

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 4/1/13:
 - (1) Enacting Article 13-15 of Chapter 13 of the Fargo Municipal Code Relating to Ambulance Service.
 - (2) Rezoning Certain Parcels of Land Lying in Brandt Crossing Sixth Addition, Fargo, Cass County, North Dakota.
- b. Year to Date – Budget to Actual Report for March 2013.
- c. Fire Department budget adjustment in the amount of \$25,409.00 and North Dakota Department of Homeland Security grant agreement to purchase portable radios and related equipment (CFDA #97.067).
- d. Fire Department budget adjustment in the amount of \$33,000.00 and North Dakota Department of Homeland Security grant agreement for Trench Rescue and Hazardous Materials training (CFDA #97.067).
- e. Fire Department budget adjustments in the amount of \$4,900.00 for M-F Haz Mat Team training.
- f. Contract for Meter Reader 1 position with Brandon Beaudry for 2013.
- g. Appoint Cole Ryan Thomsen as a special police officer for NDSU.
- h. Request from the Fargo Marathon to hang banners in the skyway from May 10 until May 20, 2013 to promote the Fargo Marathon.
- i. Application filed by Lewis and Clark PTA for bingo and a raffle on 4/30/13.
- j. Appoint Scott Diamond and Michelle Donarski as Alternate Municipal Judges to be compensated at a rate of \$100.00 per hour.
- k. Credit annual leave for exempt employees who worked on flood preparation on March 29th with annual leave hours equivalent to the number of flood related hours worked (not to exceed eight).
- l. Application filed by Jessica Gordon for a 5-year tax exemption for improvements made to a building at 1126 7th Avenue South.
- m. Three-year security and courier services contract with Sentry Security Services at the Ground Transportation Center.
- n. Warehousing Agreement with Reile's Transfer & Delivery for transportation, handling and storage of filled sandbags, and "At-The-Ready" Services.
- o. Agreement for Special Improvements with K Square Developers (Improvement Dist. Nos. 6204 and 6205).

- p. Purchase Agreement – Easements and Fee Acquisition with Charles and Rhonda Hoge (Project No. 5958-03).
- q. Contract Amendment Nos. 2, 3 and 4 for Project No. 6043.
- r. Bid award for Project No. 6188 to Ti-Zack Concrete, Inc. in the amount of \$395,583.00.
- s. Bid advertisements for Project Nos. 6164 and 6212.
- t. Bills in the amount of \$5,622,623.33.

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

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

Final Balancing Change Order No. 1 for Improvement District No. 5974 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$90,130.06 for Improvement District No. 5974.

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6175 (Various Locations in North Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6175:

Adopt Resolution Creating Improvement District No. 6175:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6175 in the City of Fargo, North Dakota, be created

On 3rd Avenue North from University Drive to Drain 3 and 15th Street North from 1st to 3rd Avenue North.

COMPRISING:

Lot 4, Block 1, MNPF Addition.

Lot 4, Block 1, P.M. Addition.

Lots 11 through 20 and south 48' of 21 and 22, Block 10

Lots 13 through 24, Block 11

Lots 13 through 18, Parts of 23 and 24, All of 22, Block 12

Lots 3 through 12, Block 13

Lots 1 through 12, Block 14

Lots 1 through 12 and Lots 20 through 24, Block 15
Lots 13 through 17 less the east 45' of Lot 17 and Lots 9 through 12, Block 18
Lots 13 and 14, Block 18
All in Reeves Addition.

Lot 5, Block 1
Lot 6, Block 2
Second Avenue North Subdivision.

Lots 1 through 4, Block 1
Elim Rehabilitation Addition.

Lots 1 and north 34.35' of 2, Block 17
South 5.65' of Lot 2, Block 17
Lots 3 through 8, Block 17
Reeves Block B Sterns 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. 6175 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. 6175:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6175 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 \$2,357,500.00.)

Order Plans and Specifications for Improvement District No. 6175:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6175 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6175:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6175 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. 6175 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. 6175 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 26% 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 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. 6175:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6175 in the City of Fargo, North Dakota.

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

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

Traffic Signal Improvements and Incidentals Improvement District No. 6200 (Intersection of 45th Street and 30th Avenue South/Brandt Drive):

Commissioner Mahoney moved the following action be taken in connection with Traffic Signal Improvements and Incidentals Improvement District No. 6200:

Adopt Resolution Creating Improvement District No. 6200:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6200 in the City of Fargo, North Dakota, be created

45th Street South at 30th Avenue/Brandt Drive South.

COMPRISING:

Lots 1 through 8, Block 1

Lots 1 through 4, Block 2

Lots 1 and 6, Block 3
All in Calico Prairie Addition

Lots 1 and 2, Block 1, Metropolitan Park Addition

Lots 1 through 5, Block 1, Urban Plains Northeast Retail Addition

Lots 1 through 10, Block 2
Lots 1 through 7, Block 8
All in Urban Plains by Brandt 1st Addition

Lots 1 through 3, Block 1, Brandt Park Addition

Lots 1 through 6, Block 1, Urban Plains Medical Park Addition

Lots 1 through 4, Block 1, Urban Plains Starion Addition

Lots 2 through 12, Block 1, Urban Plains Retail Addition

Lots 1 through 6, Block 1, Urban Plains Rec Facility Addition

Lot 1, Block 5, Urban Plains Center
All of the foregoing is located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Traffic Signal Improvements and Incidentals Improvement District No. 6200 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. 6200:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6200 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 \$305,372.60.)

Order Plans and Specifications for Improvement District No. 6200:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6200 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6200:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6200 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. 6200 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 Traffic Signal Improvements 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 Traffic Signal Improvements and Incidentals Improvement District No. 6200 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 Traffic Signal Improvements and Incidentals improvement is to be paid from Sales Tax and approximately 70% 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 Traffic Signal Improvements 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. 6200:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6200 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6209 (Osgood Townsite 11th 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. 6209:

Adopt Resolution Creating Improvement District No. 6209:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6209 in the City of Fargo, North Dakota, be created

47th Avenue South from 45th Street to 46th Street
46th Street South from 47th Avenue South to 49th Avenue South

COMPRISING:

Lots 1 through 11, inclusive, Block 1.
Lots 1 through 8, inclusive, Block 2.
Lot 15 through 27, inclusive, Block 14.
All platted in the Osgood 11th Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6209 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. 6209:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6209 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 \$914,900.00.)

Order Plans and Specifications for Improvement District No. 6209:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6209 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6209:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6209 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. 6209 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. 6209 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications

approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

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

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 6209:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6209 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 Approved:

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

Western Surety Company, in the amount of \$168,606.87, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota.

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

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

Flood Update: Demolition of City-owned Homes in Oakcreek Approved:

Mayor Walaker said two weeks ago, the National Weather Service said there was a 50% chance for a 38 foot flood with 10% probability of just under 41 feet. Now, he said, with the recent heavy snow and a prediction of another storm potentially adding a foot of snow to the southern basin, it makes that 50% chance more of a reality. He said staff has been directed to restart sandbag filling operations to produce at least 500,000 sandbags bringing the total to over 1.8 million to protect the City against a 41 foot flood, with two feet of freeboard. He said he does this with some reluctance; however, it is best not to wait for a deterministic forecast to act. The weather this spring is an anomaly, and the chances of rain or a quick melt increase the longer this cold weather extends into the year, he said.

Commissioner Mahoney said he would like to discuss alternatives for protecting the Oakcreek area from flooding, bearing in mind that contractors need time. He said the cost for removing the eight City-owned houses for placement of a clay dike is comparable to the Trap Bag plan and will reduce the number of sandbags needed.

Commissioner Williams said he would like to see a clay dike placed in the backyards without demolishing the houses right now, which will allow more time and still offer protection. If it turns out the houses must be torn down, he said, there is time to salvage them properly and a clay dike offers protection. He said whether the houses stay or are removed, a clay dike would not qualify as certifiable to FEMA standards and could not be permanent.

Commissioner Wimmer said he was disappointed that he was not notified of the Oakcreek discussion because he and the residents could have been better prepared. He said there was a decision previously made to protect those homes with Trap Bags and not to remove them until there was a flood prediction of a higher level and that still remains uncertain. He said he would like more time, input and discussion before authorizing the demolition of the homes. He stated whether the homes go or stay, the City will protect the neighborhood to a higher level.

Commissioner Mahoney said these homes would already be gone, and this would not be a discussion, had the auction not been cancelled due to a blizzard. Options for that area have been reviewed over the last two years, he said, and the people whose homes were bought out by the City were told the homes would be removed. The safest thing to do at this point is to remove the homes, build a clay dike for protection and not wait for a deterministic forecast, he said.

City Engineer April Walker said with a possible snow event later this week and the current cold trend changing, plus a possibility of a volatile rainfall event in a couple weeks, the National Weather Service has urged the City not to wait for a deterministic forecast to prepare. She said the Board approved protecting Oakcreek with Trap Bags during a Special Meeting on April 11th and the demolition contractor deployed his forces out of town, anticipating the homes were not coming down. She said the contractor is willing to bring his people back to do the demolition at the bid price, which will take several days plus an additional five to seven days for demolition.

Mayor Walaker said things have changed and the logical thing to do is move forward. Contractors need time to mobilize, he said, and he does not feel there is time to wait and take any chances. Floods are dynamic, he stated, and decisions need to be made. He said the river will be watched closely and the public will be kept informed.

Director of Engineering Mark Bittner said he is concerned about this year's flood as it just feels different. The National Weather Service is not able to use their existing models this year, he stated, which usually end by mid-April. They have gone to three categories instead, he said; perfect melt, medium melt or high risk melt and would prefer preparations be made for a high risk melt, which goes to 43 feet. He said in 2009, at less than 42 feet, sandbag levees in the back yards were pushed to the limit and were very shaky. He is most comfortable with clay, he said, because of the stability and it can be added onto. He said there has never been this much snow with looming rainfall and water could get here very fast. It is best to protect to the high level, he said, because it is better to be safe than under water.

Steve Kruger, 4497 Oakcreek, said a clay dike was built in his backyard for the 2011 flood, which turned out not to be needed. In 1997, he said, overland flooding resulted in adding to the top of the dikes almost weekly and it was amazing that they held. The thaw seems to be going good this year, he said, and he hopes that demolishing the homes is a last resort. He said he would like to see a floodwall in his back yard protecting his house, and it seems there must be a way to protect along Second Street with floodwalls also.

Mayor Walaker said the Corps determined a floodwall on Second Street is not economically feasible; however, extensive soil surveys will be done this summer so improvements can be made there.

Angie Potas, 4496 Oakcreek, stated a majority of Oakcreek residents have indicated they want the homes removed.

Gary Cavett, 4449 Oakcreek, said he is not here for his house specifically; he is here for the neighborhood. He said he feels tearing homes down is not necessary and options exist that will allow for homes to be preserved in the neighborhood.

Chad Weisgram, 4480 Oakcreek, said he does not live on the creek side; however, he has helped in many flood fights and has put in hundreds of hours of his own time and with his own machinery, and is not willing to do it anymore. He said although he loves the neighborhood and wants to stay there, he would move right now if he could. A long term solution is needed, he said, and putting Trap Bags in the yard is not a long term solution.

Commissioner Sobolik said she sees Commissioner Wimmer's point and understands that Oakcreek residents may be frustrated over the short notice for this discussion. She said the recent snowfall has changed predictions and she is not able in good conscience to support the risk involved in placing levees behind the homes, which could fail and flood South Fargo.

Commissioner Mahoney moved the demolition of the eight City-owned homes in Oakcreek, to allow for a levee, be approved.

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

Commissioners Williams and Wimmer voted nay.

The motion was declared carried.

Peter Moynihan Appointed to the House Moving Board:

The Board received a communication from Mayor Walaker recommending that Peter Moynihan from the Historic Preservation Board be appointed to the House Moving Board to fill the vacancy created by the resignation of Andrew Nielsen. He stated there are no term limits for members of the House Moving Board.

Commissioner Williams moved Peter Moynihan be appointed to the House Moving Board.

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 a Petition for a Zoning Change in Evelyn Acres Addition Continued to April 29, 2013 (4810, 4844, 4874 and 4942 39th Avenue South):

A Hearing had been set for April 1, 2013 on a petition for a zoning change from MR-1, Multi-Dwelling to SR-4, Single-Dwelling on Lots 5, 6, 7 and 8, Block 3, Evelyn Acres Addition.

At the April 1, 2013 meeting, the Hearing was continued to this day and hour; however, the developer has requested that the Hearing be continued to April 29, 2013.

Commissioner Mahoney moved the Hearing be continued to April 29, 2013.

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

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

Parcels of Land in Osgood Townsite Eleventh Addition Rezoned (4669, 4677, 4681 and 4685 49th Avenue South; 4707 and 4741 45th Street South; and 4822 47th Avenue South):

At a Hearing held on February 5, 2013 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial with a Conditional Overlay to MR-3, Multi-Dwelling and the extinguishment of the existing Conditional Overlay of the proposed Osgood Townsite Eleventh 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 Osgood Townsite Eleventh 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 Osgood Townsite Eleventh 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 Osgood Townsite Eleventh 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 "Osgood Townsite Eleventh Addition" containing 19 Lots, 2 Blocks, and 35.57 acres of land more or less, located at 4669, 4677, 4681, and 4685 49th Avenue South, 4707 and 4741 45th Street South, and 4822 47th Avenue South; and

WHEREAS, A Hearing was held February 5, 2013 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 April 10 and April 15, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., April 15, 2013 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 "Osgood Townsite Eleventh 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.

Purchase of Additional Rapid-Deploy Products Approved:

City Administrator Pat Zavoral said staff recommend preparing immediately to the 41 foot protection level for the entire City, with 2 feet of freeboard. He said there appears to be about 15 days to get everything done and he would like to have a flood meeting Friday morning to give Commissioners more information.

Enterprise Director Bruce Grubb stated most of the sandbags left from the 2011 flood appear to be in good shape; however, some of the pallets have deteriorated and will take some time to sort through before transporting. He said he is very confident that 500,000 to 600,000 can be salvaged from the compost storage site. For a 43 foot protection level, he said, he would like to make an additional 500,000 sandbags which is on top of the 550,000 recently produced. He said he would like to begin producing sandbags again this week.

City Engineer April Walker said in order to raise levels to 43 feet, some areas previously planned to be protected with earthen levees or sandbags must be converted to rapid-deploy measures. She said she is seeking permission to purchase the necessary products at a cost between \$200,000.00 and \$230,000.00.

Commissioner Mahoney moved the purchase of additional rapid-deploy products be approved.

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

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

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, April 29, 2013.

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

The time at adjournment was 6:37 o'clock p.m.