



- (3) Fargo Davies HS for raffles from 9/5/13 to 3/4/14 at Davies HS and from 12/3/13 to 2/6/14 at Scheels Arena.
  - (4) Ethan Parmer Benefit Fund for a raffle on 9/12/13; Public Spirited Resolution.
  - (5) Shanley High School Activities for a raffle from 9/6/13 to 3/4/14 at Shanley High School.
- e. Resolution Approving Amber Valley West Third Addition (Attachment "A").
  - f. Amendment Number 1 to the Design Agreement between the Department of the Army and the City of Fargo, North Dakota and the City of Moorhead, Minnesota for Design for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project.
  - g. Acceptance of the 2013 North Dakota Homeless Grant Program funds, in the amount of \$113,645.00, from the State of North Dakota Department of Commerce.
  - h. Purchase one hook hoist refuse body from Sanitation Products for \$53,303.00.
  - i. Acceptance of the grant from the North Dakota Department of Commerce, in the amount of \$50,000.00, for a Feasibility Study on investing in compressed natural gas (CNG) fueling infrastructure and CNG vehicles.
  - j. Access Agreement – Soil Borings with Southeast Cass Water Resource District for property located at 3133 40th Avenue South (Flood Mitigation Project No. 6229).
  - k. Ordering of appraisals to initiate potential condemnation proceedings for the properties located at 1102, 1104, 1110, 1118 and 1124 4th Street South (Project No. 6153).
  - l. Final Balancing Change Order No. 1, in the amount of \$886.00, for Project No. 6058.
  - m. Contract Amendment No. 2, in the amount of \$19,500.00, for 2nd Street Options on Project No. 5031-2.
  - n. Contract Amendment No. 2, in the amount of \$41,400.00, for the Southwood Task on Project No. 5031-2.
  - o. Contract Amendment No. 5, in the amount of \$48,500.00, for Project No. 6043.
  - p. Encroachment Agreement for Alexandria Marie Apartments located at 711 NP Avenue.
  - q. Bid advertisement for Project Nos. 6227, 6234 and 6255.
  - r. Bid award for Project No. 6199 to Key Contracting in the amount of \$119,455.00.

s. Bills in the amount of \$6,983,099.69.

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

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

Change Order No. 1 for Improvement District No. 6202 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$141,000.00 for Improvement District No. 6202.

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

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

Contract Time Extension for Improvement District No. 6202 Approved:

Commissioner Mahoney moved approval of a contract time extension to September 14, 2013 for Improvement District No. 6202.

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

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

Contract Time Extension for Improvement District No. 6196 Approved:

Commissioner Mahoney moved approval of a contract time extension to September 27, 2013 for Improvement District No. 6196.

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

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

Contract Time Extension for Improvement District No. 6188 Approved:

Commissioner Mahoney moved approval of a contract time extension to September 6, 2013 for Improvement District No. 6188.

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

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

Contract Time Extension for Improvement District No. 6165 Approved:

Commissioner Mahoney moved approval of a contract time extension to October 7, 2013 for substantial completion and final completion to November 7, 2013 for Improvement District No. 6165.

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

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

Consultant Selection and Contract Award for Improvement District No. 6252Approved:

The Board received a communication from the Consultant Selection Committee stating engineering services for final design and construction services for the 13th Avenue South street reconstruction project from 38th Street to 44th Street are tentatively slated for next year. They said proposals were received from the following consultants for this project:

- Apex Engineering Group
- KLJ
- HDR
- Ulteig Engineers

They said they evaluated proposals based on the criteria outlined within the RFP and following the review of the proposals the Committee selected Apex Engineering Group as the preferred consultant.

Commissioner Mahoney moved the consulting services contract be awarded to Apex Engineering Group for Improvement District No. 6252.

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

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

Consultant Selection and Contract Award for Improvement District No. 6253Approved:

The Board received a communication from the Consultant Selection Committee stating engineering services for final design and construction services for the 19th Avenue North street reconstruction project from 10th Street to 18th Street are tentatively slated for 2014. They said proposals were received from the following consultants for this project:

- Houston Engineering, Inc.
- Ulteig Engineers
- KLJ
- SRF
- HDR

They said following the review of the proposals the Selection Committee selected Houston Engineering, Inc. as the preferred consultant.

Commissioner Mahoney moved the consulting services contract be awarded to Houston Engineering, Inc. for Improvement District No. 6253.

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

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

No Protests Received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 29 and August 5,

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 P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205.

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

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

Bids Received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205:

The bids for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 28, 2013 and the bids were found to be as follows:

Northern Improvement Company	Fargo, ND
Bid:	\$2,831,233.95

Dakota Underground Company	Fargo, ND
Bid:	\$3,694,759.30

Contract for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 Awarded to Northern Improvement Company in the Amount of \$2,831,233.95:

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, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 28, 2013 for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$2,831,233.95 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 \$2,831,233.95 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of \$2,831,233.95, 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, Wimmer and Walaker voted aye.

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

Bids Received for 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237:

The bids for 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 28, 2013 and the bids were found to be as follows:

Industrial Builders, Inc. Bid:	Fargo, ND \$906,960.00
R. L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$994,059.00
Riley Brothers Construction Bid:	Morris, MN \$1,070,555.50

Contract for 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237 Awarded to Industrial Builders, Inc. in the Amount of \$906,960.00:

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 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 28, 2013 for 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237 shows the bid of Industrial Builders, Inc. of Fargo, North Dakota, in the sum of \$906,960.00 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 Industrial Builders, Inc. in the sum of \$906,960.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for 2013 Cass County Drain 10 No. 10 Channel Repairs Improvement District No. 6237 in the City of Fargo, North Dakota, be and the same is hereby awarded to Industrial Builders, Inc. for the sum of \$906,960.00, 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, Wimmer and Walaker voted aye.

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6250:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6250 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 28, 2013 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$294,597.50
Master Construction Company, Inc. Bid:	Fargo, ND \$299,999.99
Key Contracting Bid:	Fargo, ND \$367,850.00
J.R. Ferche, Inc. Bid:	Rice, MN \$396,090.00
Quam Construction Bid:	Willmar, MN \$438,803.70

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6250 Awarded to Dakota Underground Company in the Amount of \$294,597.50:

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 and Incidentals Improvement District No. 6250; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 28, 2013 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6250 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 and Incidentals Improvement District No. 6250 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$294,597.50 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 Dakota Underground Company in the sum of \$294,597.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6250 in the City of

Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$294,597.50, 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, Wimmer and Walaker voted aye.

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

Bids Rejected for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6238: Project to be Rebid:

The Board received a communication from City Engineer April Walker stating bids were opened at 11:30 a.m. on August 28, 2013 for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6238. She said the low bid exceeded the Engineer's estimate by 51%; therefore, pursuant to State Statute 40-22-29 bids may not be awarded when the low bid exceeds the Engineer's estimate by 40%. She recommended all bids be rejected, the assessment district be recreated and re-advertised based on the original petition and the results of the original protest period, with construction to be scheduled for the 2014 construction season.

Commissioner Mahoney moved the bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6238 be rejected and the project be rebid.

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.

Task Order No. 2 for Improvement District No. 6236 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating City staff requested assistance in providing construction inspection of the underground and paving projects in the Crofton Coves Addition. They said three quotes were received, the lowest of which was provided by Moore Engineering in the amount of \$183,980.00.

Commissioner Mahoney moved Task Order No. 2 for the construction administration, inspection and survey improvements in Crofton Coves Addition Improvement District No. 6236 be awarded to Moore Engineering in the amount of \$183,980.00.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Improvements and Incidentals Improvement District No. 6204 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Site Improvements and Incidentals Improvement District No. 6204 in the City of Fargo, North Dakota.



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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Site Improvements and Incidentals Improvement District No. 6204 Approved:

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

United Fire and Casualty Company, in the amount of \$5,688,042.75, for Sanitary Sewer, Water Main, Storm Sewer, Site Improvements and Incidentals Improvement District No. 6204 in the City of Fargo, North Dakota.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6236 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. 6236 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6236 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 \$4,118,016.30, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6236 in the City of Fargo, North Dakota.

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

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

Discussion Regarding Second Street Flood Control Improvement Project Options: Public Comment Period Set for September 4 to September 23, 2013:

The Board received a communication from City Engineer April Walker stating the Second Street area has been the subject of multiple ongoing efforts to design and ultimately construct a flood risk reduction project for the downtown area. She said an alternative to the floodwall was developed in conjunction with the diversion project, due to the decision to have more flow through the protected area. Also, she said, results have been received for the preliminary tunnel investigation conducted to

develop an alternative to the floodwall concept and two new floodwall alternatives have been developed. These alternatives, she said, are an outgrowth of the recent discussions regarding the economic viability of the adjacent land to the flood protection project and the desire to incorporate public space. She stated all of the above mentioned alternatives are feasible.

Jerry Bents, Houston Engineering, said after evaluating a number of alignments and costs over the last year, options have been narrowed down to four concepts. He said the first three (Options 1A, 1B, and 1C) are similar with concrete floodwalls and varying configurations of Second Street, and the fourth (Option 2) incorporates a tunnel-like structure. He said the four concepts are as follows:

- Option 1A - Floodwall Base Option
  - Realignment of 2nd Street
  - Floodwall with 3 closures
  - 3 private property acquisitions
  - Cost - \$21.2 million (construction only)
- Option 1B - Floodwall - Added 2nd Street Location
  - Additional 2nd Street Realignment
  - Added removable floodwall section
  - Increased dry side green-space/connectivity opportunity (location will vary)
  - Cost - \$23.5 million (construction only)
- Option 1C - Floodwall - 2nd Street Abandonment
  - Reduced private property impacts
  - Increased redevelopment opportunities
  - Cost - \$21.8 million (construction only)
- Option 2 - Floodwall - 2nd Street Tunnel/Grade Separation
  - Tunnel - Increased redevelopment opportunities
  - Improved river visibility/connectivity
  - Additional private property impacts
  - Cost - \$44.1 million (construction only)

Mr. Bents said selecting the best option depends on priorities. He said each concept has varying effects on parking, traffic, utilities, river connectivity and visibility, green space, operation and maintenance requirements, redevelopment opportunities and costs. All four are technically feasible and provide flood protection, he said.

In response to a question from Commissioner Mahoney about funding, Ms. Walker said an application has been submitted to FEMA under the Hazard Mitigation Grant Program. If awarded, that would be a \$25 million package, she said; however, she is not optimistic about receiving the grant. State funding of 50 percent has been leveraged in many flood control projects, and this project is eligible for some federal funding due to it being part of the diversion.

In response to a question from Mayor Walaker about whether a traffic analysis has been done on the 12th Avenue Bridge to determine how many people travel to and from downtown, Ms. Walker said that has not been studied. She said the option to abandon Second Street came about by trying to accommodate the desire for green space and public amenities in a narrow corridor. If the option of abandoning Second Street is pursued, she said, further analysis on traffic patterns would be needed since traffic would need to redistribute.

Commissioner Williams said that current river setback policy allows existing properties such as the Howard Johnson Inn to be grandfathered in, allowing upgrades

and remodeling as long as they do not encroach any closer to the river. He said he would like to see a map showing river setback lines in proposed redevelopment areas.

Ms. Walker said vacating Third Street has been discussed in economic development discussions and in recent talks about relocating City Hall. She said it could also be included in any of the options. Design can be done for any priorities given, she said, all the concepts presented are technically feasible. She stated the next step is to obtain public feedback. Information will be posted on the City of Fargo website, with comments collected for three weeks from September 4th to 23rd, she said. After allowing a week to analyze the data, the intention is to bring the results back to the Board in a month, she said.

Application to Transfer the Alcoholic Beverage License from Bertrosa's, Inc. d/b/a Bertrosa's on Broadway to Wurst Pub, LLC d/b/a The Wurst Bier Hall Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "C" Alcoholic Beverage License from Bertrosa's, Inc. d/b/a Bertrosa's on Broadway to Wurst Pub, LLC d/b/a The Wurst Bier Hall at 630 1st Avenue North, Suite F, 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 kept the liquor license when Bertrosa's was sold last year and was granted extensions to keep it. He said now the applicant is remodeling a space and would like to transfer the license to the new German style pub and restaurant.

Commissioner Wimmer moved the application be approved.

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.

Application to Transfer the Alcoholic Beverage License from KJW Investments, Inc. d/b/a Bottle Barn Liquors to KJW Investments, Inc. d/b/a Bottle Barn Liquors Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "B" Alcoholic Beverage License from KJW Investments, Inc. d/b/a Bottle Barn Liquors at K-Mart Plaza on South University Drive to KJW Investments, Inc. d/b/a Bottle Barn Liquors at 2515 University Drive 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 is constructing a new facility at a new site and nearly doubling the size of the facility. He said no changes in ownership are involved.

Commissioner Wimmer moved the application be approved.

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.

Application Filed by PPC Fargo 45, Inc. d/b/a Noodles and Company for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by PPC Fargo 45, Inc. d/b/a Noodles and Company for a Class "GH" Alcoholic Beverage License at 2603 Kirsten Lane, Suite 100, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

City Auditor Steve Sprague stated this is for a second location for the applicant.

Commissioner Wimmer moved the application be approved.

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

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

Resolution Adopted Approving Name Change Plat for 54th Street South Between 32nd Avenue South and 33rd Avenue South to be Renamed Seter Parkway:

City Planner Nicole Crutchfield said this action is to rectify an area in Brandt Crossing, which was platted in 2010, in which 54th Street South and 55th Street South do not align.

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, The name of 54th Street South between 32nd Avenue South and 33rd Avenue South shall be renamed and hereinafter designated and in the future shall be known by said designated name; "Seter Parkway"; and

WHEREAS, A Hearing was held August 6, 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 August 19 and 26, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota

at 5:15 p.m., September 3, 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 "Name Change Plat" 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 Recorder 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.

Resolution Adopted Approving Name Change Plat for 55th Street South between 40th Avenue South and Farmstead Court South to be Renamed 54th Street South:

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

WHEREAS, The name of 55th Street South between 40th Avenue South and Farmstead Court South shall be renamed and hereinafter designated and in the future shall be known by said designated name; "54th Street South"; and

WHEREAS, A Hearing was held August 6, 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 August 19 and 26, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., September 3, 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 "Name Change Plat" 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 Recorder 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 Lying in the East Half of Section 27, Township 139 North, Range 49 West Rezoned (3478 and 3520 39th Street South):

At a Hearing held on May 7, 2013 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to LI, Limited Industrial on an approximately 7.33 acre portion of the East Half of Section 27, Township 139 North, Range 49 West of the 5th Principal Meridian.

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 the East Half of Section 27, Township 139 North, Range 49 West of the Fifth Principal Meridian, 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 East Half of Section 27, Township 139 North, Range 49 West of the Fifth Principal Meridian, 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.

Hearing on a Petition for a Zoning Change, Plat of Cottagewood First Addition and Easement Agreement Continued to September 16, 2013 (5080 38th Street South):

This was the time and date set for a Hearing on a petition for a zoning change, from AG, Agricultural to SR-2, Single-Dwelling, SR-4, Single-Dwelling, MR-3, Multi-Dwelling and P/I, Public and Institutional; Plat of Cottagewood First Addition; and Easement Agreement; however, Planner Joe Nigg requested the Hearing be continued to September 16, 2013.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 16, 2013.

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 Schatz Third Addition Rezoned (3506 South Veterans Boulevard):

At a Hearing held on April 2, 2013 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial and MR-3, Multi-Dwelling with a Conditional Overlay to MR-1, Multi-Dwelling, and the extinguishment of the existing Conditional Overlay on Schatz First Addition, now renamed Schatz Third 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 Mahoney 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 Mahoney, Williams, Sobolik, Wimmer 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 Schatz Third Addition, Fargo, Cass County, North Dakota:

Commissioner Mahoney 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 Schatz Third Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Schatz Third Addition:

Commissioner Mahoney 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 "Schatz Third Addition" containing 3 Lots, 3 Blocks, and 30.00 acres of land more or less, located at 3506 South Veterans Boulevard; 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 August 19 and 26, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., September 3, 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 "Schatz Third 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 Recorder of Cass County, North Dakota.

Second by Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Williams, Sobolik, Wimmer 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. 6240 (Schatz Third Addition):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6240:

Adopt Resolution Creating Improvement District No. 6240:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6240 in the City of Fargo, North Dakota, be created

56th Street South from 34th Avenue South to 36th Avenue South.

34th Avenue South from a point approximately 130 feet west of 55th Street South to Veteran's Boulevard South.

36th Avenue South from 55th Street South to Veteran's Boulevard South.

COMPRISING:

Lot 1, Block 1.

Lot 1, Block 2.

Lot 1, Block 3.

All in Schatz 3rd Addition.



Lot 1, Block 4.  
Valley View Addition.

All unplatted land bounded on the west by Veteran's Boulevard, bounded on the east by 54th Street South, bounded on the south by 40th Avenue South, and bounded on the north by 36th Avenue 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. 6240 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. 6240:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6240 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 \$1,320,000.00.)

Order Plans and Specifications for Improvement District No. 6240:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6240 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6240:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6240 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. 6240 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. 6240:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6240 in the City of Fargo, North Dakota.

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.

2014 Preliminary Budget Adopted: Public Hearing Set for September 16, 2013:

Mayor Walaker stated the budget process involves several weeks of interviews with each department head. He said a modest reduction of the City's property tax rate of one mill is proposed, as well as a decrease in wastewater utility fees by \$3.00 per month. An increase in landfill tipping fees of \$3.00 per ton is proposed, he said.

Director of Finance Kent Costin said the 2014 preliminary budget was received and filed at the last Board meeting. He said Fargo has a longstanding goal in place to manage the budget and work around a fund balance goal of 25% operating expenses in reserves. He said this budget is balanced on a structural basis, which means the amount of revenues coming in are enough to sustain the expenses going out. He said mid-year it was suggested a building fund be set up in anticipation of the remodeling of the former CVS building for Cass County Public Health and City Hall projects. Some of the general fund debt was paid off ahead of schedule earlier this year, he said, and managing around the fund balance going forward, likely more debt capacity can be managed in the general fund. He stated Moody's Investors Service conducted a site visit and were impressed with the strength and diversity of the local economy and with Fargo's management of fiscal affairs. One issue Fargo is faced with is predicting revenue growth, he said. The State's revenue growth has been robust, he said, for example, in 2010 Fargo's state aid was \$3.8 million, in 2013 it was \$8 million and in the budget for 2014, \$9 million is anticipated. He said it may be starting to flatten out after this year and the State has warned against being overzealous in revenue projections.

City Administrator Pat Zavoral said the goal for remodeling the building purchased for Fargo Cass Public Health is to have the design by this fall and the project bid in late December or early January, with work being done through the winter. He said an estimate for the project is about \$8 million. This project will allow for all of the community health operations to be located in the same building, he said and includes some space for Police Department services. County morgue services may also be housed in the building, he said. He stated in terms of a timetable for a new City Hall building, the Site Selection Committee could bring the site recommendation in a month or so. That will be followed with an architect selection process, he said, then the design process. He said he anticipates the project could be bid late next year and take through the year 2015 to complete and the timeline could coincide with what needs to be done in downtown for floodwalls.

Fire Chief Steve Dirksen stated last year the Fire Department saw a 27% increase in call volume and the budget reflected an increase in staff. He said it takes a minimum of 14 staff to fight a fire in a house and with possible simultaneous calls, it is important to have enough staff to respond in a timely manner. He said he asked for six full-time firefighters and received four in the budget. The request to rebuild Fire Station No. 2 at 3020 25th Street South will not be granted this year, he said, and he understands there are priorities throughout the City. He said during the Legislative session, fire insurance reserve premium tax collections allocated back to political subdivisions were increased from 50% to 100%, which for 2014 is estimated to be over \$700,000.00.

Planning Director Jim Gilmour said the driver services agreement in the transit budget increased 5.5%, much of it to be used for recruiting and retaining bus drivers by increasing the starting wage from \$11.00 per hour to \$13.00 per hour. He said

development is very busy with four new hotels, major health care expansions and lots of residential construction. The budget included an additional Assistant Planner and an increase in the planning services budget, he said.

Police Chief Keith Ternes said the primary needs of the Police Department have been, and continue to be, personnel. He said as the City grows in geography and population, the Police Department needs to mirror that growth by adding additional staff to deal with public safety issues and be proactive. He stated the addition of a crime analyst last year has proven beneficial in using resources most efficiently. This year he asked for five new fulltime officers, he said, and received three in the 2014 budget. The cost of one position, a school resource officer, will be shared 50/50 with Fargo Public Schools, he said. He stated the volume of property taken in and the task of maintaining evidence has passed the capacity of having a single person able to handle it, making the addition of a civilian assistant overdue.

Commissioner Mahoney moved the 2014 preliminary budget be adopted and the public hearing on the preliminary budget be set for September 16, 2013 at 6:00 p.m.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, September 16, 2013.

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

The time at adjournment was 6:26 o'clock p.m.