



- (2) Rezoning Certain Parcels of Land Lying in Deer Creek Second Addition, Fargo, Cass County, North Dakota.
  - (3) Amending Sections 20-0401 and 20-0402.B of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Off-Premise Advertising Signs.
- e. Position Evaluation Committee recommendations regarding reclassifications and market adjustments:

Fire:

Request for a shift differential for the Fire Fighter - Captain (Grade X11) of \$1.00 per hour effective January 1, 2014. Annual cost of request: \$12,325.00.

PEC recommends approval of this request effective January 1, 2014.

Request for a shift differential for the Fire Captain - Battalion Chief (Grade X14) of \$1.50 per hour effective January 1, 2014. Annual cost of request: \$3,996.00.

PEC recommends approval of this request effective January 1, 2014.

Request for a shift differential for seventy-two Fire Fighter – Driver positions (Grade X11) of \$.50 per hour effective January 1, 2014. Annual cost of request: \$39,420.00.

PEC recommends approval of this request effective January 1, 2014.

Auditor:

Request to approve a pay grade change for one Accountant position from a (Grade 12) to a (Grade 13). Annual cost of request: \$4,014.00.

PEC recommends no change to the Accountant pay grade due to market. Market pay will be monitored to determine if future adjustments are necessary.

Finance/Assessor's:

Request to approve a market adjustment for two Assessor III positions from a (Grade 14) to a (Grade 15) effective January 1, 2014. Annual cost of request: \$8,195.00.

PEC recommends approval of this request effective January 1, 2014.

Health:

Request to approve a market adjustment for the Chief Environmental Scientist position (Grade 13) to a (Grade 15) effective immediately. Annual cost of the request: \$3,203.00.

PEC recommends approval of this request effective upon approval.

IS:

Request to approve a market adjustment for two Application Developer II positions from a (Grade 13) to a (Grade 14) effective January 1, 2014. Annual cost of the request: \$8,860.00.

PEC recommends approval of this request effective January 1, 2014.

Request to approve a market adjustment for the Application Developer III position from a (Grade 15) to a (Grade 16) effective January 1, 2014. Annual cost of the request: \$5,179.00.

PEC recommends approval of this request effective January 1, 2014.

- f. Receive and file Year to Date – Budget to Actual Report for October 2013.
- g. State Water Commission request for cost reimbursement for the FM Diversion flood project in the amount of \$18,600.00.
- h. Acceptance of Juvenile Accountability Block Grant award, in the amount of \$2,127.00.
- i. Grant Agreement with Deb Haugen for dietitian consulting services for a Cass-Clay School Wellness Policy Project.
- j. Contract amendment with the North Dakota Department of Health for family planning services (CFDA #FP93.217).
- k. Request to have the City Attorney's office submit Ordinance amendments relating to "electronic smoking devices".
- l. License Agreement with James Nordhougen, Rogene Nordhougen, Michael Eisert, Judy Eisert, Bryan Nordhougen and Diane Nordhougen granting permission to go across and use the land for the sole purpose of access to the adjoining owned land.
- m. Tax exemptions for improvements made to buildings:
  - (1) Lawrence and Kathleen Grinaker, 3318 Bohnet Boulevard (3-year).
  - (2) Tyler Sletten, 3602 Evergreen Road North (3-year).
  - (3) Thomas and Debra Jacobson, 1754 Park Boulevard South (3-year).
  - (4) Bruce and Janice Anderson, 12 Birch Lane South (3-year).
  - (5) Merrill and Noell Reinhiller, 1522 12th Street South (5-year).
- n. Site Authorization for Fargo Air Museum at the Fargo Air Museum on 10/25/14.
- o. Applications for Games of Chance:
  - (1) Don Metzger Benefit for a raffle on 12/12/13; Public Spirited Resolution.
  - (2) Fargo Motor Patrol, Inc. for a raffle on 2/7/14.
  - (3) Fargo Moorhead Curling Club for raffles from 11/13/13 to 11/17/13.
  - (4) Fargo Davies Eagle Elite Dance Team for a raffle on 11/16/13.

- (5) Fargo Rotary Club for a calendar raffle from 1/23/14 to 6/19/14; Public Spirited Resolution.
- p. Encroachment Agreement for an existing stairwell at 52 Broadway on the NP Avenue side of the building.
- q. Authorization for City staff to contract fuel purchases for 2014.
- r. Quote from Big Tree Nursery, in the amount of \$8,400.00, to relocate 30 trees on the 25th Street corridor between 17th and 20th Avenues South (Project No. 5681-02).
- s. Proposal from Smith Fertilizer and Grain Company for 2013/2014 bulk agricultural based liquid deicer for \$.65 per gallon.
- t. Purchase of a new compact track loader from the Minnesota State Equipment Contract for \$40,588.18.
- u. 5-year municipal lease with Kinetic Leasing, in the amount of \$63,346.00 per year, for an auto side load refuse truck.
- v. Task order in the amount of \$288,983.00 with AE2S/GHD for Phase III of the Computer Maintenance Management Software (CMMS) system implementation.
- w. Payment of \$20,346.00 to Loren Richards, Inc. and \$2,196.25 to Northern Technologies, Inc. for soil correction work at 3060 45th Street South.
- x. Change Order No. 1 approving a 30-day extension to the completion dates for Project SW 13-01.
- y. Final Balancing Change Order No. 1, for an increase of \$3,152.43, for Project No. 6225-02.
- z. Contract and bond for Project No. 6227.
- aa. Bills in the amount of \$6,551,687.92.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Bids Received for Water Main, Storm Sewer and Incidentals Improvement District No. 6104:

The bids for Water Main, Storm Sewer and Incidentals Improvement District No. 6104 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., November 6, 2013 and the bids were found to be as follows:

|  |                                |
|--|--------------------------------|
| Master Construction Company, Inc.<br>Bid:  | Fargo, ND<br>\$805,993.04      |
| Robert Gibb and Sons, Inc.<br>Bid:         | Fargo, ND<br>\$872,656.00      |
| Sellin Brothers, Inc.<br>Bid:              | Hawley, MN<br>\$898,283.50     |
| George E. Haggart, Inc.<br>Bid:            | Fargo, ND<br>\$901,415.00      |
| Ryan Contracting<br>Bid:                   | Shakopee, MN<br>\$1,002,103.00 |
| Utility Systems of America<br>Bid:         | Eveleth, MN<br>\$1,012,110.00  |
| Kindred Plumbing and Heating, Inc.<br>Bid: | Kindred, ND<br>\$1,061,850.50  |
| Dakota Underground Company<br>Bid:         | Fargo, ND<br>\$1,093,126.00    |

Contract for Water Main, Storm Sewer and Incidentals Improvement District No. 6104  
Awarded to Master Construction Company, Inc. in the Amount of \$805,993.04:

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 Water Main, Storm Sewer and Incidentals Improvement District No. 6104; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received November 6, 2013 for Water Main, Storm Sewer and Incidentals Improvement District No. 6104 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main, Storm Sewer and Incidentals Improvement District No. 6104 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$805,993.04 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 \$805,993.04 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main, Storm Sewer and Incidentals Improvement District No. 6104 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$805,993.04, 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, Wimmer and Walaker voted aye.

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6247:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6247 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., November 6, 2013 and the bids were found to be as follows:

|  |                                   |
|--|-----------------------------------|
| Ryan Contracting<br>Bid:                   | Shakopee, MN<br>\$558,469.75      |
| Master Construction Company, Inc.<br>Bid:  | Fargo, ND<br>\$637,579.33         |
| Hough, Inc.<br>Bid:                        | Detroit Lakes, MN<br>\$644,223.08 |
| Robert Gibb and Sons, Inc.<br>Bid:         | Fargo, ND<br>\$656,744.00         |
| Kindred Plumbing and Heating, Inc.<br>Bid: | Kindred, ND<br>\$695,427.50       |
| Dakota Underground Company<br>Bid:         | Fargo, ND<br>\$716,102.75         |
| J.R. Ferche, Inc.<br>Bid:                  | Rice, MN<br>\$737,316.50          |
| Sellin Brothers, Inc.<br>Bid:              | Hawley, MN<br>\$879,314.00        |

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6247 Awarded to Ryan Contracting in the Amount of \$558,469.75:

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. 6247; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received November 6, 2013 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6247 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. 6247

shows the bid of Ryan Contracting of Shakopee, Minnesota, in the sum of \$558,469.75 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 Ryan Contracting in the sum of \$558,469.75 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. 6247 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting for the sum of \$558,469.75, 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, Wimmer and Walaker voted aye.

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Contract Time Extension for Improvement District No. 5956 Approved:

Commissioner Mahoney moved approval of a contract time extension to October 30, 2013 for substantial completion of Improvement District No. 5956.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Final Balancing Change Order No. 2 for Improvement District No. 6101-02 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 2 for an increase of \$25,065.09 for Improvement District No. 6101-02.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 6149 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$54,775.89 for Improvement District No. 6149.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Change Order No. 1 for Improvement District No. 6165 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$211,515.43 for Improvement District No. 6165.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Final Balancing Change Order No. 2 for Improvement District No. 6182 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 2 for an increase of \$73,626.43 for Improvement District No. 6182.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Change Order No. 1 for Improvement District No. 6183 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$15,666.37 for Improvement District No. 6183.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Street Reconstruction and Incidentals Improvement District No. 6116 (7th Avenue from 45th Street to 52nd Street South):

Commissioner Mahoney moved the following action be taken in connection with Street Reconstruction and Incidentals Improvement District No. 6116:

Adopt Resolution Creating Improvement District No. 6116:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6116 in the City of Fargo, North Dakota, be created

7th Avenue South between 17th Street East, West Fargo & 45th Street South, Fargo.

COMPRISING:

Lots 1 through 71, inclusive, Block 1  
Lots 1 through 6, inclusive, Block 2  
Lots 1 through 33, inclusive, Block 3  
Lots 1 through 7, inclusive, Block 4  
Lots 1 through 20, inclusive, Block 5  
Lots 1 through 16, inclusive, Block 6  
Lot 1, N ½ of Lot 2, Lots 3 and 4, Block 7  
All in Westfield 1st Addition.

Lots 1 through 6, inclusive, Block 1  
Lots 1 through 12, inclusive, Block 2  
Lots 1 through 14, inclusive, Block 3  
Lots 1 through 15, inclusive, Block 4  
Lots 1 through 20, inclusive, Block 5  
Lots 1 through 10, inclusive, Block 6  
All in Westfield 2nd Addition.

Lots 4 and 5, Block 1

All in Wal-Mart 1st Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Street Reconstruction and Incidentals Improvement District No. 6116 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. 6116:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6116 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 \$1,400,035.00.)

Order Plans and Specifications for Improvement District No. 6116:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6116 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6116:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6116 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. 6116 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 Street Reconstruction 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 Street Reconstruction and Incidentals Improvement District No. 6116 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 Street Reconstruction 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. 6116:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6116 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and R.L. Larson Excavating, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243 Approved:

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

Merchants Bonding Company, in the amount of \$1,697,227.25, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6243 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Key Contracting, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 Approved:

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

Western Surety Company, in the amount of \$128,817.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6258 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Williams.

The motion was declared carried.

(Commissioner Williams present via conference call)

Acquisition of Twenty-Six Homes in Prairie Rose Addition to Support a Flood Risk Reduction Project Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the Committee reviewed revised options for the flood risk reduction project through the Prairie Rose development. They recommended acquisition be started on twenty-six homes where the alignment, preferred by the public, is consistent with the technical recommendation. They further recommended that the extent of protection needed continues to be determined and a decision regarding relocation of the drain be delayed until the full extent of the necessary protection is determined.

Division Engineer Nathan Boerboom provided an update on the Mickelson Park levee project. He said construction of the levee will continue as long as the weather holds out.

Commissioner Mahoney moved the acquisition of twenty-six homes in Prairie Rose Addition to support a flood risk reduction project be approved.

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

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

Resolution Adopted Approving JOAW Addition (5450 and 5652 26th 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, A Plat has been filed in the office of the City Auditor entitled "JOAW Addition" containing 2 Lots, 1 Block, and 5.54 acres of land more or less, located at 5450 and 5652 26th Street South; and

WHEREAS, The plat name was originally advertised as Prairie Grove Apartments Addition; and

WHEREAS, The plat includes the vacation of part of an existing negative access easement along 25th Street South; and

WHEREAS, A Hearing was held October 1, 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 October 11, 21, 28 and November 4, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., November 12, 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 "JOAW 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, Mahoney, Williams and Walaker voted aye.

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

#### Appointments to the Historic Preservation Commission:

The Board received a communication from Mayor Walaker recommending that Dirk Ockhardt and Andrew Nielsen be reappointed to the Historic Preservation Commission.

Commissioner Sobolik moved Dirk Ockhardt and Andrew Nielsen be reappointed to the Historic Preservation Commission for three-year terms ending October 31, 2016.

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

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

#### Appointment to the Human Relations Commission:

The Board received a communication from Mayor Walaker recommending that Tanya RedRoad be appointed to the Human Relations Commission to fill the unexpired term of Sandra Holbrook who resigned. He also recommended Ms. RedRoad be appointed to serve as an ex-officio member on the Native American Commission to fill the unexpired term of Sandra Holbrook.

Commissioner Sobolik moved Tanya RedRoad be appointed to the Human Relations Commission for a term ending July 1, 2016, as well as an ex-officio member of the Native American Commission for a term ending June 30, 2016.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Mahoney, Williams 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, November 25, 2013.

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

The time at adjournment was 5:19 o'clock p.m.