



- c. 2nd reading, waive reading and final adoption of Ordinances Rezoning Certain Parcels of Land in the following Additions; 1st reading, 6/24/13:
  - (1) Rezoning Certain Parcels of Land Lying in The Pines at the District Addition, Fargo, Cass County, North Dakota.
  - (2) Rezoning Certain Parcels of Land Lying in Golden Valley Addition, Fargo, Cass County, North Dakota.
  - (3) Rezoning Certain Parcels of Land Lying in Spiry Second Addition, Fargo, Cass County, North Dakota.
  - (4) Rezoning Certain Parcels of Land Lying in Farmstead at Brandt Addition, Fargo, Cass County, North Dakota.
  - (5) Rezoning Certain Parcels of Land Lying in Krueger Cottages at Woodhaven 5th Addition, Fargo, Cass County, North Dakota.
  
- d. Amend Ordinance Amending Section 25-1506.Y of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st Reading, 6/10/13.
  
- e. Contract with the North Dakota Department of Health for Suicide Prevention – Family Planning Program (Contract No. G13.101).
  
- f. School Contracts with Northern Cass School District, Kindred Public School District, Central Cass School District and Mapleton School District for nursing services for the 2013-2014 school year.
  
- g. Contract with the North Dakota Tobacco Prevention and Control Executive Committee for the Tobacco Prevention and Control Local Grants Program (Contract #G13-7).
  
- h. Contract with the North Dakota Department of Health for the Title V Maternal and Child Health Block Grant Program (CFDA #93.994).
  
- i. HVS Convention, Sports & Entertainment Facilities Consulting contract to conduct a Market Assessment/Feasibility Study for a proposed expansion to the Fargodome; and reallocation of the \$95,000.00 in capital budget dollars to fund the study.
  
- j. Memorandum of Understanding with Cass County for the Training and Permitting relating to the City's Wildlife Management Program - Regulations.
  
- k. Amended Site Authorizations:
  - (1) West Fargo Hockey Association at Fort Noks.
  - (2) Team Makers Club, Inc. at the Holiday Inn.
  
- l. Applications for Games of Chance:
  - (1) Riverview Place for a raffle on 10/13/13.
  - (2) Fargo Lions Club for sports pools from 9/9/13 through 12/23/13.
  - (3) Knights of Columbus – 4th Deg. #788 for a calendar raffle from 1/1/14 to 1/31/14.
  - (4) 4 Luv of Dog Rescue for a raffle on 11/2/13.

- (5) 4 Luv of Dog Rescue for a raffle on 7/13/13.
- m. Professional Services Contract with Municipal Code Corporation for online publishing of the Municipal Code.
  - n. Allocation of \$15,000.00 in CDBG downtown project matching funds for façade renovation at 714 Main Avenue.
  - o. Lease Agreement with S & D Management, in the amount of \$27,000.00 per year, for space for the Water Meters Division.
  - p. Purchase of one snowplow, box and wing from Northern Truck Equipment for \$68,897.00.
  - q. Purchase of one rescue pumper truck from M&T Fire for \$475,721.00.
  - r. Contract with Houston Engineering, Inc. for consulting services for Project Nos. 6228, 6229 and 6230.
  - s. Final Balancing Change Order No. 1, in the amount of \$447.24, for Project No. 6113-03.
  - t. Final Balancing Change Order No. 1, in the amount of \$849.60, for Project No. 6168.
  - u. Contract time extension for Project No. 6162 to 7/19/13.
  - v. Bid award for Project No. 6235 to Northern Improvement Company in the amount of \$114,965.00.
  - w. Bid advertisement for Project Nos. 6167 and 6232.
  - x. Contract and bond for Project No. 6212.
  - y. Bills in the amount of \$5,322,715.67.

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

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

Task Order 1 for Improvement District Nos. 6243 and 6244 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating, per the City of Fargo's Master Services Agreement, City staff requested new development design, construction engineering and staking services for sanitary sewer, sanitary sewer lift station, water main, storm sewer and paving design for Cottagewood Addition. They said they would like to bid this project to allow for underground completion by December 2013 with paving in 2014. They said the Consultant will be responsible for completion of the following items:

1. Design and plan development of underground utilities, sanitary sewer lift station and paving. The Consultant will have six weeks from the executed task order to complete the underground utility and sanitary sewer lift station design.
2. Construction Administration and Inspection, and survey for underground utilities and sanitary sewer lift station installation. This quote is based on a 12-week construction schedule.

They said staff is recommending the selection of Ulteig Engineers with a quote of \$156,600.00.

Commissioner Mahoney moved the design work for Improvement District Nos. 6243 and 6244 be awarded to Ulteig Engineers in the amount of \$156,600.00 under the terms outlined in the Master Services Agreement with the City of Fargo and the subsequent Task Order 1.

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

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

Change Order No. 1 for Improvement District No. 6182 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$61,195.95 for Improvement District No. 6182.

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

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

Contract Time Extension for Improvement District No. 5978 Approved:

Commissioner Mahoney moved approval of a contract time extension to June 30, 2013 for Improvement District No. 5978.

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

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

Contract Time Extension for Improvement District No. 6171 Approved:

Commissioner Mahoney moved approval of a contract time extension to July 18, 2013 for Improvement District No. 6171.

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

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

P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956 in the City of Fargo, North Dakota, was duly published

in the official newspaper for the City of Fargo, North Dakota on June 3 and 10, 2013 and protests representing less than 1 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 Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Sobolik, Williams and Walaker voted aye.

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

Bids Received for P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956:

The bids for P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., Tuesday, July 2, 2013 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,536,670.57
Northern Improvement Company Bid:	Fargo, ND \$1,566,461.02
Opp Construction Company Bid:	Fargo, ND \$1,698,481.27

Contract for P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956 Awarded to Dakota Underground Company in the Amount of \$1,536,670.57:

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 P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 2, 2013 for P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement District No. 5956 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,536,670.57 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 \$1,536,670.57 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Pavement, Grading, Storm Drains, Lighting, Street Reconstruction and Incidentals Improvement

District No. 5956 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,536,670.57, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 3 and 10, 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 Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203.

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

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

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 2, 2013 and the bids were found to be as follows:

Northern Improvement Company	Fargo, ND
Bid:	\$744,687.57

Border States Paving, Inc.	Fargo, ND
Bid:	\$832,019.95

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203 Awarded to Northern Improvement Company in the Amount of \$744,687.57:

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 Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 2, 2013 for Concrete Curb and Gutter, Asphalt

Pavement, Street Lights and Incidentals Improvement District No. 6203 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$744,687.57 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 Northern Improvement Company in the sum of \$744,687.57 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6203 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of \$744,687.57, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6219 (Golden Valley):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6219:

Adopt Resolution Creating Improvement District No. 6219:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6219 in the City of Fargo, North Dakota, be created

Golden Lane between Golden Valley Parkway and 26th Street South  
70th Avenue South between Golden Valley Parkway and 25th Street South  
Golden Valley Parkway between Golden Lane and 26th Street South  
26th Street South between Golden Lane and Golden Valley Parkway

COMPRISING:

Lots 1 through 19, Block 1.  
Lots 1 through 26, Block 2.  
Lots 1 through 17, Block 3.  
Lots 1 through 20, Block 4.  
Lots 1 through 25, Block 6.  
Lots 1 through 6, Block 7.  
To be platted as Golden Valley Addition.

All unplatted land in the Northeast ¼ of Section 11, Township 138, Range 49.  
The unplatted land is bounded on the north by the 65th Avenue South

right-of-way, on the west by the Drain 53 right-of-way, and on the east by 25th Street South.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6219 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. 6219:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6219 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 \$1,848,000.00.)

Order Plans and Specifications for Improvement District No. 6219:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6219 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6219:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6219 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. 6219 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6219:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6219 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Sobolik, Williams 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. 6236 (Various Locations in South Fargo):

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. 6236:



Adopt Resolution Creating Improvement District No. 6236:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6236 in the City of Fargo, North Dakota, be created

On 21st Street South, 67th Avenue South, 68th Avenue South, 69th Avenue South and Crofton Lane.

COMPRISING:

The following described land located in the north half of Section 12, Township 138 N, Range 49 W, City of Fargo, Cass County, North Dakota: The unplatted portion of the northwest quarter of said Section 12; The unplatted portion of the north half of the northeast quarter of said Section 12 lying west of the west right-of-way of Cass County Highway #81; The West 300' of the south half of the northeast quarter of said Section 12; and Lots 1 and 2, Block 1, Cass Rural Water Addition to the City of Fargo. 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 Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6236 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. 6236:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6236 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 \$5,106,325.00.)

Order Plans and Specifications for Improvement District No. 6236:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6236 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6236:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6236 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. 6236 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. 6236 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

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

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 6236:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6236 in the City of Fargo, North Dakota.

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

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

Contract for Shared Use Path and Incidentals Improvement District No. 6157  
Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Northern Improvement Company for Shared Use Path and Incidentals Improvement District No. 6157 in the City of Fargo, North Dakota.

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

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

Contract Bond for Shared Use Path and Incidentals Improvement District No. 6157  
Approved:

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

Western Surety Company, in the amount of \$491,511.00, for Shared Use Path and Incidentals Improvement District No. 6157 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Sobolik, Williams 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. 6175 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6175 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Sobolik, Williams 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. 6175 Approved:

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

Western National Mutual Insurance Company, in the amount of \$1,871,479.90, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6175 in the City of Fargo, North Dakota.

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

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

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

Commissioner Mahoney moved approval of the Contract between the City of Fargo and J.R. Ferche, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 Approved:

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

Travelers Casualty and Surety Company of America, in the amount of \$721,121.50, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6217 in the City of Fargo, North Dakota.

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

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

Communication Regarding Driveway Apron Width Referred to the City Attorney and Engineering Staff:

The Board received a communication from Dr. Scott Van Dam, 2730 Samuel Drive, requesting an amendment to Section 18-0216 of the Municipal Code. He said the current Code only allows for a thirty-six foot variance of a driveway apron, without any other possible consideration. He said his proposal is to keep the current code, amending it to allow consideration for alternative variances upon request by a homeowner and reviewed by City staff. Dr. Van Dam said what happens when people back down his driveway is that they back through the boulevard and he would like an additional two feet added to each side of his apron.

City Engineer April Walker said Engineering did take a look at this request; however, the provision only allows the City Engineer to grant a variance up to thirty-six feet or one-half the width of the lot, whichever is less. She said Dr. Van Dam has received the max variance that she is able to grant and in order for her to accommodate the request a rewrite of the ordinance would be necessary.

Mayor Walaker said he would like to see more information on this request, communicate with the neighbors and have a discussion with the City Attorneys regarding this request.

Commissioner Mahoney moved the communication from Dr. Scott Van Dam regarding driveway apron width be received and filed and that the City Attorney and appropriate Engineering staff be directed to evaluate the request for a possible amendment to the ordinance.

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

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

Appointments to the Native American Commission:

The Board received a communication from Mayor Walaker recommending that Crystal Gonzales and Clinton Alexander be reappointed to the Native American Commission.

Commissioner Sobolik moved Crystal Gonzales and Clinton Alexander be reappointed to the Native American Commission for three-year terms ending June 30, 2016.

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.

Harold Thompsen Reappointed to the Board of Appeals:

The Board received a communication from Mayor Walaker recommending that Harold Thompsen be reappointed to the Board of Appeals.

Commissioner Sobolik moved Harold Thompsen be reappointed to the Board of Appeals for a five-year term ending June 30, 2018.

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.

City Attorney's Office Directed to Research and Define the Scope of What a City Ordinance that Protects People from Discrimination Based on Sexual Orientation Could Look Like in the Context of State and Municipal Law:

The Board received a communication from Commissioner Sobolik stating there is community interest in exploring protection from sexual orientation discrimination in the City of Fargo. She said a similar bill was introduced in the State Legislature where it failed; however, cities across the state recognize the importance of this issue and are looking for ways to ensure all people are treated equally in their cities. She said she would appreciate the Commission's support in asking the City Attorney's office to define the scope of what an ordinance that protects people from discrimination on the basis of sexual orientation might look like in the context of state and municipal law. She said with that information, the City can begin to formulate an appropriate action and/or ordinance.

Commissioner Wimmer said he is not against looking into an ordinance of this nature, he just wants to make sure that the City is in compliance with any state laws.

Commissioner Sobolik moved the City Attorney's office be directed to research and define the scope of what a city ordinance that protects people from discrimination based on sexual orientation could look like in the context of state and municipal law and then, with staff support, begin to formulate an appropriate action and/or ordinance.

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

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

Renaissance Zone Project for Cameron Mark Knutson Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Cameron Mark Knutson at 300 Broadway North, Suite 405.

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

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

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

Commissioner Wimmer moved the Renaissance Zone application filed by Cameron Mark Knutson for a project located at 300 Broadway North, Suite 405 be

approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for Kilbourne Group, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Kilbourne Group, LLC at 64 4th Street North.

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

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

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

Commissioner Wimmer moved the Renaissance Zone application filed by Kilbourne Group, LLC for a project located at 64 4th Street North be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Resolution Adopted Vacating a Cross Access Easement on Lots 4 and 6, Block 1, The Shoppes at Osgood First Addition (4265 and 4323 45th Street South):

The Board received a communication from Senior Planner Nicole Crutchfield stating the easement does not connect to any public right of way and serves only to ensure access within the lot.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, A Cross Access Easement was established as a result of a Plat dated August 7, 2006, and recorded in the Office of the Recorder for Cass County, North Dakota on the 26th day of October, 2006, as document number 1185825, for which a cross access easement was appurtenant to the following described real property:

Lots 4 and 6, Block 1, The Shoppes at Osgood First Addition to the City of Fargo, Cass County, North Dakota.

WHEREAS, The Shoppes at Osgood, LLC, is the owner of Lots 4 and 6, Block 1, The Shoppes at Osgood First Addition to the City of Fargo, Cass County, North Dakota, subject to the access easement for the City of Fargo; and

WHEREAS, Said owner desires the reciprocal release and relinquishment of said access easement in order to more fully utilize their property in a manner free from said encumbrance; and

WHEREAS, The City of Fargo has determined that the access easement was originally put in by the developer and the access easement is not needed by the City of Fargo.

NOW, THEREFORE, It is hereby agreed.

1. The City of Fargo, together with The Shoppes at Osgood, LLC, do hereby mutually and reciprocally release, terminate and relinquish the cross easement located on Lots 4 and 6, Block 1, The Shoppes at Osgood First Addition to the City of Fargo, Cass County, North Dakota wherein said easement was established as a result of a Plat dated August 7, 2006, and recorded in the Office of the Recorder for Cass County, North Dakota on the 26th day of October, 2006, as document number 1185825.
2. The subject of this instrument is that certain real property described as follows:

Lots 4 and 6, Block 1, The Shoppes at Osgood First Addition to the City of Fargo, 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.

Parcels of Land in Hector's Subdivision Rezoned (4300 19th Avenue North):

At a Hearing held on June 4, 2013 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to LI, Limited Industrial on part of Lot 14, Hector's Subdivision.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Hector's Subdivision, 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 Hector's Subdivision, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Parcels of Land in Wm. G. Johnson Addition Rezoned (1034 15th Street North):

At a Hearing held on June 4, 2013 the Fargo Planning Commission recommended approval of a change in zoning from MR-2, Multi-Dwelling to UMU, University Mixed Use on Lot 9, Block 4, Wm. G. Johnson Addition.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

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

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



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

Parcels of Land in Eagle Pointe Second Addition Rezoned (1637 76th Avenue South):

At a Hearing held on April 2, 2013 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-4, Single-Dwelling and P/I, Public and Institutional of the proposed Eagle Pointe 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Wimmer, Williams, Mahoney and Walaker voted aye.

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

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

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

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

Resolution Adopted Approving Eagle Pointe 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 "Eagle Pointe Second Addition" containing 66 Lots, 3 Blocks, and 27.83 acres of land more or less, located at 1637 76th Avenue South; and

WHEREAS, A Hearing was held April 2, 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 July 1 and 8, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., July 8, 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 "Eagle Pointe 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 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.

Parcels of Land in Crofton Coves First Addition Rezoned (South of 64th Avenue South and North of 70th Avenue South):

At a Hearing held on May 7, 2013 the Fargo Planning Commission recommended approval of a change in zoning from Ag, Agricultural to P/I, Public and Institutional and SR-4, Single-Dwelling of the proposed Crofton Coves First Addition.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

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

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

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

Resolution Adopted Approving Crofton Coves First 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 "Crofton Coves First Addition" containing 143 Lots, 10 Blocks, and 82.42 acres of land more or less, located South of 64th Avenue South and North of 70th Avenue South; and

WHEREAS, A Hearing was held May 7, 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 July 1 and 8, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., July 8, 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 "Crofton Coves First 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 an Application for a Conditional Use Permit Continued to July 22, 2013 (1133 Elm Street North):

This was the time and date set for a Hearing on the appeal of the Planning Commission's denial on the application for a Conditional Use Permit to allow a wireless telecommunications support structure (cell tower) in a P/I, Public and

Institutional zoning district on property located on Lot 1, Block 1, Mickelson Fields Addition; however, Planning staff has requested that the Hearing be continued to July 22, 2013.

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

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

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

Hearing on the Appeal of the Board of Adjustment's Denial of a Variance Request Continued to July 22, 2013 (1007 8th Street South):

This was the time and date set for a Hearing on the appeal of a variance request at 1007 8th Street South which was denied by the Board of Adjustment at their June 7, 2013 meeting; however, Planning staff has requested that the Hearing be continued to July 22, 2013.

Commissioner Wimmer 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 Wimmer, Williams, Mahoney, Sobolik and Walaker voted aye.

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

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, July 22, 2013.

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

The time at adjournment was 5:42 o'clock p.m.