

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: May 12, 2014:

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, May 12, 2014.

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, omitting Item "c" from the Consent Agenda.

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 April 28, 2014 be approved as read.

Second by Wimmer. 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. 2nd reading, waive reading and final adoption of an Ordinance Amending Sections 25-1501, 25-1503, 25-1504.1, 25-1508 and 25-1512 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st reading, 4/28/14 (re: Bulldog Tap/Hennessey's and JL Beers/Vinyl Taco).
- b. Resolution Relating to Preliminary Approval of the Financing of Two Projects: up to \$6 million for the Fargo Cass Public Health remodeling project and Red River Regional Dispatch Center operational space lease purchase and Alerus Financing for the Solid Waste Baling facility in an amount not to exceed \$4 million (Attachment "A").
- c. Direct line of credit with US Bank in the amount of \$25 million to be accessed for flood control projects and repaid with sales tax resources authorized by Home Rule charter Section 3 (T) (omitted).
- d. Year to Date – Budget to Actual Report for April 2014.

- e. Proposal to purchase the vacant lot at 721 1st Street North for \$15,000.00 to redevelop the lot as an attractive single family home.
- f. Contract with Northern Cass School District for nursing services for the 2014-2015 school year.
- g. Health Department budget adjustment in the amount of \$6,280.00 and Contract Amendment with the North Dakota Department of Health for the WIC Program (CFDA #10.557).
- h. Health Department budget adjustment in the amount of \$4,250.00 and Contract with the North Dakota Department of Commerce for funds to support operational expenses at the Gladys Ray Shelter (CFDA #14.231).
- i. Purchase of Service Agreement with the North Dakota Department of Health to provide quality improvement services (Contract #PF13.145).
- j. Amendment I to the Agreement for Cost-Share Reimbursement with the State Water Commission for an additional \$15 million cost-share for the Water Treatment Plant Improvement Project.
- k. MATBUS exterior advertising contract with North Dakota State College of Science (NDSCS).
- l. Resolution Approving Plat of Inland Truck Parts Company Addition (Attachment "B").
- m. Site Authorizations for Games of Chance:
 - (1) Plains Art Museum at King Pin Casino (The Bowler), Big Top Bingo and Blue Wolf Casino (Cactus Jack's Saloon).
 - (2) American Gold Gymnastics, Inc. at The Box and SideStreet Grille & Pub.
 - (3) Team Makers Club, Inc. at the Holiday Inn, the Fargodome and Lucky's 13 Pub.
 - (4) VFW Club of Fargo at the VFW Club Post 762 and Ricks.
 - (5) Northern Prairie Performing Arts at Windbreak Lounge, Doublewood Inn and Old Broadway.
- n. Applications for Games of Chance:
 - (1) African Soul, American Heart for a raffle on 11/15/14.
 - (2) Fargo-Moorhead Cosmopolitan Club for a sports pool from 9/15/14 to 12/31/14.
 - (3) Fargo-Moorhead Cosmopolitan Club for raffles from 9/1/14 to 6/30/15.
 - (4) El Zagal Shrine Provost Guard for sports pools from 9/7/14 to 12/28/14.
 - (5) MDA Motorcycle Run for a raffle on 6/7/14.
 - (6) American Legion Post #2 for a calendar raffle from 7/1/14 to 8/30/14.

- o. Operating Lease Agreement with Navistar, Inc. at a yearly cost of \$1.00 to conduct a vehicle reliability field test on one of their medium duty trucks.
- p. 3-month rental of a Trecan Snow Melter for the 2014/2015 snow season at a cost of \$35,000.00 per month.
- q. Purchase of one gate turning trailer from E. H. Wachs for \$78,810.00.
- r. Purchase of property through the flood buyout program:
 - (1) Shane and Carrie Bruggeman, 3321 39th Avenue South.
 - (2) Rusty and Neva Papachek, 4493 Oakcreek Drive South.
 - (3) Keith and Rondi McGovern, 4473 Oakcreek Drive South.
- s. Purchase Agreement – Permanent and Temporary Easements with Tony and Karen Grindberg for Project No. 5962-01.
- t. Early Building Permit for Arbor Courts Apartments.
- u. Continued development of a flood risk management option for the El Zagal area that includes golf course improvements and the closure of the 14th Avenue North connection to Elm Street.
- v. Sewer relining project along 13th Avenue South from 42nd Street to 45th Street with funding from the 2014 Wastewater Infrastructure Sales Tax budget.
- w. Change Order No. 1 with PKG Contracting, Inc. for a time extension to August 15, 2014 for HMGP Projects 5-R and 6-R
- x. Contract Amendment No. 1, in the amount of \$43,870.00, for Project No. 6261.
- y. Contract Amendment No. 2, in the amount of \$12,450.00, for Project No. UN-14-11.
- z. Contract Amendment No. 3, in the amount of \$335,700.00, for Project No. 6153.
- aa. Bid award for Project No. FM-14-01 to Industrial Contract Services, Inc. in the amount of \$756,850.00.
- bb. Bid advertisement for Project Nos. FM-14-4 and UR-14-4.
- cc. Bills in the amount of \$4,888,104.37

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 7 and 14, 2014 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik 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, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 7, 2014 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$2,041,377.25
J.R. Ferche, Inc. Bid:	Rice, MN \$2,152,911.80
Northern Improvement Company Bid:	Fargo, ND \$2,195,872.85
M.A. Mortenson Company Bid:	Minneapolis, MN \$2,199,846.15
Sellin Brothers, Inc. Bid:	Hawley, MN \$2,224,548.10
Ryan Contracting Bid:	Shakopee, MN \$2,239,002.75
KPH, Inc. Bid:	Kindred, ND \$2,332,464.25

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11 Awarded to Master Construction Company, Inc. in the Amount of \$2,041,377.25:

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, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 7, 2014 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11 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, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$2,041,377.25 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 \$2,041,377.25 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-11 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$2,041,377.25, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik 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, Sidewalks and Incidentals Improvement District No. PN-14-91:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-91 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 24 and 31, 2014 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, Sidewalks and Incidentals Improvement District No. PN-14-91.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik 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, Sidewalks and Incidentals Improvement District No. PN-14-91:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-91 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 7, 2014 and the bids were found to be as follows:

Aggregate Industries Bid:	Moorhead, MN \$1,262,405.80
Northern Improvement Company Bid:	Fargo, ND \$1,305,516.45
Border States Paving, Inc. Bid:	Fargo, ND \$1,334,238.49
Central Specialties, Inc. Bid:	Alexandria, MN \$1,395,135.27
Minn-Dak Asphalt, Inc. Bid:	Thief River Falls, MN \$1,719,835.79

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-91 Awarded to Aggregate Industries in the Amount of \$1,262,405.80:

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, Sidewalks and Incidentals Improvement District No. PN-14-91; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 7, 2014 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-91 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, Sidewalks and Incidentals Improvement District No. PN-14-91 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$1,262,405.80 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Aggregate Industries in the sum of \$1,262,405.80 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-91 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$1,262,405.80, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31:

The Statutory Resolution of Necessity for the construction of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 7 and 14, 2014 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 Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31.

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

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

Bids Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31:

The bids for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 7, 2014 and the bids were found to be as follows:

Border States Paving, Inc. Bid:	Fargo, ND \$833,674.50
Aggregate Industries Bid:	Moorhead, MN \$868,712.15
Northern Improvement Company Bid:	Fargo, ND \$958,043.75
Central Specialties, Inc. Bid:	Alexandria, MN \$993,355.70
Minn-Dak Asphalt, Inc. Bid:	Thief River Falls, MN \$1,043,992.69

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31 Awarded to Border States Paving, Inc. in the Amount of \$833,674.50:

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 Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 7, 2014 for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31 shows the bid of Border States Paving, Inc. of Fargo, North Dakota, in the sum of \$833,674.50 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 Border States Paving, Inc. in the sum of \$833,674.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-31 in the City of Fargo, North Dakota, be and the same is hereby awarded to Border States Paving, Inc. for the sum of \$833,674.50, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik 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. UN-14-E1:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-E1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 7, 2014 and the bids were found to be as follows:

Ryan Contracting Company Bid:	Shakopee, MN \$693,385.50
Master Construction Company, Inc. Bid:	Fargo, ND \$731,422.00
KPH, Inc. Bid:	Kindred, ND \$782,404.00
J.R. Ferche, Inc. Bid:	Rice, MN \$841,897.00
Quam Construction Company, Inc. Bid:	Willmar, MN \$861,130.25
Dakota Underground Company Bid:	Fargo, ND \$946,065.00

R & R Excavating, Inc.
Bid:

Hutchinson, MN
\$1,147,066.02

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-E1 Awarded to Ryan Contracting Company in the Amount of \$693,385.50:

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. UN-14-E1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 7, 2014 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-E1 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. UN-14-E1 shows the bid of Ryan Contracting Company of Shakopee, Minnesota, in the sum of \$693,385.50 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 Ryan Contracting Company in the sum of \$693,385.50 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. UN-14-E1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting Company for the sum of \$693,385.50, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

Amended Engineer's Report for Improvement District No. BR-14-2 Approved:

The Board received an Amended Engineer's Report for Improvement District No. BR-14-2 from City Engineer April Walker. The total estimate of cost has been amended to \$1,752,660.00.

Commissioner Mahoney moved the amended Engineer's Report for Improvement District No. BR-14-2 be approved.

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

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

Retention Pond and Incidentals Improvement District No. FP-14-0 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Retention Pond and Incidentals Improvement District No. FP-14-0:

Adopt Resolution Creating Improvement District No. FP-14-0:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. FP-14-0 in the City of Fargo, North Dakota, be created

Area located south of 32nd Avenue South between 45th Street and Veterans Boulevard and north of the half section line of Section 28, Township 139, Range 49 West.

COMPRISING

Lot 1, Block 1

Lot 2, Block 3

Lot 1, Block 4

Lots 1 through 12, inclusive, Block 6

Lots 1 through 24, inclusive, Block 7

Lots 1 through 24, inclusive, Block 8

Lots 1 through 24, inclusive, Block 9

Lots 1 through 12, inclusive, Block 10

Lots 1 through 14, inclusive, Block 11

Lots 1 through 14, inclusive, Block 12

Lots 1 through 12, inclusive, Block 13

Lots 1 through 28, inclusive, Block 14

Lot 30, Block 14

All platted in the Brandt Crossing 1st Addition.

Lots 1 through 3, inclusive, Block 1

Lots 7 through 11, inclusive, Block 1

All platted in the Brandt Crossing 2nd Addition.

Lots 1 through 17, inclusive, Block 1

All platted in the Brandt Crossing 3rd Addition.

Lots 1 through 5, inclusive, Block 1

All platted in the Brandt Crossing 4th Addition.

Lot 2, Block 1

All platted in the Brandt Crossing 5th Addition.

Lots 1 through 3, inclusive, Block 1

All platted in the Brandt Crossing 6th Addition.

Lots 1 through 4, inclusive, Block 1

All platted in the Brandt Crossing 7th Addition.

Lots 1 through 7, inclusive, Block 1
Lots 1 through 9, inclusive, Block 2
Lots 1 through 7, inclusive, Block 3
Lots 1 through 35, inclusive, Block 4
Lots 1 through 14, inclusive, Block 5
Lots 1 through 14, inclusive, Block 6
All platted in the Farmstead at Brandt Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Retention Pond and Incidentals Improvement District No. FP-14-0 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. FP-14-0:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. FP-14-0 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 \$404,307.92.)

Order Plans and Specifications for Improvement District No. FP-14-0:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. FP-14-0 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. FP-14-0:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. FP-14-0 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. FP-14-0 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. FP-14-0:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. FP-14-0 in the City of Fargo, North Dakota.

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

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

Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-1 (Ashwood 4th Addition):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-1:

Adopt Resolution Creating Improvement District No. PN-14-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PN-14-1 in the City of Fargo, North Dakota, be created

On 57th Avenue South from 62nd Street South to Deer Creek Parkway and from 66th Street South to 67th Street South.

On 58th Avenue South from 58th Street South to 61st Street South and from 62nd Street South to Deer Creek Parkway and from 66th Street South to 67th Street South.

On 59th Avenue South from 59th Street South to 67th Street South and connecting cul-de-sacs.

On Ashwood Loop from 100 feet west of 67th Street South to 58th Avenue South.

On 60th Avenue South from 59th Street South to Deer Creek Parkway and connecting cul-de-sacs.

On 61st Avenue from 59th Street South to Deer Creek Parkway.

On 58th Street South from 15 feet south of 57th Avenue South to 58th Avenue South.

On 59th Street South from 58th Avenue South to 61st Avenue South.

On 61st Street South from 150 feet south of 57th Avenue South to 58th Avenue South and from 61st Avenue South to 150 feet south of 61st Avenue South.

On 62nd Street South from 57th Avenue South to 58th Avenue South.

On 66th Street South from 150 feet south of 56th Avenue South to 153 feet south of 59th Avenue South.

On 67th Street South from 150 feet south of 56th Avenue South to 59th Avenue South.

COMPRISING:

Lots 1 through 7, 10 through 21, 29 through 38, Block 1

Lots 1 through 11, Block 2

Lots 1 through 9, Block 3

Lots 1 through 31, Block 4

Lots 3 through 7, 12 through 22, Block 5

Lots 1 through 13, Block 6

Lots 8 through 14, Block 7

Lots 13 through 32, Block 10

Lots 71 through 123, Block 11

Lots 17 through 31, Block 16

Lots 29 through 89, Block 17

Lots 1 through 21, Block 18

Lots 1 through 20, Block 19
Lots 1 through 40, Block 20
Lots 1 through 43, Block 21
Lots 1 through 38, Block 22
Lots 1 through 31, Block 23
Lots 1 through 33, Block 24
All platted in Deer Creek Addition.

Lots 1 through 2, Block 1
All platted in Deer Creek Second Addition.

Lots 1 through 27, Block 1
Lots 1 through 8, Block 2
Lot 1, Block 3
Lots 1 through 2, Block 4
All platted in Ashwood Fourth Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-1 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. PN-14-1:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-14-1 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$5,624,350.00.)

Order Plans and Specifications for Improvement District No. PN-14-1:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PN-14-1 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PN-14-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-14-1 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. PN-14-1 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 Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-1 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 Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. PN-14-1:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PN-14-1 in the City of Fargo, North Dakota.

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

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

Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-6 (Golden Valley):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-6:

Adopt Resolution Creating Improvement District No. PN-14-6:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PN-14-6 in the City of Fargo, North Dakota, be created

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

COMPRISING:

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

All unplatted land in the Northeast 1/4 of Section 11, Township 138, Range 49. The unplatted land is bounded on the north by the 65th Avenue South right-of-way, on the west by the Drain 53 right-of-way, and on the east by 25th Street South.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-6 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. PN-14-6:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-14-6 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 \$1,572,000.00.)

Order Plans and Specifications for Improvement District No. PN-14-6:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PN-14-6 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PN-14-6:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-14-6 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. PN-14-6 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 Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-6 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 Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. PN-14-6:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PN-14-6 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-14-7 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-14-7:

Adopt Resolution Creating Improvement District No. PN-14-7:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PN-14-7 in the City of Fargo, North Dakota, be created

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

University Drive South from a point 1100' south of 64th Avenue South to 73rd Avenue South.

COMPRISING:

All of Crofton Coves 1st Addition

All of MGB 1st Addition.

All of MGB 2nd Addition.

All of Eagle Pointe 1st Addition.

All of Eagle Pointe 2nd Addition.

All of Eagle Pointe 3rd Addition.

All of Davies 1st Addition.

All of Davies 2nd Addition except Lots 1 through 19, Block 1, and Lots 2 through 10, Block 2.

All unplatted land lying west of University Drive South in the S 1/2 of the NE 1/4 of Section 12, Township 138, Range 49.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-14-7 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. PN-14-7:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-14-7 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 \$1,117,632.00.)

Order Plans and Specifications for Improvement District No. PN-14-7:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PN-14-7 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PN-14-7:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-14-7 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. PN-14-7 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

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

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

That it be and is hereby declared necessary to construct P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-14-7 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals improvement is to be paid from Sales Tax and approximately 19% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. PN-14-7:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PN-14-7 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik 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. UN-14-2 (Crofton Coves 1st Addition):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-2:

Adopt Resolution Creating Improvement District No. UN-14-2:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. UN-14-2 in the City of Fargo, North Dakota, be created

On 65th Avenue South from 500' west of 21st Street to 19th Street South.

On Crofton Lane South from 67th Avenue South to 700' north.

On 19th Street South from 64th Avenue to 65th Avenue South.

On 21st Street South from 64th Avenue to 67th Avenue South.

COMPRISING

Lot 1, Block 1.

Lots 1 through 9, Block 2.

Lot 1, Block 3.

Lots 1 through 23, and 37 through 53, Block 4.

Lot 1, Block 5.

All platted in Crofton Coves 1st Addition.

All the unplatted land in the NW quarter of Section 12, T138N, R49N.

All of the foregoing is located 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. UN-14-2 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. UN-14-2:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-14-2 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 \$1,122,730.00.)

Order Plans and Specifications for Improvement District No. UN-14-2:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. UN-14-2 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. UN-14-2:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-14-2 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. UN-14-2 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. UN-14-2:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. UN-14-2 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 Approved:

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

Western National Mutual Insurance Company, in the amount of \$1,631,202.70, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Northern Improvement Company for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 Approved:

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

Western Surety Company, in the amount of \$462,066.80, for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik 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. UN-14-11 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. UN-14-11 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik 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. UN-14-11 Approved:

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

Merchants Bonding Company, in the amount of \$3,698,466.96, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-11 in the City of Fargo, North Dakota.

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

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

City Attorney Directed to Work with Staff on an Amendment to Article 13-11 of Chapter 13 of the Fargo Municipal Code Relating to Child Care Centers to Add Physical Activity Requirements:

The Board received a communication from Director of Environmental Health Grant Larson stating staff at Fargo Cass Public Health request that Article 13-11 regarding child care centers be reviewed and updated. He said the major content change being recommended is the addition of language regarding physical activity requirements within child care centers in an effort to promote healthy weights in young children.

Community Health Educator Cheryl Stetz said for the last year she has been working with a focus group of child care directors and providers. She said many good things are happening in the centers already: however making physical activity consistent can be a challenge. Getting kids moving when there is inclement weather

or inadequate space can be difficult, she said, and the Health Department would like to provide assistance that will include training and how to make the best use of existing resources. She said physical activity will be incorporated as a part of the health code inspections done each year at the centers.

In response to a question from Mayor Walaker about which child care providers the proposed changes would affect, Mr. Larson said this would apply to licensed child care centers in Fargo, not the small in-home child care settings. He said a center is currently defined by the Department of Human Services as caring for 12 or more children.

In response to a question from Commissioner Mahoney about the additional items proposed, Ms. Stetz said the proposal includes television viewing and healthy beverage guidelines.

Commissioner Wimmer moved the City Attorney be directed to work with appropriate staff from the Fargo Cass Public Health Department to review and amend Article 13-11 of Chapter 13 of the Fargo Municipal Code Relating to Child Care Centers to add physical activity requirements.

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.

Installation of Flashing Yellow Left Turn Arrows at Eight Intersections Approved:

The Board received a Report of Action from the Traffic Technical Advisory Committee (TTAC) stating Division Engineer Jeremy Gorden discussed with the Committee the flashing yellow left turn arrow concept and how he would like to begin installing a number of them throughout the City for improved traffic flow. They said Fargo has one intersection today that runs this left turn operation, which was installed last fall on 45th Street and 30th Avenue South. For 2014, they said, Mr. Gorden's plan would be to retrofit 8 intersections so they are capable of running the flashing yellow left turn arrow, in addition to the 5 intersections on 25th Street from 17th Avenue South to 23rd Avenue South that are being reconstructed as part of that project. He said the intersection locations (with direction of travel) are as follows:

- Northbound left turn on University Drive at 13th Avenue South.
- North and Southbound left turns on University Drive at 25th Avenue South.
- East and Westbound on 13th Avenue South at 25th Street.
- East and Westbound on 32nd Avenue South at 32nd Street.
- North and Southbound left turns on 45th Street at 9th Avenue South.
- North and Southbound left turns on 45th Street at 23rd Avenue South.
- North and Southbound left turns on 45th Street at Amber Valley Parkway.
- North and Southbound left turns on 45th Street at 40th Avenue South.

Mr. Gorden stated these left turn heads would replace existing 5-section left turn heads with a 4-section left head. He said drivers would approach the intersection in the same fashion as they do for 5-section left turn heads, and when shown the yellow flashing arrow, they would treat that the same as a solid green ball, yielding to oncoming traffic. He said the reasons for retrofitting these left turn heads are as follows:

- The turn heads can be run in the protected only mode (red, yellow and green arrows, no flashing yellow) or the protected/permissive mode (exactly like the 5-section left turn heads) for different times of the day, depending on traffic volumes.
- Corridor coordination plans can be improved because this operation allows for leading with the turn arrows, or lagging them, depending on arrivals from upstream and downstream intersections.
- People will not have to sit and wait for the green arrow when they can see for blocks ahead that no one is coming during lower volume periods of day or night, resulting in less delay.

In response to a question from Mayor Walaker about the cost, Mr. Gorden said the retrofitting would probably be less than \$5,000.00.

Commissioner Williams said included in the discussion was the need for awareness and staff discussed an educational campaign.

Commissioner Wimmer moved the installation of flashing yellow left turn arrows at the eight proposed intersections 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.

Application Filed by Discovery Benefits, Inc. for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Discovery Benefits, Inc. for a five-year property tax exemption for an expansion to their operation into an existing building at 4321 20th Avenue South where the applicant will operate as a third party administrator for flexible spending accounts, health reimbursement arrangements, health savings accounts, transit/parking plans, COBRA administration and other billing services.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

Commissioner Wimmer moved that the application filed by Discovery Benefits, Inc. for a five-year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC 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 Vacating a Public Utility Easement Located on Lots 2 and 3, Block 1, Airport Second Addition (1919 University Drive North):

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Reciprocal Release and Relinquishment of Easement document is intended to extinguish a portion of a public utility easement established by Plat (Airport Second Addition) on March 28, 2007. She said the easement does not contain any utilities and is unlikely to be needed in the future. The City of Fargo

Engineering Department has reviewed the request and is recommending approval, she said.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, A public utility easement was established as a result of a Plat dated August 12, 1969, and recorded in the Office of the Recorder for Cass County, North Dakota on the 21st day of August, 1969, as document number 435223, for which a public utility easement was appurtenant to the following described real property:

Lots 2 and 3, Block 1, Airport Second Addition to the City of Fargo, Cass County, North Dakota.

WHEREAS, JPR Investments, LLC #14, is the owner of Lot 3, Block 1, Airport Second Addition to the City of Fargo, Cass County, North Dakota subject to the public utility easement for the City of Fargo; and

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

WHEREAS, The City of Fargo has determined that there are no public utilities currently located or likely to be located within said public utility easement.

NOW, THEREFORE, It is hereby agreed:

1. The City of Fargo, together with JPR Investments, LLC #14, do hereby mutually and reciprocally release, terminate and relinquish that part of the public utility easement located on Lots 2 and 3, Block 1, Airport Second Addition to the City of Fargo, Cass County, North Dakota as described below.
2. The subject of this instrument is that certain real property described as follows: Commencing at the Southwest corner of the previously described Lot 2, thence north 87°05'49" east along the South line of said Lot 2 a distance of 10.00 feet to the point of beginning; thence north 02°27'53" west a distance of 10.00 feet; thence north 87°05'49" east a distance of 233.50 feet; thence south 02°27'53" east a distance of 5.00 feet; thence south 87°05'49" west a distance of 40.00 feet; thence south 02°27'53" east a distance of 5.00 feet; thence south 87°05'49" west a distance of 193.50 feet to the point of beginning.

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 Vacating a Public Utility Easement Located on the Northerly 10 Feet of Lots 1 Through 5, and the Easterly 10 Feet of Lot 5, Pete's Addition (2551, 2701, 2711 and 2721 7th Avenue South):

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Reciprocal Release and Relinquishment of Easement document is intended to extinguish a portion of a public utility easement established by Plat (Pete's Addition) on December 15, 1987. She said the easement does not contain any utilities and is unlikely to be needed in the future. The City of Fargo

Engineering Department has reviewed the request and is recommending approval, she said.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, A public utility easement was established as a result of a Plat dated June 25, 1987, and recorded in the Office of the Recorder for Cass County, North Dakota on the 15th day of December 1987, as document number 679828, for which a public utility easement was appurtenant to the following described real property:

Lots 1 through 5, Block 1 and Lots 1 through 6, Block 2, Pete's Addition to the City of Fargo, Cass County, North Dakota.

WHEREAS, Border States Industries, Inc., is the owner of Lots 1 through 5, Block 2, Pete's Addition to the City of Fargo, Cass County, North Dakota subject to the public utility easement for the City of Fargo; and

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

WHEREAS, The City of Fargo has determined that there are no public utilities currently located or likely to be located within said public utility easement.

NOW, THEREFORE, It is hereby agreed:

1. The City of Fargo, together with Border States Industries, Inc, do hereby mutually and reciprocally release, terminate and relinquish the public utility easement located on the northerly 10 feet of Lots 1 through 5, and the easterly 10 feet of said Lot 5, Pete's Addition to the City of Fargo, Cass County, North Dakota wherein said easement was established as a result of a Plat dated June 25, 1987, and recorded in the Office of the Recorder for Cass County, North Dakota on the 15th day of December 1987, as document number 679828.
2. The subject of this instrument is that certain real property described as follows: The northerly 10 feet of Lots 1 through 5, and the easterly 10 feet of said Lot 5, Pete's Addition to the City of Fargo, Cass County, North Dakota.

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

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

Planned Unit Development (PUD) Overlay on Part of Lots 1-4, Block 2, Skaff's First Addition and PUD Master Land Use Plan Approved (1632, 1646 and 1674 51st Street South and 4955 17th Avenue South):

A Hearing had been held by the Fargo Planning Commission on April 1, 2014, to consider a petition requesting a Planned Unit Development to allow a PUD, Planned Unit Development Overlay on Part of Lots 1-4, Block 2, Skaff's First Addition, and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners as its final report that the Planned Unit Development be approved with the following conditions:

1. Zone change from MR-3 with the existing PUD to MR-3 with the new PUD as presented, and
2. PUD Master Use Plan as presented with the consideration that PUD Final Plan requirements as contemplated in §20-0908.D are determined to be met with the attached preliminary site plan so long as development occurs in conformance with the terms of this approved Planned Unit Development as presented within 10 years of adoption.

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.

No written protest or objection to the PUD, Planned Unit Development Overlay and Master Land Use Plan has been received or filed in the office of the City Auditor.

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

Planning Administrator Nicole Crutchfield said the new PUD overlay is to accommodate a project the applicant would like to develop by constructing a new multi-dwelling apartment development on the north side of the property. The applicant has already built an apartment building on the south side, she said, and due to the fact that the layout of the building being proposed differs from the current PUD, which had an expiration date, the applicant is seeking approval of a new PUD. She said the only deviation from the standard MR-3 zoning is the landscaping standard and staff is recommending the PUD to avoid split zoning on the lot.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for a Planned Unit Development have been complied with; and

WHEREAS, The Fargo Planning Commission approved the request on April 1, 2014; and

WHEREAS, There have been no written or verbal protests to the petition for a Planned Unit Development and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the petition be approved with the aforementioned conditions.

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 Skaff's First Addition to the City of 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 Skaff's First Addition to the City of 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.

Discussion on a Text Amendment Relating to Off-Street Parking Requirements for Group Living Land Uses:

A Hearing had been held by the Fargo Planning Commission on April 1, 2014, for the purpose of considering a request for a text amendment to Section 20-0701.B Parking and Loading, of the Fargo Municipal Code (Land Development Code) all relating to off-street parking requirements for Group Living land uses and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

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.

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

Planning Administrator Nicole Crutchfield said staff recommends the text amendment to reduce parking standards for group living land use be re-advertised at a later date when appropriate. She said staff would like additional time to allow for further discussions at the administrative level and with the Traffic Technical Advisory Committee (TTAC) about the ratios for the proposed reduction in parking requirements specifically for group living. The item will be formally brought back to the Board at a later time, she said, when specific ratios can be included.

Commissioner Sobolik moved the item be brought back at a later date to allow time for further discussion with the Traffic Technical Advisory Committee.

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

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

Proposed Growth Plan Amendment Approved (9635 and 9853 38th Street South):

A Hearing had been set for this day and hour to consider approval of an amendment to the Growth Plan within Section 22, Township 138 North, Range 49 West (Commerce on I29 Addition) encompassing approximately 97 acres in the northwest quadrant at the intersection of 100th Avenue and Interstate 29. The Growth Plan currently recommends commercial for this area and the applicant is requesting an amendment to change the land use to industrial.

The Fargo Planning Commission recommended denial of the amendment to the Growth Plan at their April 1, 2014 meeting.

Planning Administrator Nicole Crutchfield said the original application has been amended since the April 1, 2014 Planning Commission Hearing. She said the applicant, Paces Lodging, has decided to request Commercial Zoning in lieu of the original request for Industrial Zoning. The item to be considered, she said, is a less intense Growth Plan Amendment than originally requested as far as serviceability and transportation. Discussion at the Planning Commission Hearing was that the industrial land use was proposed further to the south than in the 2007 Growth Plan, she stated. The 2007 Growth Plan distinguishes Tier 1 and Tier 2, she said, with development now being about 10 years in advance of the plan, with this property being within Tier 2. She said a Plat and Zoning Change for 100th Avenue and I-29 for a light industrial development will be heard by the Planning Commission in June of 2014 and there will be further discussions with the developer regarding overlay

standards. Staff is changing their recommendation of support, she said, in relation to discussions of updating the 2007 Growth Plan, adjusting Growth Tier 2, servicing scenarios in extraterritorial areas and what is appropriate outside City limits. She said as the proposal comes forward, the developer proposes building to City standards where appropriate with the ability to connect in the future, dedicating the right-of-way needed and adjusting the review process in the future.

Planning Director Jim Gilmour said staff is most comfortable with the change in land use; however, they seek input about whether the Board is comfortable being out this far, this soon, and whether to continue seeking a way to make this work.

Commissioner Williams said there is a lot of commercially zoned land in the footprint of the City, some of which could be converted to more multi-use type zoning which could accommodate both residential and businesses. He said he would be more comfortable returning this proposed Growth Plan Amendment to the Planning Commission for discussion. There are some text amendments being considered for the Land Development Code, he said, making it premature to be zoning out to 100th Avenue.

In response to a question from Commissioner Mahoney about cost of services if placed in the extraterritorial area, Mr. Gilmour said there would be no city services provided for this development and taxes would not be collected by the City. A concern, he said, is whether it is laid out well enough to fit into the City in the future.

Nate Vollmuth, representing Paces Lodging Corporation, said agreements are being established with Cass County, the township, Horace Volunteer Fire Department, and Cass Rural Water until the development is annexed. The real question, he said, is whether the development is designed well enough to fit into the City's future growth and to receive City infrastructure.

In response to a question from Commissioner Wimmer about why commercial land available in the City is not utilized, Kevin Christianson of Paces Lodging Corporation said the land has to work economically for the end user and there is an attraction for affordable land. He said there is a demand for businesses to expand that cannot be met elsewhere in the community. In looking at how the growth of Fargo has progressed, he said, it took about 116 years to get south from Main Avenue to pave 32nd Avenue, and the growth has progressed an average of about a mile south every eight years since that. It could be 32 or more years to get to 100th Avenue and, he said, he is willing to put in the infrastructure to City specs and have it inspected, with one hookup for sewer for the entire development and aligning the development with the current 38th and 42nd Streets. He said businesses vary in values, qualities and sizes needed and if something suitable is available and affordable and works for them, the businesses will be here. If not, he said, the businesses will not be here and neither will the people.

Commissioner Williams said as far as City growth, there are efficiencies that come with density. Also, he said, previous investments by the City through incentives, such as for the Horse Park, become expensive if those areas of development are skipped over in favor of development south on 100th Avenue for cheaper land. All costs need to be considered, he said, not just that it is a low cost for the developer. He said changing areas that now hold water may have an adverse affect on flooding in the future, he said, and expanding to 100th Avenue does not fit the City's goals.

Commissioner Wimmer moved the original amendment to the Growth Plan be denied and the Growth Plan Amendment as proposed by staff be approved.

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

Commissioner Williams voted nay.

The motion was declared carried.

Special Assessment Lists for Various Improvement Districts Approved:

A Hearing had been set for this day and hour on the special assessment lists for the construction of the following Improvement Districts in the City of Fargo, North Dakota, on which special assessment lists Hearings had been held by the Special Assessment Commission on April 9, 2014, after which they had been confirmed and filed with the Board of City Commissioners:

Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals No. 5978.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 6149.

Concrete Curb and Gutter, Asphalt Paving, Street Lights, Sidewalks and Incidentals No. 6155.

Sanitary Sewer, Water Main, Asphalt Paving and Incidentals No. 6158.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6161.

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals No. 6162.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 6171.

Seal Coat and Incidentals No. 6181.

Asphalt Wearing Course and Incidentals No. 6182.

Mill and Overlay and Incidentals No. 6183.

Mill and Overlay and Incidentals No. 6198.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6202.

P.C. Concrete Alley Paving and Incidentals No. 6214.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6245.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6248.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6250.

No appeals have been filed in writing against any item appearing on such special assessment lists and no person is present at this Hearing to appeal or offer any objection thereto.

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

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

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

Discussion Regarding Spiry Third Addition Plat (Southwest Corner of 32nd Avenue and 42nd Street South):

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating staff is looking for guidance on a draft plat submitted by Mr. Spiry. Staff met with Mr. Spiry, they said, and requested the private road not be on an independent lot and staff preferred the property be extended to the middle of the road and the road be accommodated by a cross access easement. The developer was also asked to combine the lot that contained the pond with the adjacent lot that would contain MR in the future, they said. The pond could be accommodated by an easement and the developer could continue to have a structure that allowed him to collect from the adjacent properties via an association to provide for long term maintenance of the pond and the private road, they said. This provides a greater level of security to the City that the lot will not be returned to the City for a failure to pay taxes and/or assessments, they said, as the owner would also lose a buildable lot and/or future structure if they forfeited the lot and not just a pond or road that may carry with it burdensome maintenance. They further recommended that Lot 2, which is proposed to be MR, be flagged to create a right-of-way touch which would allow the City to keep the City owned shut-off valves in the boulevard and guarantee the lot would have access to City services. They said this approach is preferred to the landowner securing an easement from adjacent landowners to create a right-of-way touch. They said the developer appeared before the PWPEC Committee and expressed his frustration that this approach is a change from the previous plat he brought forth and received approval for, immediately to the east of the current proposed plat. Due to the fact that the existing plat has already sold a lot and the owner of that lot bought with a particular understanding of future plats and is subject to agreements and covenants that support the approach of the current proposed plat, they said, it would be difficult for him as the developer to unravel the agreements currently in place. They stated due to an unsuccessful vote by staff to allow the developer to proceed as he proposed, it was determined to direct the discussion to the Board of City Commissioners to provide additional direction.

City Engineer April Walker said this policy discussion today is for additional guidance from the Board on the practice of private drives and ponds, and not a public hearing on the Spiry property.

Planning Administrator Nicole Crutchfield shared some exhibits for clarification about the practice of platting private drives and ponds. She said over the last two years, there have been about a half dozen sites where private drives have been accommodated through a new practice that is evolving into a new policy. She said the Spiry property is an example of an exception to the current preferred practice.

City Attorney Erik Johnson said having the private roads as separate lots as a practice started a couple years ago. Without the cooperation of the developer and neighboring property owners, he said, it would be difficult to address the City's concerns. He said while the practice of removing private roads has merit, there are difficulties in the pre-existing developments that have been started. In the Spiry case, he said, the current recorded, restrictive covenants allow the property owner association to allocate all costs, including taxes and specials. He said the City could ask for further assurance through subrogation rights.

Bill Spiry said he worked with City staff in 2011 on the issues of the private drive and related covenants, and everything that transpired was reviewed by the

Planning Department and the City Engineer's office. He said the purchasers of property understood they would get a warranty deed, be members of an association owning the common areas and they would get a bill of sale for the cost of the improvements. He said two additional transactions are happening now, and any changes will slow everything down. He said he feels that he can work with the City Attorney on any details necessary for the protection of the City.

Planning Director Jim Gilmour said staff is equally divided about whether or not to make this exception.

Commissioner Wimmer suggested staff work through the details and return with a plan. His recommendation would be to live with what it is, he said, he favors allowing the developer to move forward.

Mayor Walaker said the City is working to avoid having private roads and easements, and prefers utilities go in the street right-of-way.

Commissioner Sobolik said she does not like private roads; however, in this case, the process started years ago, prior to the current practice being implemented discouraging private drives. She said going forward it must be clear to developers that there will no longer be private drives and it needs to be made into policy, not just practice.

Commissioner Sobolik moved that appropriate staff be directed to work through the remaining issues with the developer and that staff also work to develop a policy addressing the private drive issue.

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.

At 6:20 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Enterprise Director Bruce Grubb Appointed Assistant City Administrator:

The Board received a communication from City Administrator Pat Zavoral stating he has been encouraged to develop a succession plan for the City Administrator position. He said there is a good possibility that he will retire within the next 24 months and the need for a smooth transition is desired. He said he has discussed with the Commissioners the idea of creating an Assistant City Administrator position that would identify a current staff person who would continue to perform his or her current duties and take on some City Administrator responsibilities to become familiar with the role. He said he and Director of Human Resources Jill Minette have worked up a basic outline of duties for this position and determined an out-of-grade pay process would be followed until the current City Administrator position is vacated. After selecting a new City Administrator, he said, the Mayor and City Commission could then decide if the Assistant City Administrator position will be formally adopted or would be dissolved as an FTE. He said a candidate for the Assistant City Administrator is Enterprise Director Bruce Grubb, and Mr. Grubb has expressed interest in the position. He said if the Board agrees with this recommendation, an out-of-grade pay range per City policy is requested.

Commissioner Wimmer moved the recommendation to appoint Enterprise Director Bruce Grubb as Assistant City Administrator be approved and to pay at the out-of-grade level as recommended.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Tuesday May 27, 2014.

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

The time at adjournment was 6:31 o'clock p.m.