25th Street South right-of-way, on the south by the 65th Avenue South right-of-way, and the east by a point approximately 880 feet east of the 25th Street South right-of-way.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 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. 6171:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6171 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 \$712,800.00.)

Order Plans and Specifications for Improvement District No. 6171:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6171 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6171:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6171 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. 6171 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6171:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6171 in the City of Fargo, North Dakota.

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174:

Adopt Resolution Creating Improvement District No. 6174:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6174 in the City of Fargo, North Dakota, be created

On 6th Street South from 13th to 15th Avenue South.

On 14th Avenue South from 5th to 6th Street South.

On 15th Avenue South from 5th to 6th Street South.

COMPRISING:

Lots 8 through 14, inclusive, Block 1.

Lots 1 through 7, inclusive, Block 2.

All in Benedicts Addition.

Lots 1 through 13, inclusive, Block 13.

Lots 11 through 20, inclusive, Block 14.

All in Huntingtons Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 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. 6174:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6174 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 \$916,250.00.)

Order Plans and Specifications for Improvement District No. 6174:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6174 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6174:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6174 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. 6174 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Water Main Replacement, Street Reconstruction and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Water Main Replacement, Street Reconstruction and Incidentals improvement is to be paid from Street Sales Tax Funds and approximately 27% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6174:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6174 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 (The Pines):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201:

Adopt Resolution Creating Improvement District No. 6201:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6201 in the City of Fargo, North Dakota, be created

This Improvement District is for the construction of the underground utilities for 42nd Street South, 43rd Street South, 44th Street South, 45th Street South, 53rd Avenue South and 54th Avenue South. This Improvement District also includes the construction of the paving, street lights, and sidewalks for portions

of 42nd Street South, 43rd Street South, 53rd Avenue South, and 54th Avenue South.

COMPRISING:

The following described land located in Township 138 N, Range 49 W, City of Fargo, Cass County, North Dakota:

All of the land in the northeast and northwest quarter sections of Section 3.

All of the land in the northeast and northwest quarter sections of Section 4.

All of the land in the northeast and northwest quarter sections of Section 5 and any property platted in the Deer Creek Addition in the southeast and southwest quarter sections.

All of the foregoing land lying in the City of Fargo, Cass County, North Dakota, said District to include only land lying within the City limits of the City of Fargo and any land lying outside said City limits is deemed not a part of the District.

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 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. 6201:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6201 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 \$6,254,750.00.)

Order Plans and Specifications for Improvement District No. 6201:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6201 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6201:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6201 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. 6201 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6201:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6201 in the City of Fargo, North Dakota.

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

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

First Amendment to the Joint Powers Agreement (JPA) Approved:

The Board received a communication from City Attorney Erik Johnson stating in June of 2010 a Joint Powers Agreement (JPA) was formed by the City of Fargo, Cass County and Cass County Joint Water Resource District. He said the purpose of the JPA is to combine efforts and utilize the respective powers of the three entities to set forth arrangements for the Cass County Joint Water Resource District to obtain rights-of-entry for the Metro Flood Study Project and to ultimately acquire the requisite real property for the project. The First Amendment to the JPA will add to the obligations of the Cass County Joint Water Resource District, he said, by identifying a means for reimbursement of associated costs, fees and expenses, and for the development and creation of an assessment district.

Commissioner Wimmer moved the First Amendment to the Joint Powers Agreement between Fargo, Cass County and Cass County Joint Water Resource District be approved as presented.

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

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

Becky Walen Appointed to the Library Board:

The Board received a communication from Mayor Walaker recommending that Becky Walen be appointed to the Library Board to fill a vacancy created by the death of John Dietz, whose term would have expired on June 30, 2014.

Commissioner Williams moved Becky Walen be appointed to the Library Board for a term ending on June 30, 2014.

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.

Appointments to the Diversion Project Assessment Committee:

The Board received a communication from Mayor Walaker recommending that Mark Bittner, Kent Costin and Pat Zavoral be appointed to the Diversion Project Assessment Committee.

City Administrator Pat Zavoral said the current sales tax pays for a considerable amount of the levee and diversion work; however, that alone is not the back-up needed for any bonds that may be sold. He said fluctuation in sales tax amounts can alter the coverage factor and does not give the surety that bond issuers want. He said establishing a special assessment option could bring that up because if there is a shortfall, a special assessment could be implemented. He said he does not believe that will happen; however, it makes sense to have as much surety as possible. He said having more surety may make it possible, for example, to get ninety-five cents for every dollar of sales tax when bonds are sold, rather than only perhaps fifty cents. He said he does not envision that this committee will be making the final decision; it would be brought back to the Board.

Commissioner Williams moved Mark Bittner, Kent Costin and Pat Zavoral be appointed to the Diversion Project Assessment Committee with the understanding that it is to be a recommending committee.

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.

Request for Tax Increment Financing for a Project at 3202 Broadway Referred to Appropriate Staff for Review:

The Board received a communication from Planning Director Jim Gilmour submitting a request for Tax Increment Financing (TIF) for a proposed project to be located at 3202 Broadway. He said a commercial building, formally a McDonalds restaurant, is located on this property and the building appears to be in very poor condition. The proposed project would be for redevelopment of the site and construction of a 24-unit apartment building at a cost of \$2,000,000.00. The TIF request is for \$179,000.00, he said.

Commissioner Wimmer said that building has been empty for about 15 years and over that time he has had numerous complaints about its condition.

Commissioner Williams moved staff be directed to submit the proposal to the City's financial advisors for review, to prepare a renewal plan and to draft a development agreement for the redevelopment of property at 3202 Broadway.

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.

Professional Services Amendment No. 13 for Project No. 5031-02 Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the Committee reviewed a memo from City Engineer April Walker detailing a request to formulate a concept for an alternative to the downtown floodwall on Second Street. The concept is to include a tunnel to allow for flood risk reduction, they said, while preserving the river connection to the community and accommodating the roadway needs. This concept could provide opportunities to incorporate economic development into the overall plan for the downtown area, they said.

Ms. Walker said Houston Engineering has prepared a scope of work for the preliminary investigation of a tunnel alternative for Second Street North, estimating the effort would require an initial investment of \$88,000.00 to contemplate whether the option is viable. She said the work is expected to be completed in mid-June.

In response to a question from Mayor Walaker about whether a soil study will be included, Ms. Walker said some of the soil borings are being done now as part of the flood wall analysis for the diversion and that data will be compared with the cross sections.

In response to a question from Commissioner Sobolik about why there will not be a Request for Proposals (RFP), Ms. Walker said Houston Engineering had previously been contracted by the City to prepare the comprehensive plan for flood mitigation options and under that contract they assisted in the preparation and submittal of a grant application for this area. She said Houston Engineering is also part of the team currently doing geotechnical work in the area as part of the work on the diversion's flow through town option and are familiar with the area, so it makes sense to continue with them for this analysis.

Commissioner Williams said this is an important step in finding the best route structurally while looking for long term flood protection and it fits with the long term goals of GO2030 Fargo's Comprehensive Plan.

Commissioner Williams moved the Professional Services Amendment No. 13 in the amount of \$88,000.00 for Project No. 5031-02 for the development of an alternative to the downtown flood wall on Second Street North 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.

Hearing on Application to Transfer the Alcoholic Beverage License from Coulter Holding Company d/b/a JT Cigarro to JT's Bar and Lounge, LLC d/b/a JT Cigarro Continued to February 4, 2013:

This was the time and date set for a hearing on the application to transfer the Class "AB" Alcoholic Beverage License from Coulter Holding Company d/b/a/ JT Cigarro to JT's Bar and Lounge, LLC d/b/a/ JT Cigarro to be located at 4554 7th Avenue South, notice of which had been duly published in the official newspaper for the City of Fargo; however, City Auditor Steve Sprague has requested the Hearing be continued until February 4, 2013 due to the fact that the Liquor Control Board had to reschedule their meeting.

Commissioner Mahoney moved the Hearing be continued to 5:15 p.m. on Monday, February 4, 2013.

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

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

Hearing on Application to Transfer the Alcoholic Beverage License from RRL Fargo, LLC d/b/a/ Red River Lodge to FM Hospitality, LLC d/b/a Red River Lodge and Suites Continued to February 4, 2013:

This was the time and date set for a hearing on the application to transfer the Class "ABH" Alcoholic Beverage License from RRL Fargo, LLC d/b/a/ Red River Lodge to FM Hospitality LLC d/b/a Red River Lodge and Suites to be located at 901 38th Street South, notice of which had been duly published in the official newspaper for the City of Fargo; however, City Auditor Steve Sprague has requested the Hearing be continued until February 4, 2013 due to the fact that the Liquor Control Board had to reschedule their meeting.

Commissioner Mahoney moved the Hearing be continued to 5:15 p.m. on Monday, February 4, 2013.

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

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

Action on the Collaborative Venture Between the City, Red River Zoo and Newman Outdoor Advertising Postponed:

The Board received a proposal from Red River Zoo Executive Director Lisa Tate outlining a possible long term donation from Newman Outdoor Advertising for billboard advertising space and signage to the Zoo. She said the goal when the Zoo approached Newman Outdoor Advertising to discuss a possible collaboration was to develop a plan to help the Zoo increase attendance, thus providing financial stability, by utilizing advertising and signage. She said Newman Outdoor Advertising is prepared to provide the following services:

1. Billboard advertising space for the Zoo to be used for 5 months a year on four billboards throughout the trade area April through August every year for the next 25 years. This has an estimated present day value of \$320,000.00.
2. Newman Signs will manufacture and construct large scale lettering identifying the Red River Zoo logo which will be mounted to the outside of the new

perimeter fence facing the Interstate. This has an estimated value of \$2,500.00.

3. Newman Signs will manufacture and install new, high-quality exhibit signage throughout the interior of the Zoo. This has an estimated value of \$2,500.00.
4. Raising and refurbishing the mounting of the on-premise billboard structure along with freshly printed billboards for both sides of the structure. This has an estimated value of \$3,000.00

She said in consideration for the donation, Newman Outdoor Advertising is requesting the City lease six locations, which will allow them to erect outdoor advertising structures. She said Newman Outdoor Advertising is prepared to pay the City \$1,000.00 per location or provide four, 30-day posters per year, per structure. She said they are requesting to lease six locations. She said the City will realize increased revenue both directly and indirectly, as well as being able to show strong support for the Red River Zoo without a monetary expenditure. The Zoo will benefit greatly as well, she said, since this would be the single largest and longest donation received.

Red River Zoo Board Member Bruce Furness said the Red River Zoo Board considers the Zoo a community treasure and this proposal is viewed as a win-win situation for all involved. He said the Zoo would be the beneficiary of a great deal of advertising, the City would have the opportunity to utilize some additional signage for information and education, and Newman Outdoor Advertising would have access to some new locations within the City. If this is approved, he said, they would like to begin putting signs up in April for the upcoming Zoo season.

Russ Newman of Newman Outdoor Advertising said the City currently receives in-kind advertising for six or seven sign locations his company has on City property and this proposal would expand on that.

Commissioner Williams reminded the Board that a sales tax measure was rejected by voters by seventy percent in 1995 for Zoo and economic development, and it was voted down again when it was a part of another sales tax measure in 1996, which he sees as the public not wanting taxpayer money funding the Zoo. He said the Park Board pays the Zoo's special assessments, and the Convention and Visitor's Bureau promotes these types of facilities through hotel taxes, so there are some public funds benefitting the Zoo. He said the Zoo has a new perimeter wall that could offer an opportunity for some advertising and he hopes common ground can be found as everyone wants the Zoo to succeed.

In response to a question from Commissioner Mahoney about the specific number of billboard sites, Mr. Furness said the list of eleven sites are those originally requested by Newman Outdoor Advertising; however, Planning Department staff has reduced it to six.

Planning Director Jim Gilmour said staff initially reduced the list of eleven sites to six because of sign code restrictions and other factors. He said staff can look into the sites in more detail and also see if there are other suitable City owned locations.

Mr. Newman said the City is included as a partner in the donation between the Zoo and Newman Outdoor Advertising because the City can benefit economically from advertising that leads to an increase in Zoo attendance. He said his company is open to considering other City billboard sites; however, the donation size could be reduced if fewer locations are offered.

Commissioner Mahoney said care needs to be taken to be sure the Sign Code Ordinance is observed. A great deal of time went into the Ordinance, he said.

Commissioner Wimmer moved action on the collaborative venture between the City, Red River Zoo and Newman Outdoor Advertising be postponed for up to four weeks allowing additional time for a review by appropriate staff and committees to identify specific locations and number of sites.

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

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

Financial Support to River Keepers for Courtesy Patrols of the Red River Downtown Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) recommending approval of a request from City Forester Scott Liudahl for financial support in the amount of \$10,000.00 to River Keepers to help fund two part-time seasonal positions in 2013 for the purposes of maintaining the downtown river corridor. Responsibilities would include pruning, treating and removing invasive species, trash and debris removal, beaver management, identifying planting opportunities and serving as a resource for trail users, they said. There has been a successful start to this work through the use of volunteers and there is a desire to see it continue, they said.

River Keepers Executive Director Bob Bachman said an extensive clean-up was conducted along the river from Main Avenue into Oak Grove Park by the Park District, the Forestry Department and River Keepers working with ten skilled AmeriCorps workers. He said the purpose of the ten week project was to improve the health of the urban forest by removing invasive species as well as dead and dying plant material. He said trees were trimmed to 8' to increase visibility and 8,000 pounds of brush and branches were removed, along with a ton of trash. Since the completion of the project, he said, an increase in the use of the corridor was reported, as well as a decrease in vagrants. He stated the full benefits of this program were not realized until August, when it was too late to include the request in the annual budget.

In response to a question from Mayor Walaker about whether the condition of the trees along the river hinders its flow, Mr. Liudahl said that in one significant area north of 12th Avenue North there is a lot of tree mortality. He said if there is Dutch elm disease or some physical danger, trees are removed; however, addressing river flow is larger than the scope of this project.

Commissioner Mahoney said there are areas along drains and bike paths that could use attention as well, and he would like to see similar clean-up efforts considered City-wide.

Commissioner Williams moved financial support in the amount of \$10,000.00 to River Keepers for the hiring of two part-time staff to provide Courtesy Patrols of the Red River downtown 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.

At 6:06 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Legislative Update:

City Administrator Pat Zavoral reviewed the matrix indicating the 2013 legislative bills the City supports and opposes, as well as bills the City is monitoring. He said January 28th is the last day the Legislative Body can submit bills, although there can be amendments made after that. He said with about 1,700 bills expected, as the session progresses, there will be a better definition in what bills will make it through to the end. He said he is asking for approval of the list of support and oppose items submitted by the City department heads so recommendations can be sent to local legislators.

Police Chief Keith Ternes said the Police Department is keeping close track of several bills related to public safety. HB1048 raises fees for speeding and is supported, he said, while HB1183, HB1224 and HB1283, relating to changes in firearms regulations, are opposed. It can be challenging to keep track of bills at the beginning of the Legislative session when new ones are introduced daily, he said.

Finance Director Kent Costin said state aid has gone up significantly and he opposes two bills that would affect that. He said HB1096 changes the state aid formula and may make the aid more restricted, and HB1311 cuts aid in half and would greatly reduce the City's budget. The City also opposes HB1255, he said, which suggests expenditures be disclosed at the invoice level rather than the current check level and would greatly increase the number of lines of print and cost to publish. HB1256 requires political subdivisions to submit budget information for inclusion in the state budget database, he said, which would be supported.

Mr. Zavoral said one bill that does not appear on the matrix is HB1020, the State Water Commission budget. He said this is where the money is for the diversion and he would ask the Board to support that. He said the City also supports SB2233 which creates an infrastructure loan fund, and sets up a provision for loans for public water-related infrastructure projects including water supply and flood protection.

Commissioner Wimmer moved approval of the support and oppose matrix of bills as presented.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, February 4, 2013.

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

The time at adjournment was 6:25 o'clock p.m.