

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

June 24, 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, June 24, 2013.

The Commissioners present or absent were as shown following:

Present: Mahoney, Sobolik, Williams, Walaker.

Absent: Wimmer.

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 consider a recommendation to allocate up to \$15,000.00 in CDGB match funding for a project at 56 Broadway.

Second by Williams. All the Commissioners present 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 June 10, 2013 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. Amendment Number 1 to the Design Agreement between the Department of the Army, Fargo and Moorhead for the Metro Flood Diversion Project.
- b. 2nd reading, waive reading and final adoption of an Ordinance Amending Article 12-04 of Chapter 12 of the Fargo Municipal Code Relating to Wildlife Management Program-Regulations (1st reading, 6/10/13) and adoption of Resolution authorizing the 2013/2014 Wildlife Management Program (Attachment "A").
- c. Revision to the City's Pcard program policy amending the enhanced cardholder limits from \$100,000.00 per cycle to \$250,000.00 per cycle, effective immediately.
- d. Allocation of \$45,000.00 in CDBG funds for exterior renovation of property at 64 4th Street North.

- e. Transit trade agreement amendment with Fargo Baseball, LLC.
- f. Appointment of Matt Amundson as Interim Chief Chemist with appropriate pay retroactive to June 7, 2013 and determine the position will remain non-exempt during this appointment.
- g. Service Agreement with Fargo Public Schools for nursing services for 2013 summer school.
- h. Acceptance of the interlocal agreement with Cass County and the allocation of the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) described in the agreement.
- i. Transit advertising agreements with Valley Rental and Country Financial.
- j. Application filed by Mark and Erica Usselman for a 5 year tax exemption for improvements made to a building at 1330 3rd Avenue North.
- k. Renewal of Alcoholic Beverage and Live Entertainment Licenses through June 30, 2014, upon the condition that all of the essential requirements for renewal are present by June 30, 2013.
- l. Sole source purchase of a stock Spartan ERV demo fire truck from Crimson Fire, Inc., in the amount of \$295,392.00.
- m. Software License and Update/Support Agreement contracts with Azteca Systems, Inc. for the Work Order Management and Asset Inventory Software Solution.
- n. 6-year municipal lease to Kinetic Leasing, in the amount of \$14,721.00 per year, for the purchase of a new crane body truck and chassis.
- o. Agreement for Special Improvements – McShane Development, LLC (District No. 6221).
- p. Purchase Agreement – Easements and Fee Acquisition with Mary Burges Unhjem (Project No. 5958-03).
- q. Purchase Agreement – Easements and Fee Acquisition with Summit Chase Townhomes Association, Inc. (Project No. 5958-03).
- r. Professional Services Agreement Amendment #4, in the amount of \$9,961.00, for Project No. 5958-02.
- s. RFP for Drain 53 flood risk reduction.
- t. Contract time extension for Project No. 6043-02 to 6/30/13.

- u. Bid awards for Project No. 5958-03 to Industrial Contract Services, Inc. in the amount of \$3,112,901.00; Project No. 6164 to Moorhead Electric Inc. in the amount of \$112,725.00; and Project No. 6172-02 to H & S Contracting in the amount of \$209,156.50.
- v. Contracts and bonds for Project SW 13-02.
- w. Bills in the amount of \$7,294,404.93.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Mill and Overlay and Incidentals Improvement District No. 6198: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Mill and Overlay and Incidentals Improvement District No. 6198 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 20 and 27, 2013 and protests representing .008 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Bids Received for Mill and Overlay and Incidentals Improvement District No. 6198:

The bids for Mill and Overlay and Incidentals Improvement District No. 6198 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 19, 2013 and the bids were found to be as follows:

Aggregate Industries Bid:	Moorhead, MN \$1,175,968.60
Border States Paving, Inc. Bid:	Fargo, ND \$1,260,869.60
Northern Improvement Company Bid:	Fargo, ND \$1,298,352.90
Central Specialties, Inc. Bid:	Alexandria, MN \$1,590,915.38

Contract for Mill and Overlay and Incidentals Improvement District No. 6198 Awarded to Aggregate Industries in the Amount of \$1,175,968.60:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Mill and Overlay and Incidentals Improvement District No. 6198; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 19, 2013 for Mill and Overlay and Incidentals Improvement District No. 6198 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Mill and Overlay and Incidentals Improvement District No. 6198 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$1,175,968.60 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Aggregate Industries in the sum of \$1,175,968.60 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Mill and Overlay and Incidentals Improvement District No. 6198 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$1,175,968.60, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Williams, Sobolik and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.
The Resolution was adopted.

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 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 Mahoney 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. 6201.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 5, 2013 and the bids were found to be as follows:

Dakota Underground Company Fargo, ND
Bid: \$5,965,338.78

Master Construction Company, Inc. Fargo, ND
Bid: \$7,005,023.26

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 Awarded to Dakota Underground Company in the Amount of \$5,965,338.78:

Commissioner Mahoney 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. 6201; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 5, 2013 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6201 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. 6201 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$5,965,338.78 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 Dakota Underground Company in the sum of \$5,965,338.78 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. 6201 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$5,965,338.78, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Williams, Sobolik and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 20 and 27, 2013 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney 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. 6217.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 19, 2013 and the bids were found to be as follows:

J.R. Ferche, Inc. Bid:	Rice, MN \$721,121.50
Master Construction Company, Inc. Bid:	Fargo, ND \$746,203.00
Northern Improvement Company Bid:	Fargo, ND \$775,627.85
Dakota Underground Company Bid:	Fargo, ND \$857,791.73

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 Awarded to J.R. Ferche, Inc. in the Amount of \$721,121.50:

Commissioner Mahoney 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. 6217; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 19, 2013 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 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. 6217 shows the bid of J.R. Ferche, Inc. of Rice, Minnesota, in the sum of \$721,121.50 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from J.R. Ferche, Inc. in the sum of \$721,121.50 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. 6217 in the City of Fargo, North Dakota, be and the same is hereby awarded to J.R. Ferche, Inc. for the sum of \$721,121.50, subject to the supervision, inspection and

approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6111 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6111:

Adopt Resolution Creating Improvement District No. 6111:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6111 in the City of Fargo, North Dakota, be created

70th Avenue South from a point 270' east of University Drive South to a point 150' east of 14th Street South.

73rd Avenue South from University Drive South to 14th Street South.

University Drive South from a point 725' north of 70th Avenue South to a point 600' south of 73rd Avenue South.

COMPRISING:

All lots platted in MGB 1st Addition.

All lots platted in MGB 2nd Addition.

All lots platted in Eagle Pointe 1st Addition.

All lots platted in Davies 1st Addition.

All unplatted land located in the SE ¼ of Section 12, Township 138, Range 49 and located within the limits of the City of Fargo.

All unplatted land lying west of University Drive South in the S ½ of the NE ¼ of Section 12, Township 138, Range 49.

All of the foregoing land lying in Cass County, North Dakota, said district to include land lying within the City limits of the City of Fargo and any described land lying outside said city limits as it is deemed future benefitting area.

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6111 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. 6111:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6111 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 \$1,095,950.00.)

Order Plans and Specifications for Improvement District No. 6111:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6111 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6111:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6111 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. 6111 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct P.C. Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6111 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said P.C. Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6111 is to be paid from Sales Tax and approximately 54% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed P.C. Concrete Curb and Gutter, Asphalt Pavement 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. 6111:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6111 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. 6173 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. 6173:

Adopt Resolution Creating Improvement District No. 6173:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6173 in the City of Fargo, North Dakota, be created

An area bounded to the north by Interstate 94, to the east by 51st Street and 47th Street South, to the south by Cass County Drain 27 and 40th Avenue South and to the west by Veterans Boulevard.

COMPRISING:

Lot 1, Block 1

Lot 1, Block 2

All platted in the Agassiz Crossing 5th Addition

Lots 1 through 4, inclusive, Block 1

Lots 1 through 4, inclusive, Block 2

Lot 1, Block 3

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 3, inclusive, Block 1

Lots 1 through 21, inclusive, Block 2

Lots 1 through 12, inclusive, Block 3

All platted in the Amber Valley 6th Addition.

Lots 1 through 3, inclusive, Block 3

Lots 1 and 2, inclusive, Block 4

Lots 1 through 4, inclusive, Block 5

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

Lots 1 & 2, inclusive, Block 2
Lots 1 through 3, inclusive, Block 3
Lot 1, Block 4
All platted in the Urban Plains Center Addition.

Lot 1, Block 1
Platted in the Urban Plains Recreational Addition.

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

Lot 1, Block 1
All lots platted in Block 3
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
All platted in the Brandt Crossing 4th Addition.

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

Lots 1 through 3, inclusive, Block 1
All platted in the Brandt Crossing 6th Addition.

Lots 1 through 4, inclusive, Block 1
All platted in the Brandt Crossing 7th 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
Lots 1 and 2, inclusive, 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 & 47th Street, bounded on the south

by 40th Avenue South and Drain 27, and bounded on the north by Interstate 94.

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

NOW, THEREFORE, BE IT RESOLVED, That Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. 6173 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. 6173:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6173 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 \$1,262,430.84.)

Order Plans and Specifications for Improvement District No. 6173:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6173 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6173:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6173 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. 6173 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 Storm Sewer Lift Station, Storm Sewer 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 Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. 6173 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 Storm Sewer Lift Station, Storm Sewer 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. 6173:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6173 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Traffic Signal Improvements and Incidentals Improvement District No. 6200 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Strata Corporation for Traffic Signal Improvements and Incidentals Improvement District No. 6200 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Traffic Signal Improvements and Incidentals Improvement District No. 6200 Approved:

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

Western Surety Company, in the amount of \$232,987.70, for Traffic Signal Improvements and Incidentals Improvement District No. 6200 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6202 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Ryan Development, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6202 in the City of Fargo, North Dakota.

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

Absent and note voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6202 Approved:

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

Arch Insurance Company, in the amount of \$1,732,569.00, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6202 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

2013 Cost of Living Adjustment for City Employees Approved:

The Board received a communication from the Budget Development Team and the Finance Committee stating that during the budget approval process for 2013, the Commission approved the evaluation of a potential cost of living adjustment (COLA) at mid-year vs. the past practice of including the increase in the original budget. They said this process allows time to complete the final year-end financial reporting and gathering of the most recent economic data prior to making any cost of living increase decisions. They said they are recommending a 2% cost of living adjustment effective July 1, 2013 and the budget be modified for the last half of fiscal year 2013 to fund the proposed COLA. General fund balances are slightly ahead of the fund balance goals, they said, and the health insurance rate for the next two years was 6%, the lowest renewal rate received in years.

Director of Finance Kent Costin said last year at budget time there was somewhat of a permanent shift made in the timing for deciding compensation for City staff. Making the decision at mid-year is helpful, he said, and allows a clearer picture of revenue sources and whether the budget is on target, as well as the economy. He said it is important to keep a balanced approach between the capital spending and operating costs appropriations.

In response to a question from Commissioner Mahoney about the cost of the COLA, Mr. Costin said an increase of 1% would be about \$480,000.00. He said pension contributions were raised 1% and will be raised another 1% January 1st meaning some of the growth in compensation is taken up by the rise in pension contributions.

Commissioner Sobolik moved the 2% cost of living adjustment for all full time and permanent part time employees effective July 1, 2013 be approved, including a budget amendment to appropriate the funding needed for this adjustment.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Ordinance Relating to Carrying, Possession, Discharge of Dangerous Weapons to be Placed on First Reading at the Next Regular Meeting of the Board:

Assistant City Attorney Jason Loos said this ordinance is in response to legislative changes made in the 2013 Legislative session. He said this now makes

stun guns and pepper spray legal to carry concealed and prevents the City from making a law saying possession of firearms is illegal.

Commissioner Mahoney moved the Ordinance Amending Section 10-0304 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Carrying, Possession, Discharge of Dangerous Weapons be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Ordinance Relating to Persons Under the Influence of Intoxicating Liquor or Controlled Substances Not to Operate Vehicle to be Placed on First Reading at the Next Regular Meeting of the Board:

Assistant City Attorney Jason Loos said this ordinance mimics the State's changes to DUI laws made in the 2013 Legislative session.

Commissioner Mahoney moved the Ordinance Amending Section 8-0310 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Persons Under the Influence of Intoxicating Liquor or Controlled Substances Not to Operate Vehicle be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

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

Assistant City Attorney Jason Loos said this ordinance updates the Harassment Ordinance to align with state law to include Facebook and other electronic media.

Commissioner Mahoney moved the Ordinance Amending Section 10-0322 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Harassment be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

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

Assistant City Attorney Jason Loos said this ordinance increases the maximum fines for misdemeanors and criminal infractions.

Commissioner Mahoney moved the Ordinance Amending Sections 1-0301, 1-0302, 1-0303 and 1-0304 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Ordinance Violations be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Michael Beaton Reappointed to the Special Assessment Commission:

The Board received a communication from Mayor Walaker recommending that Michael Beaton be reappointed to the Special Assessment Commission.

Commissioner Mahoney moved Michael Beaton be reappointed to the Special Assessment Commission for a three-year term ending July 1, 2016.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application Filed by Santa Lucia, Inc. d/b/a Santa Lucia Restaurant for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Santa Lucia, Inc. d/b/a Santa Lucia Restaurant for a Class "I" Alcoholic Beverage License at 1109 38th Street South, 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 Sobolik moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application Filed by Northern Prairie Performing Arts d/b/a The Stage at Island Park, Fargo Moorhead Community Theatre for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Northern Prairie Performing Arts d/b/a The Stage at Island Park, Fargo Moorhead Community Theatre for a Class "AB" Alcoholic Beverage License at 333 4th Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

City Auditor Steve Sprague said the applicant applied for a Class "AB" Alcoholic Beverage License, and it was advertised as such, however; only a Class "A" Alcoholic Beverage License, which is on-sale, can be issued for a club. The "B" part of the license, which is for off-sale, he said, is not available to clubs. He said the

application would need to be amended for a Class "AC" Alcoholic Beverage License, which is a Class "A" license with a club designation. To qualify for a club designation, he said, the entity must have been in existence for 20 years and have 200 plus members. He said the applicant is agreeable to amend the application to a Class "AC" Alcoholic Beverage License. He said he received a communication from Chief of Police Keith Ternes stating if the applicant is agreeable to amending the application to a Class "A" alcoholic beverage license, rather than a Class "AB" license, he would recommend approval.

Commissioner Sobolik moved a Class "AC" Alcoholic Beverage license be approved for Northern Prairie Performing Arts d/b/a The Stage at Island Park, Fargo Moorhead Community Theatre

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Amendment to the Growth Plan Approved: (4152, 4220, 4242, 4264, 4286 52nd Avenue South; 5498 and 5776 45th Street South; 5461 38th Street South; and 3856 56th Avenue South):

A Hearing had been set for June 10, 2013 to consider approval of an Amendment to the Growth Plan of the proposed The Pines at the District Addition.

At the June 10, 2013 meeting, the Hearing was continued to this day and hour.

The Fargo Planning Commission recommended approval of the Amendment to the Growth Plan at their January 8, 2013 meeting.

No written protest or objection to the amended Plan has been received or filed in the Planning and Development Department.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

In response to a question from Commissioner Williams about whether the trend is to reduce the number of cul-de-sacs in new developments due to the problems with snow removal, Planner Joe Nigg said the original plans for this development included nine cul-de-sacs and that has been reduced down to three. He said as plans for new developments come through, from the conceptual point to the final plans, connectivity is important and cul-de-sacs are being reduced as much as possible.

Commissioner Sobolik moved the amendment to the Growth Plan be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Parcels of Land in The Pines at the District Addition Rezoned:

At a Hearing held on January 8, 2013 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial and LC, Limited Commercial both with a Conditional Overlay to MR-3, Multi-Dwelling, P/I, Public and Institutional, SR-3, Single Dwelling, and SR-2, Single-Dwelling, all with the extinguishment of the existing Conditional Overlay, along with LC, Limited

Commercial and GC, General Commercial, both with the modification of the existing Conditional Overlay of the proposed The Pines at the District Addition.

The City Auditor's Office published a Notice of Hearing stating June 10, 2013 was the time and date set for said Hearing at which time all interested persons could appear and would be heard.

At the June 10, 2013 meeting, the Hearing was continued to this day and hour.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in The Pines at the District 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 The Pines at the District Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Resolution Adopted Approving The Pines at the District 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 "The Pines at the District Addition to the City of Fargo, A Replat of All of Block 3 and Part of Block 1, of the District of Fargo Second Addition, a Vacation of Part of 56th Avenue S. in the City of Fargo and a Plat of Part of the North Half of Section 3, Township 138 North, Range 49 West, Cass County, North Dakota" containing 149 Lots, 15 Blocks, and 186.45 acres of land more or less, located at 4152, 4220, 4242, 4264, 4286 52nd Avenue South, 5498 and 5776 45th Street South, 5461 38th Street South, and 3856 56th Avenue South; and

WHEREAS, A Hearing was held January 8, 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 May 6, 13, 20, and 27, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 10, 2013 at which time said Plat would be considered and all interested persons would be heard. At the June 10, 2013 meeting, the Hearing was continued to June 24, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "The Pines at the District Addition to the City of Fargo, A Replat of All of Block 3 and Part of Block 1, of the District of Fargo Second Addition, a Vacation of Part of 56th Avenue S. in the City of Fargo and a Plat of Part of the North Half of Section 3, Township 138 North, Range 49 West, Cass County, North Dakota" 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Parcels of Land in Golden Valley Addition Rezoned (6737 and 7067 25th Street South):

At a Hearing held on March 5, 2013 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-2, Single Dwelling and P/I, Public and Institutional of the proposed Golden Valley Addition.

The City Auditor's Office published a Notice of Hearing stating May 13, 2013 was the time and date set for said Hearing at which time all interested persons could appear and would be heard.

At the May 13, 2013 meeting, the Hearing was continued to May 28, 2013.

At the May 28, 2013 meeting, the Hearing was continued to June 10, 2013.

At the June 10, 2013 meeting, the Hearing was continued to this day and hour.

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

Absent and not voting: Commissioner Wimmer.
The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Golden Valley 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 Golden Valley Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Resolution Adopted Approving Golden Valley 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 "Golden Valley Addition" containing 88 Lots, 5 Blocks, and 56.683 acres of land more or less, located at 6737 and 7067 25 Street 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. At the May 13, 2013 meeting, the Hearing was continued to May 28, 2013. At the May 28, 2013 meeting, the Hearing was continued to June 10, 2013. At the June 10, 2013 meeting, the Hearing was continued to June 24, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Golden Valley 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.
The Resolution was adopted.

Parcels of Land in Spiry Second Addition Rezoned (4240 and 4250 32nd Avenue South):

At a Hearing held on June 4, 2013 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to LC, Limited Commercial of the proposed Spiry Second 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.
The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Spiry Second 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 Spiry Second Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Resolution Adopted Approving Spiry Second 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 "Spiry Second Addition" containing 2 Lots, 1 Block, and 1.155 acres of land more or less, located at 4240 and 4250 32nd Avenue South; and

WHEREAS, A Hearing was held June 4, 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 June 17 and 24, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 24, 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 "Spiry Second 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Parcels of Land in Farmstead at Brandt Addition Rezoned (5204 33rd Avenue South):

At a Hearing held on March 5, 2013 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial with a Conditional Overlay and MR-3, Multi-Dwelling to SR-3, Single-Dwelling of the proposed Farmstead at Brandt 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Farmstead at Brandt 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 Farmstead at Brandt Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Resolution Adopted Approving Farmstead at Brandt 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 "Farmstead At Brandt Addition" containing 86 Lots, 6 Blocks, and 28.12 acres of land more or less, located at 5204 33rd 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 June 17 and 24, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 24, 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 "Farmstead At Brandt 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Parcels of Land in Krueger Cottages at Woodhaven 5th Addition Rezoned (5141 44th Street South):

At a Hearing held on June 4, 2013 the Fargo Planning Commission recommended approval of a change in zoning from MR-1, Multi-Dwelling to SR-4, Single-Dwelling of the proposed Krueger Cottages at Woodhaven 5th 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Krueger Cottages at Woodhaven 5th 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 Krueger Cottages at Woodhaven 5th Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Resolution Adopted Approving Krueger Cottages at Woodhaven 5th 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 "Krueger Cottages at Woodhaven 5th Addition" containing 4 Lots, 1 Block, and 1.20 acres of land more or less, located at 5141 44th Street South; and

WHEREAS, A Hearing was held June 4, 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 June 17 and 24, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 24, 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 "Krueger Cottages at Woodhaven 5th 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Hearing on a Petition for Annexation of 22.10 Acres of Land Located in Section 5, Township 138 North, Range 49 West in Stanley Township and Within the Extraterritorial Area Continued to July 22, 2013:

This was the time and date set for a Hearing on a Petition for annexation of 22.10 acres of land located in Section 5, Township 138 North, Range 49 West in Stanley Township and within the extraterritorial area; however, the petitioner is requesting the Hearing be continued to July 22, 2013 to allow it to be heard at the same time as the plat and zoning Hearings.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, July 22, 2013.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Renaissance Zone Project for Diamond Law Firm, PLLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Diamond Law Firm, PLLC for a business leasing property as part of a zone project at 208 North Broadway, Suite 401-B.

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 Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone". She said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". She stated the Renaissance Zone Authority felt that lease projects such as the application from Diamond Law Firm, PLLC would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. She said staff review found the applicant has met the

mentioned requirements. She said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Sobolik moved the Renaissance Zone application filed by Diamond Law Firm, PLLC for a lease project located at 208 North Broadway, Suite 401-B be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Special Assessment Lists for Various Improvement Districts Approved:

A Hearing had been set for this day and hour on the special assessment lists for the construction of the following Improvement Districts in the City of Fargo, North Dakota on which special assessments lists Hearings had been held by the Special Assessment Commission on May 24, 2013, after which they had been confirmed and filed with the Board of City Commissioners:

Sanitary Sewer Force Main, Drain 40 Improvements and Incidentals No. 5729.
Sanitary Sewer Force Main, Drain 40 Improvements and Incidentals No. 5729-02.

Water Distribution, Water Main Replacement and Incidentals No. 5730.
Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5945-01.
Storm Sewer and Incidentals No. 5945-03.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals No. 5955-02.

Storm Water Detention and Park Land Acquisition No. 5955-03.

Storm Sewer Lift Station, Storm Sewer and Incidentals No. 5955-04.

Storm Sewer, Paving and Incidentals No. 5960.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals No. 5965.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5966-01.

Water Main Replacement, Street Reconstruction and Incidentals No. 5973.

Water Main Replacement, Street Reconstruction and Incidentals No. 5974.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 6020.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6036.

PC Concrete Alley Paving and Incidentals No. 6053.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 6055.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6060.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals No. 6061.

P.C. Concrete Alley Paving and Incidentals No. 6062.

P.C. Concrete Alley Paving and Incidentals No. 6068.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals No. 6069.

P.C. Concrete Alley Paving and Incidentals No. 6072.

P.C. Concrete Alley Paving and Incidentals No. 6092.
Mill and Overlay and Incidentals No. 6097.
Asphalt Wearing Course and Incidentals No. 6099.
Asphalt Wearing Course and Incidentals No. 6102.
Seal Coat and Incidentals No. 6103.
Concrete Pavement Rehabilitation and Incidentals No. 6117.
Water Main Replacement, Street Reconstruction and Incidentals No. 6139.
Sanitary Sewer, Water Main and Incidentals No. 6147.
P.C. Concrete Alley Paving and Incidentals No. 6156.
Water Main Replacement, Street Reconstruction and Incidentals No. 6100;
communication from the Special Assessment Coordinator in this regard.
Mill and Overlay and Incidentals No. 6098.
(1) Receive protests and recommendation from the City Auditor.

Mayor Walaker stated Improvement District Nos. 6100 and 6098 will be pulled from the list and considered separately.

No appeals have been filed in writing against any item appearing on such special assessment lists, with the exception of Improvement District No. 6098, and no person is present at this Hearing to appeal or offer to any objection thereto with the exception of Improvement District No. 6098.

Commissioner Mahoney moved that the special assessment lists for the construction of the above listed Improvement Districts except for Improvement District Nos. 6100 and 6098 be and the same are hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Funds Allocated from Street Rehabilitation Funds for Improvement District No. 6100:

A Hearing had been set for this day and hour on the special assessment list for the construction of Water Main Replacement, Street Reconstruction and Incidental Improvement District No. 6100 in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

The Board received a communication from Special Assessment Coordinator Dan Eberhardt stating on May 24, 2013 a petition for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6100 was presented to the Special Assessment Commission for consideration of a change in zoning from Multiple Family to Single Family for the purpose of establishing assessments to the properties. He stated the Special Assessment Commission has requested that Street Rehabilitation funds in the amount of \$14,024.00 be allocated to accommodate the change in zoning. He said the petition for the zone change is on the Planning Commission agenda for the Planning Commission in July, thus permanently resolving the issue for the properties in the future.

City Auditor Steve Sprague said due to the fact that the change in zoning is in the process, thus reducing the assessment, charging the lower amount makes sense.

Commissioner Williams moved \$14,024.00 be allocated from Street Rehabilitation Funds for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6100, and that the assessments are hereby approved and confirmed, contingent on the zoning change, and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Hearing on the Special Assessment List for Mill and Overlay and Incidentals Improvement District No. 6098 Continued to July 22, 2013:

A Hearing had been set for this day and hour on the special assessment list for the construction of Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

The Board received a communication from City Auditor Steve Sprague stating residents of East Gateway Circle are protesting the assessments. He said the protest states the area has higher traffic counts than a typical local street and residents are requesting a reduction in special assessments because of increased traffic volumes. He said the Special Assessment Commission approved the spread and staff recommends adhering to the special assessment policy which does not factor in traffic volumes when computing assessments.

Dean Hulse, 1437 East Gateway Circle, said he attended the May 24th Special Assessment Commission meeting and does not agree with Mr. Sprague's statement that the assessment was approved. He said he understood that rather than rejecting the request, the Special Assessment Commission forwarded the request to the City Commission. He said based on traffic counts conducted by the City of Fargo Traffic Engineering Department in January 2012, East Gateway Circle has a 25 percent greater traffic volume than other local streets in the Improvement District; therefore, they request a 25 percent reduction in the special assessment. Traffic became noticeably higher after the stop light went in at 13th Avenue and Gateway Drive, he said, making Gateway Circle a cut through. With the exception of Fargo Housing, who wants to remain neutral, all the property owners of East Gateway Circle signed the petition asking for the reduction, he said. He said the high traffic affects the quality of life for the residents and is a safety issue. He said he feels speed bumps would be beneficial to reduce the cut through traffic.

In response to a question from Commissioner Mahoney about where additional funds would be obtained if the reduction were granted, Mr. Sprague said half of this project was paid for by Street Rehab funds and the Board has the authority to direct additional funds towards the District; however, typically it is preferred to follow policy and factoring traffic counts in an assessment would be unusual. There is the option of taking their concerns to the Traffic Tech Committee and with more time, staff could

analyze whether increased enforcement, speed bumps or some other kind of traffic calming remedy would be appropriate for this area.

Darrell Cariveau, 3107 Westgate Drive, said he has lived at that residence since 1979 and there have been eight special assessments for various projects. He said on Westgate Drive, the majority of traffic is going to the Post Office and there are large trucks which cause deterioration of the street. He received notice of the special assessment, he said, followed by a second notice of assessment with a different amount.

Special Assessments Coordinator Dan Eberhardt said the change in the assessment is due to the fact that Cobblestone Court was initially included and when it was learned that area had been done several years ago, it was removed. He said that resulted in an increase in the remaining assessments of about \$1.50/foot.

City Administrator Pat Zavoral suggested the matter be referred to staff for further review.

Mayor Walaker said significant gains have been made in the City's transportation system in the last ten to fifteen years and attempts are made to be extremely fair in the process of who pays the assessments. He said he would like staff to meet with residents of the area to work toward a solution for their traffic concerns.

Commissioner Mahoney moved the Hearing be Continued to July 22, 2013

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Planning/Feasibility and Site Selection Process for a New City Hall Approved:

The Board received a communication from Mayor Walaker stating City Hall is getting old and needs to be replaced. He said there are issues with heating and cooling and the 50+ year old piping is reaching the end of its useful life. Totally replacing it would be very disruptive, he said, and if a winter time replacement was necessary, it would mean shutting down City Hall for a period of time. This issue, he said, along with limited insulation in the exterior walls, the antiquated heating system and mysterious leaks in the roof that drip water in the Planning Offices, bring him to recommend consideration of replacing City Hall. Mayor Walaker said a facility study is needed to determine the best location, cost and financing. He said a committee will be formed and there a number of people who have indicated interest. Limiting the number of committee members to about ten would be reasonable, he said, and would include himself, City Administrator Pat Zavoral and Finance Director Kent Costin.

City Administrator Pat Zavoral said preliminary discussions have been aimed at a two year planning window for the project. An option exists for the Board to stand as a Building Authority, he said, or a citizen task force could be created as the Mayor suggests. Site selection would take up to 75 days, he said and once a site is selected, some of the citizens involved in the task force could form a Building Committee, with additional staff who actually use the building included. It would take about 45 days for an architect to be selected, he said, then various design steps would take about 7 to 9 months, provided the project is deemed feasible. He said Commissioners will receive a copy of the analysis of space needs done in 2000 when there were too many other needs requiring funding. He said state aid has increased

since then and some higher interest bonds on projects have been paid off, which means more projects can be looked at. He stated Richard Moorhead of the IMAGE Group, who has assisted in planning projects for the City for a number of years, will assist until an architect is selected. The analysis needs to be updated, he said, in terms of how much space is needed, projections for future space needs and innovative financing ideas. He said this could be an opportunity to trigger additional river side development, to build in another area of downtown, or to even build the project outside of downtown.

Mayor Walaker said the needs are definitely there and City Hall has had two severe sanitary failures in the last four years, along with heating and cooling issues. It is a planning process, he said, with a goal of a functional, long lasting building. He said Bruce Furness has agreed to chair the Committee and he will be the co-chair, with committee member choices being brought to the Board for approval.

Commissioner Williams said the City offices were built in the 1950's when the population was 50,000 and now the population is 110,000. The process needs to be open and inclusive, he said, and input from all the Commissioners is important.

Commissioner Williams moved the Planning/Feasibility and Site Selection Process for a new City Hall be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application for Parking Lot Improvements at 56 Broadway Approved Contingent Upon Completion of the Historic Preservation Commission's Final Review:

The Board received a communication from Community Development Administrator Dan Mahli stating the City is considering a proposal to use Community Development Block Grant (CDBG) funds to assist 56 Broadway with parking lot improvements. He said in 2000 fire destroyed the property and it is currently a vacant gravel lot and the proposed project includes paving, drainage, installation of a decorative fence, lighting and landscaping. He said the eligible CDBG funding components include the decorative fence and landscaping. The Historic Preservation Commission (HPC) conducted a property design review on June 19th, he said, and requested a revised design that includes landscaping and improved treatment of the Broadway streetscape. He said normally staff obtains approval from the Committee prior to recommending approval of projects; however, the HPC has not had the opportunity to meet and approve this particular proposal. In order to accommodate the property owner and his desire to complete construction as soon as possible, he said, staff is recommending, if the Board is so inclined, approval of this application, subject to and contingent upon the applicant also receiving approval from the Historic Preservation Commission. He said if the Board approves the application, the HPC will schedule a special meeting as soon as possible.

Commissioner Williams moved the application for parking lot improvements at 56 Broadway be approved and up to \$15,000.00 in 1-for-1 CDBG match funding be allocated, contingent upon the completion of the Historic Preservation Commission's final review.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m.,
Monday, July 8, 2013.

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

The time at adjournment was 6:20 o'clock p.m.