

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

May 13, 2013:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, May 13, 2013.

The Commissioners present or absent were as shown following:

Present: Williams, Mahoney, Sobolik, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved, adding an extra item at the end of the Regular Agenda to ratify the Termination of the Flood Emergency Declaration as of May 10, 2013.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on April 29, 2013 and the Special Meeting held on May 6, 2013 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Evelyn Acres Addition, Fargo, Cass County, North Dakota; 1st reading, 4/29/13.
- b. Year to Date – Budget to Actual Report for April 2013.
- c. Request from Sanford Health to hang banners in the Skyway from May 15 to May 20, 2013 to promote the “Sanford Mile” as part of the Fargo Marathon.
- d. Resolution Approving Plat of HOM Second Addition (Attachment “A”).
- e. Application filed by Guy and Leslie Nelson for a 3-year tax exemption for improvements made to a building at 104 35th Avenue NE.

- f. Rescind bid award to Sentry Security for security services at the GTC and MTG and authorize rebid of the project pursuant to FTA regulations.
 - (1) Short term agreement with Advance Security to 8/1/13.
- g. Site Authorizations for Games of Chance:
 - (1) Sts. Anne & Joachim Catholic Church at the Church.
 - (2) Jon Greenley Amvets Post #7 at the Nestor Tavern and Amvets.
 - (3) Team Makers Club, Inc. at the Fargodome, Lucky's 13 Pub and the Holiday Inn.
 - (4) Northern Prairie Performing Arts at The Windbreak Saloon, the Old Broadway - Sports Zone and the Doublewood Lounge.
 - (5) North Dakota Association for the Disabled, Inc. at O'Kelly's and Bulldog Tap.
- h. Applications for Games of Chance:
 - (1) Fargo Gateway Lions for a raffle on 7/23/13.
 - (2) African Soul American Heart for a raffle on 11/16/13.
- i. Accept quote from Industrial Builders, Inc., in the amount of \$44,760.00, for 2013 Cleanup Week contracting services.
- j. Reimbursement to Jeff's Plumbing, in the amount of \$6,750.00, for additional sanitary sewer work at the Side Street Bar.
- k. Reimbursement of sprinkler repair to Beverage Wholesalers for damage caused by last year's project adjacent to their business.
- l. Purchase Agreement – Easements and Fee Acquisition with Kristin Bullis in connection with Project No. 5958-03.
- m. Agreement for Entry and Construction with K Square Developers, LLC in connection with Improvement District No. 6143.
- n. Bid awards for Project Nos. 6196 to Merritt Landscape Design in the amount of \$210,592.00 and 6206 to Midwest Landscaping in the amount of \$89,183.00.
- o. Contracts and bonds for Project Nos. 6066, 6188 and 6215-02.
- p. Bills in the amount of \$5,122,060.57.

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.

Mill and Overlay and Incidentals Improvement District No. 6198 (Various Locations in North Fargo):

Commissioner Mahoney moved the following action be taken in connection with Mill and Overlay and Incidentals Improvement District No. 6198:

Adopt Resolution Creating Improvement District No. 6198:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6198 in the City of Fargo, North Dakota, be created

LOCATION (SECTION 1):

On 35th Avenue North from Elm Street North to Broadway North.

On 35th Avenue Northeast from Peterson Parkway North to Elm Street.

On 36th Avenue Northeast from Evergreen Road North to Elm Street North.

On 36th Avenue North from 1st Street North to 2nd Street North.

On Eagle Street North from 32nd Avenue Northeast to Peterson Parkway North.

On Peterson Parkway North from 32nd Avenue Northeast to 35th Avenue Northeast.

On Bohnet Boulevard North from 32nd Avenue Northeast to 35th Avenue Northeast.

On Birdie Street North from Bohnet Boulevard North to 35th Avenue Northeast.

On Par Street North from 32nd Avenue Northeast to Fairway Road North.

On Maple Street North from 32nd Avenue Northeast to 35th Avenue Northeast.

On Hickory Street North from 32nd Avenue Northeast to Maple Street North.

On Longfellow Road North from 32nd Avenue Northeast to Par Street North.

On Evergreen Road North from 32nd Avenue Northeast to Par Street North.

On Evergreen Circle North from Evergreen Road North to west end of cul de sac.

On Fairway Road North from 36th Avenue Northeast to Par Street North.

On 1st Street North from 35th Avenue North to 36th Avenue North.

On 2nd Street North from 32nd Avenue North to 36th Avenue North.

On Cherry Lane from 32nd Avenue North to 35th Avenue North.

LOCATION (SECTION 2):

On College Street North from approximately 200 feet south of 9th Avenue North to 12th Avenue North.

On 14th Street North from approximately 210 feet south of 9th Avenue North to 12th Avenue North.

On Barrett Street North from 8th Avenue North to 12th Avenue North.

On 9th Avenue North from University Drive North to Barrett Street North.

On 10th Avenue North from University Drive North to Barrett Street North.

On 11th Avenue North from University Drive North to 14th Street North.

COMPRISING (SECTION 1):

Lots 8 through 11, Block 1.

Lot 18, Block 1

Lots 1 through 8, Block 2.
All in Van Raden Addition.

Lots 1 through 9, Block 1.
Lots 1 through 15, Block 2.
Lot 30, Block 2.
Lot 1, Block 3.
All in Van Raden Addition 2nd Addition.

Lots 1 through 5, Block 1, Van Raden's 3rd Addition.
Lots 9 through 21, Block 1.
Lots 1 through 14, Block 2.
All in Van Raden's 4th Addition.

Lots 11 through 24, Block 1.
Lots 1 through 26, Block 2.
Lots 1 through 13, Block 3.
All in Golf Course 1st Addition.

Lots 1 and 2, Block 1.
Lots 1 through 4, Block 2.
Lots 1 through 8, Block 3.
Lots 1 through 10, Block 4.
Lots 1 through 13, Block 5.
Lots 3 through 10, Block 6.
Lots 4 through 18, Block 7.
Lots 5 through 16, Block 8.
All in Golf Course 2nd Addition.

Lots 1 through 32, Block 1.
Lots 1 through 24, Block 2.
Lots 1 through 19, Block 3.
Lots 1 through 17, Block 4.
All in Golf Course 3rd Addition (corrective plat).

Lots 1 through 8, Block 1.
Lots 1 through 28, Block 2.
Lots 1 through 14, Block 3.
All in Golf Course 4th Addition.

Lots 1 through 10, Block 1A.
Lots 1 through 10, Block 1B.
All in Replat of Lot 9, Block 1, Golf Course 4th Addition.

Lots 1 through 14, Block 1.
Lots 1 through 13, Block 2.
Lots 1 through 26, Block 3.
Lots 1 through 10, Block 4.

Lots 1 through 14, Block 5.
All in Golf Course 5th Addition.

Lots 11 through 23, Block 4A, Replat of Lots 11-24, Block 4, Golf Course 5th Addition.

All unplatted land in Section 20, Township 140N, Range 48.

COMPRISING (SECTION 2):

Lot 2, Block 3.
Lots 8 through 12, Block 3.
Lots 7 through 14, Block 4.
Lots 7 through 14, Block 5.
Lots 1 through 10, Block 6.
Lots 1 through 10, Block 7.
Lots 1 through 5, Block 8.
All in Kirkham's Addition.

Lots 1 through 11, Block 9.
Lots 1 through 22, Block 10.
Lots 1 through 6, Block 11.
Lots 15 through 22, Block 11.
Lots 1 through 6, Block 12.
Lots 15 through 22, Block 12.
Lots 1 through 22, Block 13.
Lots 1 through 14, Block 14.
All in Kirkham's 2nd Addition.

Lots 1 through 8, Block 2.
Lots 1 through 12, Block 3.
Lots 1 through 5, Block 6.
Block 7.
Lots 1 through 7, Block 8.
All in Barrett's Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Mill and Overlay and Incidentals Improvement District No. 6198 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. 6198:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6198 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 \$1,625,000.00.)

Order Plans and Specifications for Improvement District No. 6198:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6198 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6198:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6198 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. 6198 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 Mill and Overlay 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 Mill and Overlay and Incidentals Improvement District No. 6198 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 Mill and Overlay 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. 6198:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6198 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, Site Improvements and Incidentals Improvement District No. 6204 (Valley View):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Improvements and Incidentals Improvement District No. 6204:

Adopt Resolution Creating Improvement District No. 6204:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6204 in the City of Fargo, North Dakota, be created

36th Avenue South between Veterans Boulevard and the Brandt Crossing Addition.

38th Avenue South between 50th Street South and 54th Street South.

49th Street South between Spencer Lane South and 36th Avenue South.

51st Street South between 38th Avenue South and 40th Avenue South.

50th Street South north of 36th Avenue South terminating in a cul-de-sac.

54th Street South between 40th Avenue South and the Brandt Crossing Addition.

55th Street South between 36th Avenue South and the Brandt Crossing Addition.

COMPRISING:

The unplatted lot north of 23rd Avenue South bounded to the north by Interstate 94, to the east by 51st Street South, and to the west by Veterans Boulevard.

Lots 1 through 4, inclusive, Block 1

All platted in Amber Valley West 1st Addition.

Lots 1 through 3, inclusive, Block 1

All platted in the Amber Valley West 2nd Addition.

Lots 1 through 4, inclusive, Block 2

All platted in the Amber Valley West 1st Addition.

Lot 1, Block 3

All platted in the Amber Valley West 1st Addition.

Lots 1 and 2, inclusive, Block 4

All platted in the Urban Plains by Brandt 1st Addition.

Lots 2 and 3, inclusive, Block 3

All platted in the Urban Plains by Brandt 1st Addition.

Lot 2, Block 2

All platted in the Urban Plains Center Addition.

Lots 1 through 3, inclusive, Block 1
All platted in the Urban Plains Recreational 2nd Addition.

Lots 1 through 3, inclusive, Block 5
All platted in the Urban Plains by Brandt 1st Addition.

Portions of Lot 1, Block 4 of the Urban Plains Center Addition bounded to the west by Seter Parkway and bounded to the east 150' east of the Seter Parkway right-of-way.

Lot 1, Block 1
All platted in the Brandt Crossing 1st Addition.

Lot 1, Block 2
All platted in the Brandt Crossing 1st Addition.

All lots platted in Block 3 in the Brandt Crossing 1st Addition.

Lot 1, inclusive, Block 4
All platted in the Brandt Crossing 1st Addition.

Lots 1 through 10, inclusive, Block 1
All platted in the Brandt Crossing 2nd Addition.

Lot 1, Block 5
All platted in the Brandt Crossing 2nd Addition.

Lots 1 through 16, inclusive, Block 1
All platted in the Brandt Crossing 3rd Addition.

Lots 1 through 12, inclusive, Block 6
Lots 1 through 24, inclusive, Block 7
Lots 1 through 24, inclusive, Block 8
Lots 1 through 24, inclusive, Block 9
Lots 1 through 12, inclusive, Block 10
Lots 1 through 14, inclusive, Block 11
Lots 1 through 14, inclusive, Block 12
Lots 1 through 12, inclusive, Block 13
Lots 1 through 30, inclusive, Block 14
All platted in the Brandt Crossing 1st Addition.

Lots 1 through 5, inclusive, Block 1
Lots 1 through 27, inclusive, Block 2
Lots 1 through 14, inclusive, Block 3
Lot 1, Block 4
Lots 1 through 11, inclusive, Block 5
Lots 1 through 8, inclusive, Block 6
Lot 1, Block 7

Lot 1, Block 8
All Platted in the Valley View Addition

All unplatted property bounded on the west by Veterans Boulevard, bounded on the east by the Sincebough Addition, bounded on the south by 40th Avenue South and Drain 27, and bounded on the north by 36th Avenue South.

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, Site Improvements and Incidentals Improvement District No. 6204 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. 6204:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6204 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 \$5,676,000.00.)

Order Plans and Specifications for Improvement District No. 6204:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6204 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6204:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6204 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. 6204 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, Site 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 Sanitary Sewer, Water Main, Storm Sewer, Site Improvements and Incidentals Improvement District No. 6204 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, Site 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. 6204:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6204 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. 6217 (Brandt Crossing):

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. 6217:

Adopt Resolution Creating Improvement District No. 6217:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6217 in the City of Fargo, North Dakota, be created

51st Street South from 32nd Avenue South to 33rd Avenue South.

COMPRISING:

Lot 2, Block 1, Brandt Crossing 5th Addition.

Lots 1 through 3, inclusive, Block 1, Brandt Crossing 6th Addition.

Lots 1 through 4, inclusive, Block 1, Brandt Crossing 7th 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. 6217 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. 6217:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6217 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 \$813,120.00.)

Order Plans and Specifications for Improvement District No. 6217:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6217 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6217:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6217 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. 6217 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. 6217 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. 6217:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6217 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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6178 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Mater Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6178 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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6178 Approved:

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

Western National Mutual Insurance Company, in the amount of \$924,068.00, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6178 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 Mill and Overlay and Incidentals Improvement District No. 6183 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Mill and Overlay and Incidentals Improvement District No. 6183 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 Mill and Overlay and Incidentals Improvement District No. 6183 Approved:

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

Liberty Mutual Insurance Company, in the amount of \$2,454,041.23, for Mill and Overlay and Incidentals Improvement District No. 6183 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.

Resolution Adopted Approving the Creation of the Fargo Youth Initiative:
Appointment of Members to the Fargo Youth Initiative for the 2013-2014 School Year
Approved:

The Board received a communication from Commissioner Sobolik stating since the October 29, 2012 vote by the Board to support the creation of a Youth Advisory Commission, a group of 14 young student leaders and 5 mentors have convened to work through the design of this group. The name of the group, she said, is Fargo Youth Initiative (FYI).

Community Development Administrator Dan Mahli said the process was driven by the youth with minimal adult input. He said this effort to listen to and engage young people in the matters of the City is important, and he looks forward to a bright future with the Fargo Youth Initiative.

Andrew Park, Kristina Heggedal, Lauren Singelmann and Mason Thimjon, explained the roles of the youth and the adults, the creation of the committee, the bylaws and the goals. The group will continue to evolve, they said, and "Connect-Create-Educate."

Commissioner Sobolik said this was an incredible process to be a part of and many decisions were made in a short amount of time. She said the group was thoughtful, insightful, inclusive and energizing. She thanked the students, parents and mentors and said Kristina Heggedal is deserving of special recognition for her leadership role. Ms. Heggedal is going off to college next year, she said, and unfortunately will no longer be a part of FYI.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The Board of City Commissioners approved a study of the idea of creating a Youth Advisory Commission and placed Fargo City Commissioner Melissa Sobolik in charge of the study; and

WHEREAS, The Board of City Commissioners recognizes the value of including the City's youth on an advisory committee that is empowered to provide input to City staff and to the Board of City Commissioners; and

WHEREAS, Commissioner Sobolik convened a group of fourteen (14) young leaders and five (5) mentors to consider the matter and develop the concept, vision, mission, purpose and structure for such an advisory body; and

WHEREAS, Having received the report from Commissioner Sobolik regarding the work done by the said group, the Board of City Commissioners wishes to establish a committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

- A. The Board of City Commissioners hereby authorizes and creates the Fargo Youth Initiative, which will consist of up to 20 members appointed by the Mayor of the City, with the consent of the Board

of City Commissioners, that will act as an advisor to the Board of City Commissioners.

- B. The mission of the Fargo Youth Committee is to empower the voice and unite the youth of Fargo through action and team work.
- C. Staffing for the committee will be coordinated by the Department of Planning and Development.
- D. The Fargo Youth Initiative is hereby authorized to establish internal rules, or bylaws, for the holding of regular meetings and for such other matters as the Fargo Youth Initiative may deem appropriate.
- E. The Fargo Youth Initiative shall be an advisory body and shall make recommendations to the Board of City Commissioners.

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

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

Commissioner Sobolik said the following students are being recommended as the first Fargo Youth Initiative members for the 2013-2014 school year: Martin Altenburg, Alicia Anderson, Matthew Bauske, Obbie Bladholm, Tom Burgum, Elizabeth Fisher, Laurie Heggedal, Kally Kvidera, Emma McIntyre, Andrew Park, Jackson Ridl, Lauren Singlemann, Mason Thimjon, Ellen Trotter, Rachel Ward, Mari Natwick and Clay Bachmeier. She also thanked the mentors who assisted with the planning: Dan Fisher, Rebecca Fisher, Dan Mahli and Robin Nelson.

Commissioner Sobolik moved members be appointed to the Fargo Youth Initiative for the 2013-2014 school year as recommended.

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

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

Resolution Adopted Approving William Thomas Addition (4005 52nd Avenue South):

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 "William Thomas Addition" containing 3 Lots, 1 Block, and 16.081 acres of land more or less, located at 4005 52 Avenue South; and

WHEREAS, A Hearing was held March 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 29 and May 6, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., May 13, 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 "William Thomas 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.

Hearing on a Petition for a Zoning Change on Certain Parcels of Land in Golden Valley Addition Continued to May 28, 2013 (6737 and 7067 25th Street South):

This was the time and date set for a Hearing on a petition for a zoning change from AG, Agricultural to SR-2, Single-Dwelling and PI, Public Institutional of the proposed Golden Valley Addition, however, Planning Staff has requested that the Hearing be continued to May 28, 2013.

Commissioner Wimmer moved the Hearing be continued to May 28, 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.

Motion to Approve the Application Filed by Cash Wise Liquor, LLC d/b/a Cash Wise Liquor to Transfer the Alcoholic Beverage License at 4101 13th Avenue South to 1420 34th Street South Failed for the Lack of a Majority:

A Hearing had been set for April 29, 2013 on an application filed by Cash Wise Liquor, LLC d/b/a Cash Wise Liquor to transfer the Class "B" Alcoholic Beverage License at 4101 13th Avenue South to a new location at 1420 34th Street South.

At the April 29, 2013 meeting the Hearing was continued to this day and hour.

The Board received a communication from City Attorney Erik Johnson stating the Board asked him to look into the question of whether the 100 foot separation between a licensed premises and gas station has been met with respect to the license transfer request by Cash Wise Liquor, LLC. He said his observation is that vacuum cleaner canisters, not the gas pump islands, are the portion of the Little Duke's gas station nearest the proposed licensed premises. He said his opinion is that the 100 foot separation by Fargo Municipal Code Section 24-1508.E has not been satisfied and the application should therefore be denied unless the City Commission wishes to allow the applicant additional time, upon request, to supplement the application with information or evidence that establishes the required separation. Mr. Johnson said there were two issues that needed to be resolved relative to this application; the factors listed in the Ordinance and the separation provision in the Ordinance that states any off sale store has to be 100 feet away from any other facility that sells food, gasoline or pharmacy supplies.

Jim Hornecker, Director of Real Estate for Coborns, shared site plan changes showing the building shifted further west and the vacuum canisters relocated. He said that helps clarify the 100 foot separation. The intention of Cash Wise is to relocate the liquor store closer to the grocery store, he said, to make it more available to their customers.

Mike Nicholson, General Partner of The Spirit Shop, asked the Board to consider some of the unique aspects of the liquor industry, such as: the same products are purchased from the same distributors as the competition, beer has to be paid C.O.D. and not with credit, licenses are expensive, off sale differs from on sale, employees must be diligent about not selling to minors and make judgment calls about turning down intoxicated patrons. He said his major concern is that the proximity of the proposed liquor store will mean the two stores will serve the same population base and that will mean a negative economic impact for The Spirit Shop. He said he feels at least fifty percent of his existing business would go directly to Cash Wise.

Jade Rosenfeldt, Attorney for The Spirit Shop, said based on the factors outlined in the City Ordinance the application should be denied. She said while she agrees with the analysis of the City Attorney as presented in his letter, she disagrees with Cash Wise being able to delineate the 100 foot setback themselves. Liquor Ordinance restrictions are not unusual, she said, and are intended to control the number and concentration of liquor outlets, not control competition. She stated Cash Wise has applied for a liquor license in the past and in 1988 their application was denied partially because of proximity. In 1989, she said, when an application was submitted under a separate entity, Fargo Beverage Company, it was also denied and when it went to the ND Supreme Court, the denial was upheld.

Dave Lundeen, owner of Main Liquors, stated his business saw a forty percent decrease lasting over six months when Empire Liquors opened up in front of Sam's Club, two miles away.

Commissioner Williams stated under the current Ordinance, with proximity and the economic impact being an issue, he does not support the application at this time. He said this is an opportunity to review and clarify the Ordinance.

Commissioners Mahoney and Wimmer agreed it would be beneficial to review the current liquor regulations to make them clearer.

Mayor Walaker said the current Ordinance is ambiguous. There should be a review of the language, he said, as well as the hundred foot rule. The City of West Fargo has not enhanced their liquor license, he said, they rely on the State Ordinance. Business competition is good, he said, and the issues should be approved or not approved based on the merits.

Commissioner Wimmer moved the request of Cash Wise Liquor, LLC to transfer the location of the licensed premises from 4101 13th Avenue South to 1420 34th Street South be approved; having considered the factors, including the impact on the competitors, that are listed in Section 25-1508 and finding it is in the best interests of public health, safety, morals and general welfare of the City to grant the transfer request of Cash Wise Liquors, LLC, under that condition that the bounds of the Little Duke's gasoline service station as depicted on the site plan presented at today's meeting remain in that location, being at least 100 feet from the licensed premises of Cash Wise Liquors, and that this condition remain as a condition for the

renewal of the alcoholic license of Cash Wise so long as the 100 foot separation remains in place.

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

Commissioners Williams, Mahoney and Sobolik voted nay.

The motion was declared lost for a lack of majority.

Mayor Walaker asked Commissioner Williams and City Attorney Erik Johnson to begin a review of the current liquor license regulations and best practices, with background information from City Auditor Steve Sprague about previous discussions, and return to the Commission with their findings.

At 6:16 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Hourly Contract with SRF Consulting Group for Planning Services Approved:

The Board received a communication from Planning Director Jim Gilmour and Planning Administrator Nicole Crutchfield stating, in response to increased development activity and to ensure adequate service levels, the Planning and Development Department issued a Request for Qualifications (RFQ) seeking proposals from firms to provide planning service assistance. They said the assistance would primarily be focused towards application processing and site plan reviews pursuant to Section 20.0910 of the Land Development Code. Quotes were requested from three firms, they stated, and staff reviewed the proposals and identified the SRF Consulting Group proposal as the one that will best meet the needs of the City. The contract amount will be hourly and cover an initial time period of 26 weeks (May 20 to November 15), they said, and under the terms of the contract would provide approximately 300 hours of service at an average rate of \$99.66 per hour. It is important to do this immediately, they said, to allow the Planning Department to catch up with the workload. They said clients are becoming frustrated with the long waits and construction delays while the plans are approved.

In response to a question from Commissioner Wimmer about what has changed and whether this is the best solution, Mr. Gilmour said this is not a long-term solution; however, it will allow staff the opportunity to catch up, to evaluate the needs of the department, and address appropriate staffing over the long term.

Commissioner Sobolik said the department did scale back and is now seeing an increased workload. Whether this increased workload will be long term or if it is possible to get by with help from consultants needs to be analyzed, she said.

Commissioner Williams said the City is growing, yet the budget for salaries in the Planning Department is less than a year ago, which does not make sense. Good planners pay for themselves many times over, he said.

Commissioner Sobolik moved the Planning Director be authorized to execute an hourly contract with SRF Consulting Group for planning services as outlined in his request.

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.

City Attorney Directed to Draft a Revision to Fargo Municipal Code Article 12-04 Relating to Wildlife Management Program – Regulations:

The Board received a communication from Chief of Police Keith Ternes summarizing the City's Deer Management program for 2012/2013. The report describes the number of deer harvested last year, he said, and provides an assessment of how the program is working. The report also recommends adding a small portion of land owned by the City adjacent to Woodland Drive North between 16th and 18th Avenues North to the area where harvesting of deer is currently allowed, he said. He recommended a revision to Article 12-04 of the Fargo Municipal Code that would change the City's Deer Management Program to a Wildlife Management Program. He said that amendment would include the capacity to harvest other non-domestic animals, via archery hunting, if it becomes necessary to do so.

Commissioner Mahoney moved the City Attorney be directed to draft a revision to Fargo Municipal Code Article 12-04 Relating to Wildlife Management Program – Regulations.

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.

25th Street Project Concept Report Approved (Project No. 5681-02):

The Board received a Report of Action from the Public Works Projects Evaluation Committee recommending approval of the 25th Street Project Concept Report (PCR) with Alternative B, including Options 1 and 2, as well as a six foot decorative fence in the Prairiewood Crossing area as the base project. They recommended the PCR be sent to the NDDOT for concurrence.

Division Engineer Jeremy Gorden said the recommended alternative includes a six lane section with a center median accomplished with a partial widening north of 20th Avenue South and a reconstruction on the remainder, a new on-ramp in the southeast quadrant, widening of the bridge, a shared use path, a six or eight foot fence at Prairiewood Crossing and new traffic signals. There is some opposition from Prairiewood Crossing residents, he said, because of exhaust, noise, property values and due to the fact that trees need to be removed to facilitate the improvements. Tree removal was discussed, he said, and it was suggested that staff consider the option of burying the power lines on the east. He said once the Board makes its decision and the DOT makes theirs, a public hearing will be held with another opportunity for comments and a post-hearing. He said construction could begin by this time next year.

Connie Nelson, 65 Prairiewood Crossing, spoke in opposition of the project stating this is the third time this street will be redone in 23 years. The residents have concerns with property devaluation, noise, and losing trees, she said, and it would be nice to see a forested area included. Other areas of the City such as 13th Avenue and 17th Avenue have been left alone, she said, because they are residential. She asked the Board to consider doing the project only at the south end of the bridge to change the access to the Interstate, rather than the entire proposed project.

Mr. Gorden said that is not an option, due to the fact that one of the most congested intersections on this corridor is at 17th Avenue. He said that intersection is really the only place to go west between the Interstate and 13th Avenue.

Marlene Saar, 59 Prairiewood Crossing, said she has concerns about special assessments and property devaluation, as well as losing established trees.

In response to a question from Commissioner Sobolik about how the project may affect noise levels in that area, Mr. Gorden said noise studies were done showing five areas with noise levels above the threshold, which is not enough affected area to be cost effective. He said a six, or even an eight foot fence may not do much for the noise levels.

Commissioner Wimmer said, while he wishes the project did not impact the neighborhood, if it is not done now it will need to be done later. He said he would like to see everything possible done to lessen the affects to the neighborhood.

Mayor Walaker advised the Prairiewood residents to continue to communicate and work with Mr. Gorden to find solutions to alleviate their concerns.

Commissioner Wimmer moved the 25th Street Project Concept Report with the selection of Alternative B, including Options 1 and 2, a six foot or higher decorative fence and other amenities in the Prairiewood Crossing Addition, be approved and the Project Concept Report be sent to the NDDOT for concurrence.

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.

Termination of Flood Emergency Declaration Effective May 10, 2013 Ratified:

Mayor Walaker said an Emergency Declaration was issued on March 25, 2013 regarding the imminent threat of flooding to the City and was extended on April 29, 2013 to June 6, 2013. He said since the extension was granted, the flood waters have receded and are now at or near initial flood stage; therefore, the conditions which gave rise to the emergency have passed. He said he terminated the flood emergency declaration effective May 10, 2013 and asked that the termination be ratified by the Board.

Commissioner Wimmer moved the termination of the Flood Emergency Declaration effective May 10, 2013 be ratified.

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 Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, May 28, 2013.

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

The time at adjournment was 7:20 o'clock p.m.