

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:    Monday:    September 16, 2013:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, September 16, 2013.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on September 3, 2013 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. Receive and file an Ordinance Amending Sections 25-1506 and 25-1507 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (to allow the sale and consumption of beer and wine in a venue whose primary business is entertainment).
- b. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 9/3/13:
  - (1) Amending Article 25-35 of Chapter 25 of the Fargo Municipal Code Relating to Secondhand Goods Dealers.
  - (2) Amending Article 25-10 of Chapter 25 of the Fargo Municipal Code Relating to Pawnbrokers.
  - (3) 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.
  - (4) Rezoning Certain Parcels of Land Lying in Schatz Third Addition, Fargo, Cass County, North Dakota.
- c. Year to Date – Budget to Actual Report for August 2013.

- d. Adoption of Resolution Calling for a Public Hearing on a Proposal for Financing Health Care Facilities with Tax Exempt Bonds and Publication of a Notice of the Hearing (Attachment "A").
- e. Grant Award Agreement with the North Dakota Department of Health for the water pollution program in southeastern North Dakota (CFDA #66.605).
- f. Purchase of Service Agreement for Emergency Response Services from the North Dakota Department of Health for personnel services (CFDA #93.074).
- g. Application filed by Marc and Anna Grothmann for a five-year tax exemption for improvements made to a building at 2813 Maple Street North.
- h. Application filed by Mom's Kitchen, Inc. d/b/a Tailgators Sports Café, 1322 Main Avenue for a live entertainment license.
- i. Amended Resolution for the Wildlife Management Program (Attachment "B").
- j. Site Authorization for Boys & Girls Club of the Red River Valley at the Pickled Parrot, 505 3rd Avenue North.
- k. Applications for Games of Chance:
  - (1) NDSU Development Foundation Bison Bidders Bowl for a raffle on 10/12/13.
  - (2) Kiwanis Club of Lake Agassiz for a raffle on 11/18/13.
  - (3) Scottish Rite Holding Company for a raffle on 12/3/13.
  - (4) Erik Grande Benefit Account for a raffle on 9/26/23; Public Spirited Resolution.
- l. Purchase of the following:
  - (1) New rescue pumper for the Fire Department.
  - (2) One sewer jet/vacuum truck from Flexible Pipe, Inc. in the amount of \$282,337.00.
  - (3) One sander body from Bert's Truck Equipment in the amount of \$47,485.00.
- m. Letter of Intent to purchase 1.35 acres of land adjacent to the Solid Waste property at 2301 8th Avenue North.
- n. 3-year extension of farm lease agreements for City-owned land with Evan Holmen in Harwood and Barnes Townships and Claude Richard in Stanley Township.
- o. Purchase of emergency generator from Butler Machinery in the amount of \$949,960.00 in connection with the Water Treatment Plant Expansion Project No. WA1301.

- p. Proposal from Wenck Associates, Inc. in the amount of \$57,770.00 for completion of the Compressed Natural Gas (CNG) feasibility study.
- q. Purchase Agreement – Permanent Easement for Fred M. Hector, Jr. (Improvement District No. 6201).
- r. Purchase agreement for a tract of land in Crofton Coves for right-of-way for 65th Avenue South (Improvement District No. 6236).
- s. Extend buyout offers to property owners at 4120, 4123 and 4117 15th Street South and 4122, 4127 and 4128 17th Street South (Project No. 6172-03).
- t. Hazard Mitigation Grant Program subgrant agreement to combine Lift Stations #29, #37 and #38 into one large lift station along with constructing an earthen levee in Mickelson Field.
- u. Bid awards for Project Nos. 5902-02 to Griffin Construction Company in the amount of \$3,627,182.03 and 6051 to Key Contracting in the amount of \$301,125.00.
- v. Final Balancing Change Order No. 1, in the amount of \$3,000.00 for Project No. 6113-04.
- w. Contract and bond for Project Nos. 6199 and 6232.
- x. Bills in the amount of \$8,057,615.50.

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

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

MSA Task Order No. 1 for Improvement District Nos. 6247-01, 6247-02, 6256-01 and 6257-01 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating City staff requested assistance in the design and construction administration of the infrastructure in Deer Creek. The current proposed task order would include the design of underground infrastructure, the construction administration and staking, as well as the design of the paving. They said staff will determine at a later date if there is a need to seek assistance in the paving construction administration and staking.

Commissioner Mahoney moved MSA Task Order No. 1 for the design and construction administration of portions of infrastructure in Deer Creek Addition Improvement District Nos. 6247-01, 6247-02, 6256-01 and 6257-01 be awarded to Stantec Consulting Services, Inc. in the total amount of \$198,377.00.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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. 6198 Approved:

Commissioner Mahoney moved approval of a contract time extension to October 15, 2013 for Improvement District No. 6198.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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. 6209 Approved:

Commissioner Mahoney moved approval of a contract time extension to October 7, 2013 for Improvement District No. 6209.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6241:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6241 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 11, 2013 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,694,787.10
Master Construction Company, Inc. Bid:	Fargo, ND \$1,696,887.35
R. L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$1,738,109.50
Ryan Contracting Bid:	Shakopee, MN \$1,971,745.00
Quam Construction Company, Inc. Bid:	Willmar, MN \$2,597,934.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6241 Awarded to Dakota Underground Company in the Amount of \$1,694,787.10:

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. 6241; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 11, 2013 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6241 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. 6241 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,694,787.10 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 \$1,694,787.10 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. 6241 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,694,787.10, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Sobolik, Williams, 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. 6245:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6245 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 11, 2013 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$269,423.50
Ryan Contracting Bid:	Shakopee, MN \$275,876.00
Master Construction Company, Inc. Bid:	Fargo, ND \$311,517.91
Quam Construction Bid:	Willmar, MN \$391,479.50
Key Contracting Bid:	Fargo, ND \$415,366.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6245 Awarded to Dakota Underground Company in the Amount of \$269,423.50:

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. 6245; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 11, 2013 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6245 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. 6245 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$269,423.50 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 \$269,423.50 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. 6245 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$269,423.50, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Sobolik, Williams, 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. 6248:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6248 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 11, 2013 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$289,583.60
Dakota Underground Company Bid:	Fargo, ND \$292,552.00
Ryan Contracting Bid:	Shakopee, MN \$307,591.00
Key Contracting Bid:	Fargo, ND \$318,125.00

Quam Construction  
Bid:

Willmar, MN  
\$382,477.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6248 Awarded to Master Construction Company, Inc. in the Amount of \$289,583.60:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6248; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 11, 2013 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6248 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. 6248 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$289,583.60 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Master Construction Company, Inc. in the sum of \$289,583.60 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. 6248 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$289,583.60, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Sobolik, Williams, Wimmer 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. 6251:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6251 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on August 12 and 19, 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. 6251.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, Wimmer 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. 6251:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6251 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 11, 2013 and the bids were found to be as follows:

Northern Improvement Company Bid:	Fargo, ND \$285,478.06
Border States Paving, Inc. Bid:	Fargo, ND \$303,894.04

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6251 Awarded to Northern Improvement Company in the Amount of \$285,478.06:

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. 6251; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 11, 2013 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6251 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. 6251 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$285,478.06 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 \$285,478.06 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. 6251 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of \$285,478.06, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Sobolik, Williams, Wimmer and Walaker voted aye.

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

Water Main, Storm Sewer and Incidentals Improvement District No. 6104 (Various Locations in North Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main, Storm Sewer and Incidentals Improvement District No. 6104:



Adopt Resolution Creating Improvement District No. 6104:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6104 in the City of Fargo, North Dakota, be created

On 45th Street from 16th Avenue North to 19th Avenue North  
On 19th Avenue North from 45th Street North to 41st Street North.

COMPRISING:

Lot 1, Block 1, Phoenix Addition.

The north 300' of Lot 1, Block 1, AES Livestock Management Addition.

Lot 13

Lot 14

Hector's Subdivision.

The south 300' of the unplatted land in the SE 1/4 of Section 27 Township 140N Range 49W less Highway Right of Way.

The south 1,025' of the unplatted land in the SW 1/4 of Section 27 Township 140N Range 49W less Drain Right of Way.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main, Storm Sewer and Incidentals Improvement District No. 6104 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. 6104:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6104 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 \$1,042,710.00.)

Order Plans and Specifications for Improvement District No. 6104:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6104 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6104:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6104 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. 6104 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. 6104:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6104 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243 (Cottagewood Addition):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243:

Adopt Resolution Creating Improvement District No. 6243:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6243 in the City of Fargo, North Dakota, be created

On 42nd Street from approximately 47th Avenue South to 51st Avenue South, between 38th Street South and 42nd Street South.

COMPRISING:

The following described land located in Section 34, Township 139 North, Range 49 West, City of Fargo, Cass County, North Dakota:

All of the land in the southwest quarter of Section 34 lying east of 42nd Street South.

All of the land in the southeast quarter of Section 34 bounded on the north by the north line of said southeast quarter, on the east by 42nd Street South and the west line of said southeast quarter, on the south by 51st Avenue South and on the east by 38th Street South.

All of the foregoing located in Township 139 North, Range 49 West, City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243 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. 6243:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6243 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,560,954.38.)

Order Plans and Specifications for Improvement District No. 6243:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6243 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6243:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6243 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. 6243 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. 6243:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6243 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 (Block 3, Hogan Addition):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258:

Adopt Resolution Creating Improvement District No. 6258:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6258 in the City of Fargo, North Dakota, be created

From 15th to 16th Avenue North between 3rd Street & 4th Street, Hogan Addition.

COMPRISING:

Lots 1 through 9, 13, 14, 17 through 26, north 25 feet and the east 80 feet of the south 25 feet of Lot 10, east 35 feet of Lot 12, west 30 feet of Lot 15, Block 3.

All in Hogan Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 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. 6258:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6258 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 \$179,520.00.)

Order Plans and Specifications for Improvement District No. 6258:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6258 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6258:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6258 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. 6258 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Alley Paving and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 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 P.C. Concrete Alley Paving 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. 6258:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6258 in the City of Fargo, North Dakota.

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

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

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

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Northern Improvement Company for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 Approved:

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

Western Surety Company, in the amount of \$2,831,233.95, for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6205 in the City of Fargo, North Dakota.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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 and Incidentals Improvement District No. 6219 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Ryan Development, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6219 in the City of Fargo, North Dakota.

Second by Sobolik. On call of the roll Commissioners Mahoney, Sobolik, Williams, 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 and Incidentals Improvement District No. 6219 Approved:

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

Arch Insurance Company, in the amount of \$1,798,396.00, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6219 in the City of Fargo, North Dakota.

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

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

Contract for 2013 Cass County Drain No. 10 Channel Repairs Improvement District No. 6237 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Industrial Builders, Inc. for 2013 Cass County Drain No. 10 Channel Repairs Improvement District No. 6237 in the City of Fargo, North Dakota.

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

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

Contract Bond for 2013 Cass County Drain No. 10 Channel Repairs Improvement District No. 6237 Approved:

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

Hartford Accident and Indemnity Company, in the amount of \$906,960.00, for 2013 Cass County Drain No. 10 Channel Repairs Improvement District No. 6237 in the City of Fargo, North Dakota.

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

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

Conversion of Existing 90 Minute Parking on First Avenue South from 4th Street to 8th Street to Two Hour Parking Approved:

The Board received a communication from Planner Joe Nigg stating in May the Parking Commission directed staff to work with the newly established Downtown Parking Task Force to analyze a request to convert the existing 90 minute parking on First Avenue South between 4th Street and Broadway from a 90 minute zone to a 2 hour zone. He said the Parking Commission felt it beneficial to consider adjacent parking zones and usage, in addition to other dynamics. According to the on-street occupancy data outlined within the 2012 Parking Evaluation Study, he said, peak hour

(11 a.m.) occupancy on this block is 37 percent. For comparison purposes, Broadway has an on-street occupancy rate of 76 percent, he said, and the entire downtown core is at approximately 54 percent usage during peak hours. He said the 2012 study documents this block as having a parking surplus largely due to the public ramp on this block. At the August 19, 2013 Task Force meeting, he said, a recommendation was set forth to convert all existing 90 minute parking on both the north and south side of First Avenue from 4th Street to 8th Street to two hour parking. The Parking Commission supported this proposed revision and at their August 31, 2013 meeting recommended approval of the change. He said this change aligns the time zones more closely with the enforcement schedules/routes, creates more consistency on these blocks and should encourage increased use of the on-street spaces, as well as addressing the YMCA's concerns regarding the adjacent on-street time zones.

Commissioner Williams moved the conversion of all existing 90 minute parking on both the north and south side of First Avenue South from 4th Street to 8th Street to two hour parking be approved.

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

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

#### Communication Regarding the Board of Adjustment Received and Filed:

The Board received a communication from Board of Adjustment Chair Dr. Kenneth Lepper stating recent decisions made by the Board of Adjustment (BOA) for variances to the Land Development Code (LDC) have been overturned by the City Commission. He said the intended function of the Board of Adjustment is to hear requests from citizens or organizations who would like to undertake projects not in compliance with the LDC. The panel of five volunteer citizens is well suited to evaluate the potential effect of projects, he said, and if the Board of Adjustment rejects a request for a variance, the requestor has the right to appeal the decision to the City Commission. Over the past two to three years, the BOA has rejected several requests for three stall garages in the City's heritage neighborhoods, he said, and at least two requests to destroy vintage homes and replace them with other construction. These are very contentious issues for neighborhood citizens, he said, and the LDC does not adequately address these problems. The City Commission has overturned most of these decisions made by the BOA, he said, which in effect circumvents the purpose of the Board and renders the volunteer service non-productive. He suggested the BOA be dissolved and the Planning Department staff revise the LDC such that all requests for variances be taken directly to the City Commission. If the Commission feels the BOA does have a function, and the BOA volunteers can serve the City, he said, an option would be that the Commission work to uphold the decisions of the BOA involving heritage neighborhoods, particularly when requests for variances involve three stall garages and the destruction of vintage homes.

Commissioner Mahoney said the Board of Adjustment does a great job and he would not be in favor of dissolving the Board. He said the City Commission values the work and guidance of the BOA and he asked that Mr. Lepper reconsider his request.

Mayor Walaker said the BOA does a great job and he would not be in favor of dissolving the Board. He said in the future it may be helpful to get more information from the BOA on controversial issues.

Commissioner Wimmer moved the communication from Dr. Kenneth Lepper regarding the Board of Adjustment be received and filed.

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.

Renaissance Zone Project for Jay and Christina Taylor Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Jay and Christina Taylor at 300 Broadway North, Suite 205.

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 Planner Joe Nigg stating the Renaissance Zone Project application presented by Jay and Christina Taylor meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Nigg recommended that the project be approved.

Commissioner Sobolik moved the Renaissance Zone application filed by Jay and Christina Taylor for a project located at 300 Broadway North, Suite 205 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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 Cottagewood First Addition Rezoned (5080 38th 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 SR-2, Single-Dwelling, SR-4, Single-Dwelling, MR-3, Multi-Dwelling and P/I, Public and Institutional of the proposed Cottagewood First Addition.

The City Auditor's Office published a Notice of Hearing stating September 3, 2013 was the time and date set for said Hearing at which time all interested persons could appear and would be heard.

At the September 3, 2013 meeting the Hearing was continued to this day and hour.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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



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

Second by 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 Cottagewood 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 Cottagewood 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 Cottagewood 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 "Cottagewood First Addition" containing 104 Lots, 5 Blocks, and 52.020 acres of land more or less, located at 5080 38th Street 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 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. At the September 3, 2013 City Commission meeting, the Hearing was continued to September 16, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Cottagewood 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 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.

Access, Right-of-Way and Utility Easement Agreement for Cottagewood First Addition Approved:

Commissioner Sobolik moved the Access, Right-of-Way and Utility Easement Agreement for Cottagewood First Addition be approved.

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 Annexation of 22.10 Acres of Land Located in Section 5, Township 138 North, Range 49 West in Stanley Township and Within the Extraterritorial Area Continued to September 30, 2013:

A Hearing had been set for June 24, 2013 on a petition for annexation of 22.10 acres of land located in Section 5, Township 138 North, Range 49 West in Stanley Township and within the extraterritorial area.

At the June 24, 2013, the Hearing was continued to July 22, 2013.

At the July 22, 2013 meeting, the Hearing was continued to August 5, 2013.

At the August 5, 2013 meeting, the Hearing was continued to August 19, 2013.

At the August 19, 2013 meeting, the Hearing was continued to this day and hour; however, Planning Administrator Nicole Crutchfield is requesting the Hearing be continued to September 30, 2013.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 30, 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.

Hearing on a Petition for a Zoning Change, Plat of Ashwood Fourth Addition and Street Vacation Continued to September 30, 2013 (6050 Unit A County Road 17; 6705 56th Avenue South; 6691, 6696, and 6684 58th Avenue South; 6722, 6746, 6770, 6797, 6775, 6741, and 6719 Smylie Lane South; 6680, 6683, 6694, 6699, 6708, 6711, 6724, and 6729 59th Avenue South; and 5773 and 5791 67th Street South):

This was the time and date set for a Hearing on a petition for a zoning change from AG, Agricultural and SR-2, Single-Dwelling to SR-2, Single-Dwelling; Plat of Ashwood Fourth Addition and Street Vacation of part of 67th Street South, 58th Avenue East, 59th Avenue East and Smylie Lane; however, Planning Administrator Nicole Crutchfield said two more weeks are needed to meet advertising requirements.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 30, 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.

Recommendation to Establish a Single Management Model for the Gladys Ray Emergency Homeless Shelter and the Detox Center Approved:

The Board received a communication from City Administrator Pat Zavoral stating for the past four years the City's Detox Center and the Gladys Ray Emergency Homeless Shelter have operated within the same facility at 1st Avenue South and 15th Street under separate management arrangements. Detox staff, he said, is employed by Centre, Inc., a non-profit agency, while the emergency shelter staff has employment contracts directly with the City. Since 2012, he said, an ad hoc city staff group made up of Police Chief Keith Ternes, Public Health Director Ruth Bachmeier, Community Development Administrator Dan Mahli, and himself have been meeting with various stakeholders to determine if there is a better management or program model to address the issues these two services encounter. Homelessness, mental health and alcohol related illnesses appear to be on the rise for some of the less fortunate in the community, he said, and the City is seeing a revolving door for these services by some people who cannot seem to break the cycle. The ad hoc committee, he said, has concluded that some changes to the current Shelter/Detox model are necessary and the start would be to have a single point of management for this facility. He said the Committee is recommending that the current Shelter Administrator be the manager for the facility and programs, and all of the employees for these programs become City employees and the Shelter/Detox facility and staff become part of the Public Health portfolio of services offered to the community. From this model, he said, it is envisioned that clients in need of these services will receive assistance from staff in how to access local, state and federal support for their problems. He said this referral concept will hopefully reduce the number of times a person needs emergency shelter or detoxification support. In addition, he said, it is hoped that the revenue for these services will increase through development of a rate structure for those using the services. Currently, he said, the City of Fargo has the only Shelter/Detox facility in the metro area and this region of the state and other communities and counties in the area (sometimes the state) bring or send their clients to Fargo without paying for this service. The next step for the City, he said, is to accept the recommendations of the committee and if it is accepted, the changes would take place on January 1, 2014, the start of the City's fiscal year. He said given the current level of funding for these services, it will not be necessary to adjust the budgets for 2014 as presented in the Mayor's budget.

Director of Public Health Ruth Bachmeier said mental health issues, alcoholism and drug use are huge issues in the community. She said many detox facilities are seeing a reoccurrence from individuals who are not able to or equipped with the tools to make significant changes in their lives. For chronic long-term addicts, she said, the City needs to be able to reach those individuals and as a community, the issues of drugs, mental health and alcoholism need to be addressed. She said putting these programs under the Health Department umbrella is the first step in taking a larger, community-wide look at the ever increasing problem of mental health and drug

dependency issues. In order for the community to get to the root of the issues, more needs to be offered, she said.

Chief of Police Keith Ternes said what has been a significant concern of his and within the police department is the number of admissions into the Detox Center. He said a large number of the people being admitted into the facility need the service on a continual basis. He said from an effectiveness and efficiency standpoint, it makes a lot of sense to combine these services so as to stabilize, if not minimize, the number of admissions. He said there is a lot of room for improvement in terms of how the City attempts to handle this situation; however, this is the first step in stopping the constant revolving door.

Jan Eliassen, Gladys Ray Shelter, said when individuals come to the shelter, the number one focus of staff is to make a relationship with the individuals because without that connection, the shelter employees cannot make the connection to local services that the shelter hopes to make. She said what she has found is the majority of the folks who come to the shelter, even those that are chronic in terms of addiction and mental health, are able to connect to services and quite often that results in housing and improved situations. Some of the folks that they deal with, she said, are so incredibly chronic that they need to stabilize them for a longer period of time than what is currently being offered. She said it is really difficult to connect people to services if they are still experiencing some of the physical challenges related to withdrawal. She said this is not a medical detox; however, it can provide an improved possibility for an individual to connect to the necessary services.

At 6:00 p.m., the time advertised for public hearings, the Board deferred additional discussion on this item until after the hearings.

Tax Levies for the Budget Year Beginning January 1, 2014 and Ending December 31, 2014 Approved:

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for a Hearing on the 2014 Budget at which time all interested persons could appear and would be heard.

Commissioner Wimmer moved the 12-month budget beginning January 1, 2014 and ending December 31, 2014 be approved as follows:

General Fund	\$84,905,630
Special Revenue Funds:	
City Share of Special Assessments	\$359,000
Noxious Weeds	50,000
Emergency 911	2,039,000
Convention Bureau	2,258,310
Regional Law Enforcement Training Center	90,534
Court Forfeits	160,000
Broadway Mall Maintenance	-
Skyway Maintenance	86,425
Winter Lights Maintenance	-
Downtown Business Improvement District	193,542
Neighborhood Revitalization Initiatives (NRI)	121,996
Community Development Block Grants	687,422

HOME Program	30,000
Neighborhood Stabilization Grant	601,769
HOME Projects	487,969
Parking Authority Operations	1,001,446
Parking Repair and Replacement	75,000
Newman Outdoor Stadium	172,480
Total Special Revenue Fund Expenditures	\$8,414,893
Debt Service Fund Expenditures	\$88,055,586
Enterprise Funds:	
Water	\$19,968,969
Water Revenue Bond	3,962,050
Wastewater	10,892,144
Southeast Cass Sewer	48,550
Storm Sewer	1,534,920
Vector Control	681,790
Street Lighting	1,823,442
Solid Waste	11,925,730
Forestry	1,945,759
Total Enterprise Fund Expenses	\$52,783,354
Pension Trust Funds:	
City Employee Pension	2,535,000
Police Pension	3,176,000
Pension Stabilization	-
Total Pension Trust Funds	\$5,711,000
Airport Authority:	
Operations & Maintenance	\$3,972,698
Airport Construction	4,755,800
Passenger Facility Surcharge (PFC)	1,450,000
PFC Bond Fund	653,931
Total Airport Authority Expenses	\$10,832,429
FargoDome:	
Operations	\$5,110,852
Sales Tax Surplus	50,000
Restricted Capital	2,187,750
Total FargoDome	\$7,348,602
Convention Bureau:	
Operations	\$1,780,598
Restricted Capital	767,145
Total Convention Bureau	\$2,547,743
Grand Total - All Funds	\$260,599,237

## Preliminary Tax Levies Are:

General Fund	54.15
City Share of Special Improvements	1.00
Noxious Weeds	.10
Airport Construction	2.00
Total Proposed Mills to be Levied for 2014 Budget	57.25

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

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

Recommendation to Establish a Single Management Model for the Gladys Ray Emergency Homeless Shelter and the Detox Center Approved (Continued):

Commissioner Sobolik moved the recommendations of the ad hoc committee to establish a single management model for the Gladys Ray Emergency Homeless Shelter/Detox Center and to create the necessary full-time positions for staffing of the Shelter/Detox Center be approved.

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.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, September 30, 2013.

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

The time at adjournment was 6:08 o'clock p.m.