

- g. Purchase of one industrial tub grinder from Swanston Equipment for \$472,350.00.
- h. Applications for 5-year property tax exemption for improvements made to buildings:
 - (1) Mithril Properties, Inc., 57 11th Avenue North.
 - (2) James and Margaret Rundlett-Doom, 1226 Third Street North.
 - (3) Katie Jaster, 2102 9 1/2 Street North.
 - (4) Wayne Stephenson & Karen Kelner, 3280 Evergreen Road North.
- i. Quit Claim Deed to Southeast Cass Water Resource District (Project No. 5944).
- j. Quit Claim Deed to the Fargo Park District for 8 lots in Deer Creek Addition.
- k. Bid award for Project No. SW 13-01 to Industrial Builders, Inc. in the amount of \$527,156.32.
- l. Option 2, Project Concept Report and NDDOT Cost Participation and Maintenance Agreement for construction of a shared use path on 12th Avenue North from I-29 to 45th Street and on 45th Street from 7th Avenue to 16th Avenue North (Improvement District No. 6157).
- m. Contract award for consulting services for Project No. 6185 to Land Elements.
- n. Contract time extension for Project No. 6113-03 to 11/30/13.
- o. Bid advertisement for Project No. 6188.
- p. Bills in the amount of \$3,348,017.57.

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

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

Amended Engineer's Report and Engineering Services Agreement with Moore Engineering for Improvement District No. 6201 Approved:

The Board received correspondence from City Engineer April Walker stating the amended Engineer's Report is to include consultant engineering services. She said the Finance Committee recommended the sole source selection of Moore Engineering for design services for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 at their January 30, 2013 meeting.

Commissioner Sobolik moved the amended Engineer's Report for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No.6201 and the Engineering Services Agreement with Moore Engineering for design services in the amount of \$88,550.00 be approved.

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on January 28 and February 4, 2013 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Mahoney, Williams 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. 6171:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., February 27, 2013 and the bids were found to be as follows:

Kindred Plumbing and Heating, Inc. Bid:	Kindred, ND \$448,088.67
H & S Contracting Bid:	Moorhead, MN \$456,233.63
Northern Improvement Company Bid:	Fargo, ND \$460,533.58
Master Construction Company, Inc. Bid:	Fargo, ND \$461,636.96
Dakota Underground Company Bid:	Fargo, ND \$467,141.49
Shermans, LLC Bid:	West Fargo, ND \$471,745.77
Border States Paving, Inc. Bid:	Fargo, ND \$486,413.13

Sellin Brothers, Inc. Bid:	Hawley, MN \$489,079.52
Aggregate Industries Bid:	Moorhead, MN \$496,782.65
Central Specialties, Inc. Bid:	Alexandria, MN \$499,748.80

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 Awarded to Kindred Plumbing and Heating, Inc. in the Amount of \$448,088.67:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received February 27, 2013 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6171 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. 6171 shows the bid of Kindred Plumbing and Heating, Inc. of Kindred, North Dakota, in the sum of \$448,088.67 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 Kindred Plumbing and Heating, Inc. in the sum of \$448,088.67 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. 6171 in the City of Fargo, North Dakota, be and the same is hereby awarded to Kindred Plumbing and Heating, Inc. for the sum of \$448,088.67, 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 Sobolik, Wimmer, Mahoney, Williams and Walaker voted aye.

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on January 28 and February 4, 2013 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., February 27, 2013 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$686,669.20
Ryan Contracting Bid:	Shakopee, MN \$754,011.05
Dakota Underground Company Bid:	Fargo, ND \$766,963.90
Kindred Plumbing and Heating, Inc. Bid:	Kindred, ND \$767,427.15
Central Specialties, Inc. Bid:	Alexandria, MN \$774,059.16
Northern Improvement Company Bid:	Fargo, ND \$794,475.40
Shermans, LLC Bid:	West Fargo, ND \$803,160.80

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 Awarded to Master Construction Company, Inc. in the Amount of \$686,669.20:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received February 27, 2013 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$686,669.20 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Master Construction Company, Inc. in the sum of \$686,669.20 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$686,669.20, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Final Balancing Change Order No. 1 for Improvement District No. 6151 Approved:

Commissioner Sobolik moved approval of Final Balancing Change Order No. 1 for an increase of \$4,195.27 for Improvement District No. 6151.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Mahoney, Williams 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. 6178 (Various Locations in South Fargo):

Commissioner Sobolik moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6178:

Adopt Resolution Creating Improvement District No. 6178:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6178 in the City of Fargo, North Dakota, be created

On 11th Street South from 18th Avenue South to 19th Avenue South

On South Drive South from 9th Street South to 11th Street South

On 19th Avenue South from 9th Street South to 11th Street South

COMPRISING:

Lots 26 through 34, Block 1

Lots 1 through 8, Block 3

Lots 35 through 43, Block 3

Lots 2 through 6, Block 4

Block 5 less the Right of Way

Block 6 less the Right of Way
All in Harry A. Schnell Addition

Lot 1 Block 1
All in Nativity 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. 6178 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. 6178:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6178 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 \$1,229,837.00.)

Order Plans and Specifications for Improvement District No. 6178:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6178 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6178:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6178 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. 6178 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. 6178 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 and approximately 28% 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. 6178:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6178 in the City of Fargo, North Dakota.

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

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

Application to Join the National League of Cities "Let's Move! Cities, Towns and Counties" Approved:

The Board received a communication from Commissioners Williams and Sobolik stating the "Let's Move! Cities, Towns and Counties" (LMCTC) was launched in June of 2010 to help local elected officials address policy and environmental factors that contribute to childhood obesity. They said the National League of Cities (NLC) is the lead collaborating partner in this program and will provide assistance for technical support, along with access to subject matter experts, peer learning communities, webinars, conference calls and site visits, if needed. The program suggests forming an obesity task force to oversee this program, which the City of Fargo has already done, they said. By reaching certain standards set for each goal, they said, the City of Fargo will be recognized with either a bronze, silver or gold medal. They stated LMCTC is an ongoing program and if the City receives a bronze or silver medal in a category, the City will have the opportunity to better the community by making the changes and submitting the new data to receive a higher ranking.

Cass Clay Healthy People Initiative Director Rory Beil said five goals selected as part of the "Let's Move! Cities, Towns and Counties" initiative are childcare, empowering caregivers through MyPlate, schools and smart servings, improving access to healthy affordable foods and increasing activity and play. He said, based on the work being done right now, he feels the City of Fargo could be one of the top cities in the nation right away. Mr. Beil stated the event "Streets Alive!" is a good example of Fargo's participation in promoting activity. "Streets Alive!" was featured as one of four cities recognized for open street events in the spring edition of Momentum Magazine, he said. The other cities, he said, were New York City, Los Angeles and Hamilton, Ontario.

Commissioner Sobolik moved the completion and submission of the required survey and application to join "Let's Move! Cities, Towns and Counties" be approved and that Kim Lipetzky, Fargo Cass Public Health, be appointed as the point of contact on the application.

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.

Board of Equalization to Meet at 7:30 a.m. on Tuesday, April 9, 2013:

Commissioner Wimmer moved the Board of Equalization meet at 7:30 o'clock a.m. on Tuesday, April 9, 2013.

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

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

Renaissance Zone Project for Lauris Molbert Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Lauris Molbert at 300 Broadway #301.

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

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

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Project application presented by Lauris Molbert meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Ms. Crutchfield recommended that the project be approved.

Commissioner Sobolik moved the Renaissance Zone application filed by Lauris Molbert for a project located at 300 Broadway #301 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Application to Transfer the Alcoholic Beverage License from Sea Stone, Inc. d/b/a Yuki-Hana Grill and Sushi to Café 38, LLC d/b/a Café 21 Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "GH" Alcoholic Beverage License from Sea Stone, Inc. d/b/a Yuki-Hana Grill and Sushi at 1450 25th Street South to Café 38, LLC d/b/a Café 21 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.

Commissioner Wimmer moved the application be approved.

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

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

Application to Transfer the Alcoholic Beverage License from Benico, Inc. d/b/a The Winery to Benico, Inc. d/b/a The Winery Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "W" Alcoholic Beverage License from Benico, Inc. d/b/a The Winery at 1404 33rd Street South to Benico, Inc. d/b/a The Winery (ownership transfer only) 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 stated the Class "W" Alcoholic Beverage License is a special license which allows a wine bar with lower food percentages than the other licenses allow and only one Class "W" license is available. When the original application was submitted, he said, credit history problems were discovered in the background checks of one potential owner and also the potential manager and the Police Department could not support the transfer. To resolve that, he said, the other owner bought out his potential partner and another employee was named manager. He said with those changes made and another background check done, the Police Department is able to support the transfer.

Commissioner Wimmer moved the application be approved.

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

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

Parcels of Land in Bulands Subdivision, Huntington's Addition Rezoned (1205 16th Avenue South):

At a Hearing held on February 5, 2013 the Fargo Planning Commission recommended approval of a change in zoning from SR-3, Single-Dwelling to NO, Neighborhood Office with a Conditional Overlay on Lot 9, Block 1, Bulands Subdivision, Huntington's Addition.

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

Planning Administrator Nicole Crutchfield stated last summer an application from the owner of this property, which is a former dentist's office, requested rezoning to NC, Neighborhood Commercial. She said the property has a special use permit that runs with the land and any purchaser of the property would need to maintain a use equal to or less than the existing use. The application met opposition and was

later withdrawn, she said. There have been many changes in the neighborhood over time, she said, and neighbors are concerned about property values and the area becoming too commercialized. She said the owner requests the zoning change due to his intent to sell the property and staff recommends a change in zoning to NO, Neighborhood Office with a Conditional Overlay. She said the conditions state no land use other than a single family house or office(s) would be allowed, no outdoor storage, SR-3 standards must be followed for allowable building coverage, operations would be limited to the residential protection standards as currently allowed, no use may increase existing parking requirements and no new signage or electronic signage would be permitted. A letter in opposition of the proposed zoning change was received from Doug and Bonnie Hansen, she said.

Bonnie Hansen, 1105 16th Avenue South, said the aesthetics of a neighborhood affect home values which may not be reflected in assessed values. She said the broader language for the parking requirements may be difficult to enforce.

Ms. Crutchfield said Dr. Hunter had two parking spaces in the driveway and an agreement with Essentia for nine parking spaces across the street. She said the revised wording basically refers back to the Land Development Code which states nothing can be changed beyond what is happening today.

Mayor Walaker said returning the property to a single family dwelling would likely involve significant work. He said he understands the concerns of the neighborhood and a close watch will be kept on the project.

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 has been one written protest to the request for rezoning and one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plans, 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 Bulands Subdivision, Huntington's 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 Bulands Subdivision, Huntington's 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.

Addition of Vacant Lots at 1102, 1104 and 1110 4th Street South to the 2013 Voluntary Flood Acquisition List Approved:

The Board received a communication from Division Engineer Nathan Boerboom stating at the November 26, 2012 City Commission meeting authorization was received to extend purchase offers to the presented 2013 voluntary flood acquisition list along with the addition of a tract of land south of 52nd Avenue South and adjacent to Drain 27. He said the previously presented maps showed the acquisition of six properties on 4th Street South, which had been determined to be necessary in order to complete the recertification of the 4th Street levee under FEMA's Provisionally Accredited Levee System program. Of the six properties, three of them have structures on them and the other three are vacant lots, he said. The acquisition list approved on November 26th included three properties that have structures built on them; however, the three vacant lots were mistakenly not listed, he said, and the intention was to extend offers to the property owners of the three vacant lots. He stated the previously presented total acquisition costs included the three vacant lots; therefore, there will be no additional costs added to the previously approved amount.

Commissioner Sobolik moved vacant lots located at 1102, 1104 and 1110 4th Street South be added to the 2013 voluntary flood acquisition list.

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.

Update Regarding Potential Emergency Efforts in Light of the Updated Spring Flood Forecast:

City Administrator Pat Zavoral said staff met last week to discuss the latest spring forecast by the National Weather Service which predicts a 73% chance of major flooding, or over 33 feet, and a 10% chance of flooding as high as 37 feet.

City Engineer April Walker said staff has projected the amount of sandbags and levees needed to protect the City at various river stages, taking into consideration the projects completed since the last flood emergency. She said at 37 feet, with two feet overbuild, 101,000 sandbags are needed, while at 42 feet, 1.1 million sandbags are needed. She said enough sandbags are available to meet the needs at the current prediction. Staff has begun identifying borrow sites for clay levee needs, she said, and will continue to monitor and adapt according to the National Weather Service's predictions.

Enterprise Director Bruce Grubb said the 750,000 bags stored at the City compost site after the 2011 flood appear to be in good condition. He said inquiries are being made for the critical equipment should there be a need to make more sandbags. He said water and wastewater contingency plans were established in 2009 and are ready to be executed. Recent improvements have made the ability to move water and maintain water pressure better than it has ever been, he said.

Director of Operations Ben Dow said preparations are underway to secure additional pumps to handle runoff should there be a rain event on top of flooding.

Mayor Walaker said a good team is assembled and ready to react to the triggers put in place. He said the City is better off now than in the past because of the various improvements to lift stations, pumps and sandbag storage. It is early, he said, and so much depends on the amount of snowfall, how the snow melts and whether there is a rain event, he said.

Mr. Zavoral said he would like to clarify some misunderstandings around the diversion and the \$240 million figure that has been referred to as the amount needed for protection to the 42 1/2 foot level. He said that figure is to protect property at an elevation of 39 1/2 feet or lower impacted by FEMA's new flood plain regulations for property requiring flood insurance. He said diversion supporters are testifying this week before the Senate Appropriations Committee on water related projects, which includes the diversion. He said over the next two years, if state funding is available, it is being suggested a ring levee be built around the Oxbow/Bakke/Hickson communities as well as some rural homes that will be impacted by the diversion. With a diversion in place, he said, in the event of a 100-year flood, protection would be needed for a 35 foot flood through town; however, until there is a diversion, or if the diversion does not happen, protection will be needed at much higher levels through town.

Ms. Walker said there are some areas in the City where 42 1/2 feet of protection has been attained, with more work needed to protect all areas to that level. She said with the comprehensive plan in place, approximately 3.2 miles would still require sandbagging and 7.6 miles of emergency earth levees would need to be built. She said the message to the legislature on the proposed diversion is that mitigation options have been researched and those involved continue to look at ways to improve the project, reduce the risks and to impact less people.

Commissioner Wimmer moved the update on potential flood emergency efforts be received and filed.

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.

Legislative Update:

City Administrator Pat Zavoral said staff would like the Board's support in opposing three bills the legislature is considering. One would set property tax caps through the mill levy, another restricts building authorities by local governments forcing a public vote and a third deals with water districts and annexation.

Director of Finance Kent Costin reviewed bills his department is tracking, most relating to potential impacts on the City's operations, long term financing and budgeting.

City Attorney Erik Johnson said he has concerns with the bill mandating compensation prior to access in emergencies which may have an unintended consequence of making access for emergency management incidents more difficult.

Commissioner Wimmer moved the Board support recommendations of staff in opposition of the bills discussed.

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

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

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 18, 2013.

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

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