

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:

Monday:

March 2, 2015:

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, March 2, 2015.

The Commissioners present or absent were as shown following:

Present: Williams, Sobolik, Piepkorn, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Sobolik moved the Order of the Agenda be approved moving Item 2c "Second Reading and Final Adoption of an Ordinance Relating to Public and Sanitary Nuisances" regarding parking trailers in the front yards, from the Consent Agenda to the Regular Agenda and adding the Summons and Complaint in the matter of Michele L. Brandt v. City of Fargo et al to the end of the Consent Agenda to be received and filed.

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

Minutes Approved:

Commissioner Sobolik moved that the Minutes of the Regular Meeting of the Board held on February 17, 2015 and the Special Meetings of the Board held on February 19 and 20, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Piepkorn moved the Consent Agenda be approved as follows:

1. 1st reading of an Ordinance Amending Sections 12-0102 and 12-0103 of Article 12-01, of Chapter 12 of the Fargo Municipal Code Relating to Animal Licenses (license and registration required, terms of license).
2. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 2/17/15:
  - a. Rezoning Certain Parcels of Land Lying in Eagle Valley Addition, Fargo, Cass County, North Dakota.
  - b. Annexing a Certain Parcel of Land Lying in the East Half of Section 3, Township 138 North, Range 49 West in Cass County, North Dakota.

- c. Amending Section 11-0401 of Article 11-04 of Chapter 11 of the Fargo Municipal Code Relating to Public and Sanitary Nuisances (regarding parking trailers in front yards) (moved to the Regular Agenda).
  - d. Amending Section 25-1508 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (issuance and transfer of licenses - restrictions - hearing required - regarding transfer of Class "W", "Z" or "B-Limited" Licenses).
3. Five-year tax exemptions for improvements to buildings:
    - a. Corbin Gray, 1126 3rd Street North.
    - b. Kim and Shaw Simonsen, 1230 3rd Street North.
    - c. Adriana Omang, 715 32nd Avenue North, Unit B102.
  4. Agreement with Richland County Health Department for a nurse practitioner to provide family planning services.
  5. Contract with the North Dakota Department of Health for the Immunization Program (CFDA #93.268).
  6. Site Authorization for Horse Race North Dakota at Sickies Garage.
  7. Applications for Games of Chance:
    - a. Denise Askegaard Benefit Fund for a raffle on 4/25/15; Public Spirited Resolution.
    - b. American Legion Post #2 for a calendar raffle from 6/1/15 to 7/31/15.
    - c. St. Mary's Cathedral for a raffle on 5/3/15.
    - d. North Dakota Autism Center, Inc. for a raffle on 4/17/15.
    - e. NDSU Delta Upsilon for a raffle on 4/12/15.
  8. Agreement for Special Improvements with Zoesha, LLP (Improvement District No. BN-15-E1).
  9. Memorandum of Understanding with the North Dakota Department of Health to allow the City to enforce sanitation, safety, zoning and inspections requirements in mobile home parks.
  10. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Sections 25-1503, 25-1507, 25-1508 and 25-1509 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Alcoholic Beverages (license regulations and restrictions on services).
  11. Professional Services Agreement Amendment #8, in the amount of \$13,462.40, for Project No. 5958.
  12. Bid awards for Project Nos. FM-15-F1 to H & S Contracting, Inc. in the amount of \$3,353,452.89 and TR-15-A1 to Fritz Electric in the amount of \$96,380.00.

13. Purchase Agreement - Permanent and Temporary Easements for Project FM-14-41.
14. Bills in the amount of \$2,668,923.24.

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

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

Contract Amendment No. 1 for Improvement District No. PN-14-80 Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating a Contract Amendment was submitted by Moore Engineering in the amount of \$40,000.00. The additional costs covered in the request, they said, are related to additional out-of-scope items associated with construction administration.

Commissioner Piepkorn moved Contract Amendment No. 1 in the amount of \$40,000.00 for Improvement District No. PN-14-80 be approved.

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

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

Cost Participation Agreement and Maintenance Agreement with the NDDOT for Improvement District No. SN-15-A1 Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating a communication from Traffic Division Engineer Jeremy Gorden states a Cost Participation and Maintenance Agreement has been prepared for a proposed path. They said the project will provide a 10 foot wide shared use path on the north side of 40th Avenue between Drain 27 and 18th Street. The installation of this portion of the path will provide a connected shared use path from Discovery School, passing by Centennial school, they said, and extend on to Drain 27. The total project cost is estimated at \$320,000.00 with \$195,000.00 coming from federal transportation alternative funds, \$58,250.00 in special assessments and \$66,750.00 in infrastructure sales tax funds, they said, and work should be completed by October 15, 2015.

Commissioner Piepkorn moved the Cost Participation and Maintenance Agreement with the NDDOT associated with the construction of a 10 foot wide shared use trail on the north side of 40th Avenue South between Drain 27 and 18th Street South be approved.

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

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

Change Order No. 1 for Improvement District No. 6243 Approved:

Commissioner Piepkorn moved approval of Change Order No. 1 for an increase of \$89,775.00 for Improvement District No. 6243.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-G1:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-G1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., February 25, 2015 and the bids were found to be as follows:

Ryan Contracting Bid:	Shakopee, MN \$371,750.00
Dakota Underground Company, Inc. Bid:	Fargo, ND \$372,697.00
Shermans, LLC Bid:	West Fargo, ND \$385,905.00
Geo. E. Haggart, Inc. Bid:	Fargo, ND \$405,570.00
H & S Contracting, Inc. Bid:	Moorhead, MN \$410,756.00
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$424,890.00
Key Contracting, Inc. Bid:	Fargo, ND \$466,788.00
Sellin Brothers, Inc. Bid:	Hawley, MN \$484,860.00
J.R. Ferche, Inc. Bid:	Rice, MN \$591,485.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-G1 Awarded to Ryan Contracting in the Amount of \$371,750.00:

Commissioner Piepkorn 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-15-G1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received February 25, 2015 for Sanitary Sewer, Water Main,

Storm Sewer and Incidentals Improvement District No. UN-15-G1 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-15-G1 shows the bid of Ryan Contracting of Shakopee, Minnesota, in the sum of \$371,750.00 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Ryan Contracting in the sum of \$371,750.00 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-15-G1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting for the sum of \$371,750.00, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A (Various Locations in North Fargo):

Commissioner Piepkorn moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A:

Adopt Resolution Creating Improvement District No. AN-15-A:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. AN-15-A in the City of Fargo, North Dakota, be created

From 12th to 13th Avenue North between 3rd Street & 4th Street, Holes 1st Addition.

COMPRISING:

Lots 1 through 32, Block 4.

All in Holes 1st Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A 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. AN-15-A:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. AN-15-A 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 \$220,080.00.)

Order Plans and Specifications for Improvement District No. AN-15-A:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. AN-15-A in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. AN-15-A:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. AN-15-A 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. AN-15-A in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

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

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

That it be and is hereby declared necessary to construct P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement. Protests against the proposed P.C. Concrete Alley Paving and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. AN-15-A:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. AN-15-A in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A (Maple Valley – Autumn Drive South):

Commissioner Piepkorn moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A:

Adopt Resolution Creating Improvement District No. BN-15-A:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-15-A in the City of Fargo, North Dakota, be created

The 6000 block of Autumn Drive South extending approximately 550' east of Maple Valley Drive South.

COMPRISING:

Lots 13 through 19, Block 4

The northern 25' of Lots 18 through 31, Block 8

Lots 32 through 47, Block 8

All platted in Maple Valley Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A 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. BN-15-A:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-15-A 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 \$678,680.00.)

Order Plans and Specifications for Improvement District No. BN-15-A:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-15-A in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-15-A:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-15-A 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. BN-15-A in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading 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. BN-15-A:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-15-A in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B (Eagle Pointe 3rd Addition):

Commissioner Piepkorn moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B:



Adopt Resolution Creating Improvement District No. BN-15-B:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-15-B in the City of Fargo, North Dakota, be created

On 72nd Avenue South between 16th Street South and Eagle Pointe Drive South

COMPRISING:

Lots 1 through 13, Block 1

Lots 1 through 6, Block 2

All platted in Eagle Pointe 3rd Addition.

The western 25' of Lots 3 & 4, Block 6, platted in Eagle Pointe 1st Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B 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. BN-15-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-15-B 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 \$997,664.48.)

Order Plans and Specifications for Improvement District No. BN-15-B:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-15-B in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-15-B:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-15-B 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. BN-15-B in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading 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. BN-15-B:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-15-B in the City of Fargo, North Dakota.

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C (21st Avenue South from 5th Street South to University Drive South):

Commissioner Piepkorn moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C:

Adopt Resolution Creating Improvement District No. BR-15-C:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BR-15-C in the City of Fargo, North Dakota, be created

On 21st Avenue South from 5th Street South to University Drive South.

COMPRISING:

Lot 1 and 24, Block 7.  
All in Harry A. Schnell 2nd Addition.

Lot 1 and Lots 16 through 27, Block 8.  
All in Harry A. Schnell 2nd Addition.

Lots 1 through 8, Block 1.  
All in Thoms Addition.

Lots 15 through 19, Block 1.  
All in Schonberg's Addition.

Lots 14 through 17, Block 2.  
All in Schonberg's Addition.

Lots 14 through 17, Block 3.  
All in Schonberg's Addition.

Lot 1, Block 1.  
All in Brandy's Addition.

All unplatted on a tract of land loc in the sw 1/4 sec 18, twp 139n, rge 48w beg 33 ft w & 33 ft n of se cor of sw 1/4 sec 18, twp 139n, rge 48w, then w 186 ft, n 165 ft e 186 ft, s 165 ft to beg.

All unplatted on a tract of land loc in lt 1 of sw 1/4 of sec 18, twp 139n, rge 48w.

All the unplatted land between 21st Avenue South and 24th Avenue South and 9th Street South and 6th Street South.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C 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. BR-15-C:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BR-15-C in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,437,701.00.)

Order Plans and Specifications for Improvement District No. BR-15-C:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BR-15-C in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BR-15-C:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BR-15-C 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. BR-15-C 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 Water Main Replacement, 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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C 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 Water Main Replacement, 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. BR-15-C:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BR-15-C in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F (Various Locations in South Fargo):

Commissioner Piepkorn moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F:

Adopt Resolution Creating Improvement District No. BN-15-F:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-15-F in the City of Fargo, North Dakota, be created

500 LF of 22nd Avenue South to 51st Street South  
51st Street South from 22nd Avenue South to 23rd Avenue South

COMPRISING:

Lot 1, inclusive, Block 1  
All in Agassiz Crossing Fifth Addition.

Lot 1, inclusive, Block 1.  
All in Agassiz Crossing Fourth Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F 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. BN-15-F:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-15-F in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,076,288.00.)

Order Plans and Specifications for Improvement District No. BN-15-F:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-15-F in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-15-F:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-15-F 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. BN-15-F in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Site Grading, 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. BN-15-F:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-15-F in the City of Fargo, North Dakota.

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

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

Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-2 (Timber Creek Addition):

Commissioner Piepkorn moved the following action be taken in connection with Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-2:

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

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

An area bounded to the north by Cass County Drain 27, to the east by Cass County Drain 27 & Cass County Drain 53, to the south by 52nd Avenue South and to the west by 36th Street South.

COMPRISING

Lots 2 through 5, Inclusive, Lots 8 through 54, Inclusive, Block 1.

Lots 1 through 18, Inclusive, Block 2.

All platted within Prairie Rose First Addition.

Lots 1 through 19, Inclusive, Block 1.

All platted within Prairie Rose Second Addition.

A replat of lots 55 through 62, Inclusive, Block 1 of Prairie Rose First Addition.

Lot 1, Block 1.

Platted in Stonehurst Addition.

Lots 1 through 15, Inclusive, Block 1.

Lots 1 through 26, Inclusive, Block 2.

Lots 1 through 27, Inclusive, Block 3.

Lots 1 through 29, Inclusive, Block 4.

Lots 1 through 28, Inclusive, Block 5.

Lots 1 through 15, Inclusive, Block 6.

All platted within the Fox Run Addition.

Lots 1 through 13, Inclusive, Block 1.

Lots 1 through 28, Inclusive, Block 2.

Lots 1 through 13, Inclusive, Block 3.

All platted within the Fox Run Second Addition.

Lots 1 through 13, Inclusive, Block 1.

Lots 1 through 26, Inclusive, Block 2.

Lots 1 through 27, Inclusive, Block 3.

Lots 1 through 15, Inclusive, Block 4.

All platted within the Fox Run Third Addition.

Lots 1 through 6, Inclusive, Block 1.

Lots 1 through 8, Inclusive, Block 2.

Lots 1 through 60, Inclusive, Block 3.

Lots 1 through 20, Inclusive, Block 4.

All platted within the Timberline Addition.

Lots 1 through 15, Inclusive, and Lot 29, Block 1.

All platted within Timber Creek First Addition.

Lots 1 through 14, Inclusive, Block 1.  
All Platted within Timber Creek Third Addition.  
A replat of Lots 16-28, Inclusive, Block 1 of Timber Creek First Addition.

Lots 1 through 29, Inclusive, Block 2.  
All Platted within Timber Creek Third Addition.  
A replat of Lots 1-29, Inclusive Block 2 of Timber Creek First Addition.

Lots 30 and 31, Block 2.  
All platted within Timber Creek First Addition.

Lots 1 through 22, Inclusive, Block 3.  
All platted within Timber Creek First Addition.

Lots 1 through 26, Inclusive, Block 5.  
All platted within Timber Creek First Addition.

Lots 1 through 9, Inclusive, Block 1.  
All platted within Timber Creek Second Addition.  
A replat of Block 4 of Timber Creek First Addition.

All unplatted land located in the southwest corner of Township 139 North,  
Range 49 West, Section 35.

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

NOW, THEREFORE, BE IT RESOLVED, That Storm Sewer Lift Station,  
Storm Sewer and Incidentals Improvement District No. NN-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. NN-14-2:

Direct City Engineer to report as to the general nature, purpose and  
feasibility relative to the construction of Improvement District No. NN-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 \$1,860,117.70.)

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

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

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

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

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

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

Summons and Complaint in the Matter of Michele L. Brandt v. City of Fargo et al Received and Filed:

Commissioner Piepkorn moved the Summons and Complaint in the matter of Michele L. Brandt v. City of Fargo et al be received and filed and referred to the City Attorney.

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

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

Appointments to the Renaissance Zone Authority:

The Board received a communication from Mayor Mahoney recommending the reappointment of Steve Swiontek and the appointment of Cari Luchau to the Renaissance Zone Authority to fill the vacancy created by Kris Sheridan.

Commissioner Sobolik moved the reappointment of Steve Swiontek and the appointment of Cari Luchau to the Renaissance Zone Authority for three-year terms ending January 1, 2018.

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

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

Bids for Membrane Water Treatment Plant (WTP) and Improvements Approved (Project WA1301):

The bids for Membrane Water Treatment Plant (WTP) and Improvements Project WA1301 in the City of Fargo, North Dakota were opened at 2:30 o'clock p.m., Thursday, February 19, 2015.

Enterprise Director Bruce Grubb said at the time of the original bid opening last September, the bids came in higher than expected, exceeding available financing. After that, he said, contractors suggested changes that could be incorporated to

reduce costs and the project was rebid. When bids were reopened, he said, the cost of the project was reduced by \$13.5 million and is now within the financial plan, the total cost being \$103,690,295.00. He said the project was bid both as separate individual contracts for General Construction (Contract No. 1), Mechanical Construction (Contract No. 2), Electrical Construction (Contract No. 3), and as single Combined Construction (Contract No. 4).

The bids for Mechanical Construction Contract No. 1 were found to be as follows:

Alberici Constructors, Inc. Bid:	St. Louis, MO \$84,116,383.00
PKG Contracting, Inc. Bid:	Fargo, ND \$84,369,000.00
Adolfson & Peterson Construction Bid:	Minneapolis, MN \$85,312,815.00
Oscar Renda Contracting, Inc. Bid:	Roanoke, TX \$88,524,445.00
Rice Lake Construction Group Bid:	Deerwood, MN \$90,897,000.00

The bids for Mechanical Construction Contract No. 2 were found to be as follows:

Wrigley Mechanical, Inc. Bid:	Fargo, ND \$6,820,000.00
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The bids for Electrical Construction Contract No. 3 were found to be as follows:

JDP Electric, Inc. Bid:	Fargo, ND \$16,379,666.00
Muth Electric, Inc. Bid:	Mitchell, SD \$18,808,420.00

The bids for Combined Construction Contract No. 4 were found to be as follows:

Alberici Constructors, Inc. Bid:	St. Louis, MO \$108,799,391.00
PKG Contracting, Inc. Bid:	Fargo, ND \$109,690,000.00
Adolfson & Peterson Construction Bid:	Minneapolis, MN \$109,888,803.00

Rice Lake Construction Group  
Bid:

Deerwood, MN  
\$116,686,000.00

Mr. Grubb said 8 alternate cost items were included as follows:

- Alternate #1 – Additional Landscaping (cost increase).
- Alternate #2 – Additional Ozone Generator (cost increase).
- Alternate #3 – Additional Micro Filtration Train Installation (cost increase).
- Alternate #4 – Additional Pretreatment Strainer (cost increase).
- Alternate #5 – Additional Reverse Osmosis Train (cost increase).
- Alternate #6 – Electrical Main-Tie-Main System (cost increase).
- Alternate #7 – Continuous Flight Auger Foundation System (cost decrease).
- Alternate #8 – Fiberglass Reverse Osmosis System Frames (cost increase).

Based on the bid opening and post-bid evaluation, he said, the WTP staff and consultant (design team of AE2S/BV) recommend the bids be accepted and contract awarded as follows:

Contract No.1	Alberici Constructor	
Base Bid	\$84,116,383.00	
	\$80,044,884.00	Accepted Alternate Nos. 3, 4, 7
Total Bid		

Contract No. 2	Wrigley Mechanical, Inc.	
Base Bid	\$ 6,820,000.00	Accepted Alternate No. 4
Total Bid	\$ 6,824,000.00	

Contract No.3	JDP Electric, Inc.	
Base Bid	\$ 16,379,666.00	Accepted Alternate Nos. 3, 4, 6
Total Bid	\$ 16,821,411.00	

Total Project Cost \$103,690,295.00

Commissioner Williams moved that the bids associated with Project WA1301, Membrane Water Treatment Plant and Improvements be approved as recommended.

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

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

#### Development and Operation of a Downtown Bus Route Approved:

The Board received a communication from Planning Director Jim Gilmour stating staff has developed a concept for a downtown circulator route that would link downtown Fargo and Moorhead. He said the bus route would serve two purposes. One, he said, would be that it would provide high-frequency service between the Moorhead Center Mall and bus stops in downtown Fargo for employees of the downtown area, students at NDSU facilities and residents of the downtown area who would have frequent service to retail stores in the Moorhead Center Mall. Second, he said, it would provide a "park and ride" location that could be used by downtown employees who will not have access to parking in downtown Fargo. There would be 15 minute frequency, he said, for an estimated annual cost of approximately

\$135,000.00, with the costs coming from the general fund. There would be no fare to ride the bus, he said, and the route would operate from 7:00 a.m. to 7:00 p.m. Monday through Friday, with the possibility of working with Moorhead to support route costs later into the evening or on Saturdays. The Finance Committee approved the expense, he said, with an evaluation of ridership after nine months of operation to determine if it is appropriate to continue the route. The exact pickup point in Moorhead still needs to be worked out, he said, and the proposed stopping points may be adjusted.

Commissioner Williams said the circulator idea has been in transit and framework plans and discussed with the City of Moorhead over the years. He said a mile long route running east and west would really help connect Fargo and Moorhead. He said an interval of 15 minutes is critical since circulators generally fail when there is not the frequency and reliability that people want. The route will be somewhat adjustable, he stated, particularly with upcoming construction downtown. He said this is a great way to build on the success of the transit system.

In response to a suggestion from Commissioner Piepkorn to also consider accommodating Sanford employees or additional stops in Moorhead, Mr. Gilmour said if the route is stretched too large, reliability could be lost.

Commissioner Williams moved the development and operation of a downtown bus route be approved at an estimated annual cost of \$135,000.00, and a budget increase of \$100,000.00 for 2015 with operation of the service from 7:00 a.m. to 7:00 p.m. Monday through Friday, including Saturday service from 10:00 a.m. to 5:00 p.m., beginning as early as May 18, 2015; to request permission from the City of Moorhead to allow the parking ramp on the west side of the Moorhead Center Mall to be used as a "park and ride" parking facility; and staff be directed to advertise for a public hearing on the proposed route.

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

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

Application Filed by Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill for a Class "F" Alcoholic Beverage License at 1680 45th Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

Commissioner Piepkorn moved the application be approved.

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

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

Application Filed by 212 Restaurant Group, LLC d/b/a Porter Creek Hardwood Grill for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by 212 Restaurant Group, LLC d/b/a Porter Creek Hardwood Grill for a Class "ABH" Alcoholic Beverage License at 1555 44th Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

City Auditor Steve Sprague said the "ABH" Alcoholic Beverage License is for the sale of alcoholic beverages in a hotel or motel and this request is the result of the hotel desiring room service. He said currently there are no plans for a physical bar, although there would be some catering in meeting rooms. He said this is somewhat unusual due to the restaurant group being separate from the hotel ownership group and it is expected that the restaurant will open before the hotel does. He said the Liquor Control Board recommends approval contingent upon the hotel being open in October.

Commissioner Piepkorn moved the application be approved.

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

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

Parcels of Land in West Park Subdivision Rezoned (201 38th Street South):

At a Hearing held on February 3, 2015 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial to LI, Limited Industrial on part of Lot 3, Block 1, West Park Subdivision.

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

Joe Nigg said the change gets rid of the current split zoning within the development, Corwin Wholesale, which also includes 217 38th Street South and would expand a parking lot.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney 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 West Park Subdivision, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in West Park Subdivision, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Parcels of Land in Harwood's Addition Rezoned and Planned Unit Development Master Use Plan Approved (707 10th Street North):

At a Hearing held on February 3, 2015 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial to MR-3, Multi-Dwelling with a Planned Unit Development and Planned Unit Development Overlay on part of Lots 1 and 2, and all of Lots 17 and 18, Block 4, Harwood's Addition and a Planned Unit Development Master Land Use Plan for a Residential Land Use Plan on part of Lots 1 and 2, and All of Lots 17 and 18, Block 4, Harwood's Addition.

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

Planner Aaron Nelson said this is a vacant commercial property in a residential area of north Fargo on 10th Street between 7th and 8th Avenues North. He said the applicant plans to remove the existing building to build a 3 story, 16-plex apartment structure, with 8 attached single-stall garages on the ground floor. He said there would be parking outside the garages with additional parking on the south side. The building would have 12 one-bedroom and 4 two-bedroom apartments, he said. The intent of the zoning change is to change land use from commercial to residential, he said, and the Planned Unit Development (PUD) allows flexible housing density and parking, increasing allowable units from 10 to 16 and reducing the required parking from 36 down to 26. Due to the fact that twelve of the units are 1 bedroom units and only four are 2 bedroom units, the argument can be made that less parking will be required, he said. The property is dissected by an alley, he said, and the developer's plan includes retaining existing mature trees, adding landscape buffering, including bike racks or lockers, and changing the approach to a standard street boulevard. He said concerns heard in the Planning Commission meetings and in discussions with the Roosevelt Neighborhood Association centered on density, reduction in parking, overflow parking issues and building height. There were concerns about how the more modern looking building would fit into the older neighborhood, he said; however, overall, the Neighborhood Association appeared to like the idea of reinvestment in the neighborhood with this property. He stated the Engineering and Public Works Departments had concerns about parking and the availability of snow storage as it relates to the paved alley.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney 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 Harwood's Addition to the City of Fargo:

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 Harwood's Addition to the City of Fargo be placed on first reading.

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

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

Amendment to the Growth Plan within Section 3, Township 138 North, Range 49 West of the 5th Principal Meridian Approved (5605 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 3, Township 138 North, Range 49 West of the 5th Principal Meridian.

The Fargo Planning Commission recommended approval of the amendment to the Growth Plan at their November 4, 2014 meeting.

No written protest or objection to the amendment to the Plan has been received or filed in the Planning and Development Department.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

Planner Joe Nigg said this project is south of 52nd Avenue South, west of I-29. The land use and growth plan adjustments are compatible with the existing 2007 Growth Plan, he said, and increases the amount of high density residential lots, eliminating or reducing the low to medium density residential and park open space classifications. He said the zoning change is from AG, Agricultural to MR-3, Multi-Dwelling, and the major subdivision entitled Maplewood Estates encompasses about 14 acres. The second reading of the annexation to bring this previously unplatted property into the City was on the Consent Agenda approved earlier in the meeting, he said. The major subdivision splits the property into two, multi-family lots and

dedicates portions of the right-of-way to facilitate the extension of 38th Street South, as well as right-of-way for 58th Avenue South and 41st Street South, he stated.

In response to a question from Commissioner Sobolik about park land in the area, Mr. Nigg said with this project there is not the typical park dedication which, in larger developments, 8 to 10 percent of the acreage is donated to the Park District. Instead, he said, the developer has an agreement with the Park District to fund improvements to enhance the park within the adjacent The Pines at the District.

In response to a question from Commissioner Williams about the future of the trees, Mr. Nigg said a number of trees would be taken out for the project.

City Forester Scott Liudahl said he did a general inventory on that property and there are some trees, primarily cottonwoods, of value; however, many of the trees on the older, former farmstead have outlived their benefits. He said on the north edge, about half of the mature cottonwoods would need to come out, and he believes the developer intends to preserve as many as possible. He said he would look at replacing healthy trees within the site.

Commissioner Piepkorn said he would like to see the developer replace the trees removed with similar type trees and to work with the Forestry Department to keep the same number of trees.

Jon Youness, Eagle Ridge Development, LLC, said he understands the value of the trees on the property and will work with Mr. Liudahl on tree replacement throughout the process.

Jim Bullis, owner of the property, said his concept for the property maintains as many trees as possible on the interior by the placement of the buildings. He said this is a unique property due to the elevation being high enough that flood waters should not kill trees. Not knowing how many trees could be saved or lost once the right-of-way is established makes it difficult to make a clear commitment, he said; however, he assured the Board that trees are a priority.

Commissioner Sobolik moved the amendment to the Growth Plan and the Access Agreement and Easement be approved.

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

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

#### Parcels of Land in Maplewood Estates Addition Rezoned (5605 38th Street South):

At a Hearing held on November 4, 2014 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to MR-3, Multi-Dwelling.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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



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

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney 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 Maplewood Estates Addition, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Maplewood Estates Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Maplewood Estates Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Maplewood Estates Addition" containing 2 Lots, 2 Blocks and 14.77 acres of land more or less, located at 5605 38th Street South; and

WHEREAS, A Hearing was held November 4, 2014 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 February 16 and 23, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., March 2, 2015 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 "Maplewood Estates 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Walaker voted aye.

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

At 6:05 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Parcels of Land in Brandt Crossing Seventh Addition Rezoned (3230 Seter Parkway South):

At a Hearing held on February 3, 2015 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling with the extinguishment of the C-O, Conditional Overlay on Lot 1, Block 1, Brandt Crossing Seventh Addition.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney 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 Brandt Crossing Seventh Addition, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Brandt Crossing Seventh Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Parcels of Land in All of Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, and PTP Additions; Lots 2 and 3, Block 1 and Blocks 2-5, Urban Plains By Brandt Second Addition; and Lot 2, Block 1, Amber Valley West Fourth Addition Rezoned (5225 and 4650 26th Avenue South; 4624-5497 28th Avenue South; 4651-5450 30th Avenue South; 5225 and 5298 31st Avenue South; 4525-4737 and 4921-4973 32nd Avenue South; 2653, 2877, 2911, 3065, and 3155 45th Street South; 2611-2777 47th Street South; 3030-3180 49th Street South; 2701-3079 51st Street South; 2633-2867 55th Street South; 2754-3155 Brandt Drive South; 2841-3151 Seter Parkway South; 4531-4574 Urban Plains Drive South):

At a Hearing held on February 3, 2015 the Fargo Planning Commission recommended approval of a change in zoning to repeal and reestablish a C-O, Conditional Overlay zoning district on all of Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, and PTP Additions; Lots 2 and 3, Block 1 and Blocks 2-5, Urban Plains By Brandt Second Addition; and Lot 2, Block 1, Amber Valley West Fourth Addition.

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

Planner Aaron Nelson said in 2003 there was a lengthy C-O, Conditional Overlay established for what would become the Urban Plains area. He said over time there have been a number of zone changes, replats and street vacations creating a patchwork of slightly different amendments. He said this request is to create a scaled down version of the same overlay. When it was first zoned, he said, the majority was expected to be commercial; however, modifications were made as residential demand increased. The intent, he said, is to get the properties on the same page and make it more clear for applicants and staff.

In response to a question from Commissioner Sobolik about how the sign code impacts this Conditional Overlay, Mr. Nelson said billboards were not allowed; however, as part of this application Ace Brandt asked that they be allowed. He said as a compromise staff suggested it be made conditional use, as opposed to a use permitted by right. He said with that modification, the Planning Commission would be able to review requests for billboards in this area.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff and the Planning Commission be accepted and to approve the proposed zoning map amendment to repeal and extinguish the existing C-O, Conditional Overlay districts and establish a new C-O, Conditional Overlay district, on the basis that it satisfactorily

complies with the Comprehensive Plans, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney 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 Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, PTP Additions, Urban Plains By Brandt Second Addition and Amber Valley West Fourth 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 Urban Plains Medical Park, Urban Plains By Brandt First, Urban Plains Center, Urban Plains Rec Facility, Urban Plains Retail, Urban Plains Northeast Retail, Brandt Park, Urban Plains Northeast Retail Second, Urban Plains Starion, Urban Plains Recreational, Urban Plains Recreational Second, PTP Additions, Urban Plains By Brandt Second Addition and Amber Valley West Fourth Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Design Alternative for Improvement District No. BR-15-B NP Avenue Approved (from University Drive to 10th Street):

City Engineer April Walker said staff has been preparing a bid package for Improvement District No. BR-15-B, the portion of NP Avenue from University Drive to 10th Street. She said to remain on schedule to bid the project and allow time for construction this season, design questions regarding street configuration and materials for 1st and NP Avenues need to be resolved. The design team previously worked toward a layout incorporating an eight foot parallel parking lane for each direction of travel, she said, and a single lane 15' wide for vehicle and bicycle traffic in each direction with sharrow markings and a total curb face to curb face width of 46'. The cost with this option is \$2,378,880.00, she stated. Now, she said, the inclusion of a cycle track has been looked at and this configuration allows for a single lane for vehicles at 11.5' wide each direction; a single 7.5' parallel parking lane for each direction and a single 4' wide raised cycle track with a 2.5' buffer from the parking lane in each direction, giving a total curb face to curb face width of 51' at a cost of \$2,376,360.00. Both options are feasible and provide for varied modes of transportation, she said, including pedestrians, transit, vehicles and bicycles. She said this project includes providing infrastructure services for the former Union Storage building, so it is important the decisions be made soon.

Division Engineer Jeremy Gorden gave a presentation on NP Avenue and the planned roadway. He said the design initially was a base road design with two lanes each direction and wide enough for bikes. He said the alternatives suggested recently feature two options - a raised cycle track elevated halfway between roadway elevation and sidewalk elevation, or a raised cycle track at sidewalk height. The 2015 Capital Improvement Plan included reconstruction of 11th and 12th Streets in the project initially, he said; however, 11th and 12th Streets have been eliminated from this year's construction due to budget constraints. Traffic volume was looked at after NP was converted to a two way two years ago, he said, and showed the road could be converted to one lane each direction west of Broadway. Initially, he said, it was thought the cycle track option would cost more; however, by shrinking the street down and with thinner concrete, the construction costs come out about the same.

Director of Operations Ben Dow said there are challenges and concerns with this. He said there will be difficulties keeping the area clean of dirt and snow, and for sanding and salting. Street sweeping equipment is not the proper width, he said, and snow removal will be difficult until cars are moved. He said larger and larger equipment is purchased to deal with the growing city and now to deal with smaller, tighter spaces, and elevated curbs with the existing equipment will be difficult.

Commissioner Williams said increasing the bike lanes helps put the city and its colleges in a good competitive situation. Bikes complement buses, he said, and problems with cleaning the roads is something that can be worked out.

Commissioner Piepkorn said the decision for this stretch of NP Avenue sets the stage for all of NP Avenue and this is a big decision. He said with a single traffic lane in each direction, a stopped delivery vehicle will back up all traffic. There is a lot of money involved, he said, and it seems there is plenty of capacity on the roads for bicyclists.

Mr. Gorden said he is only asking for the changes between University and 10th Street for this year's construction run. Flexibility remains if an alternate plan for bikes east of 10th Street is desired, he said.

Downtown Community Partnership President Mike Hahn said the Board of Directors of the Downtown Community Partnership (DCP) support Option 1 – Raised Cycle Track with Protected Bike Lanes. He agreed deliveries are a concern and something to look at, particularly when reconstruction approaches Broadway; however, he has not heard recent concerns about the two lanes on that corridor west of Broadway. Bicycling downtown is increasing, he said, and now with the Bike Share Program starting up, there will be even more bikes. He said with upcoming improvements to the riverfront and bike lanes north and south, the DCP also sees it important to have an east-west connection.

Commissioner Piepkorn said there is a center lane now, when it becomes only two lanes, a delivery truck stopped in a lane will bring traffic to a stop with no way around and will have a huge impact on the congestion downtown. He said he is concerned about the precedence this sets for the future of this corridor.

In response to a question from Commissioner Sobolik about whether any streets downtown, besides NP, could work for a bike corridor running east to west that gets from 10th Street to the river, Mr. Gorden said Main Avenue really is not an option, nor is 1st Avenue. He said that leaves NP Avenue or 2nd Avenue.

Justin Kristan, Sara Watson Curry, and Joe Burgum spoke in favor of Option 1 – Raised Cycle Track with Protected Bike Lanes. Mr. Burgum said as far as the

concerns with delivery trucks downtown, there are always tradeoffs. Load zones have been talked about, he said, and alleys are of value for deliveries

City Engineer April Walker said freight delivery is not an issue in this particular section. More time is needed to look at how the bike lane will cross intersections and transit issues such as how buses pull over to pick up people, which will come into play in future phases. She said this design accommodates ADA requirements for width; however, potential sidewalk dining and parklets could be affected. There were some reservations from the Fire Department about the street width which was accommodated and PWPEC is in support of the cycle track; however, with the same issues about maintenance.

Commissioner Williams moved Option 1 – Raised Cycle Track elevated halfway between roadway elevation and sidewalk elevation be approved.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Dominic Fischer, Landscape Architect at Land Elements shared a plan that has evolved from the study a couple years ago, with lots of input from business owners and other designers. He said the redevelopment of Union Storage has brought this to the forefront and design work will begin immediately following this meeting since the new curb lines have just now been established. He said most of NP had large granite curbs and he suggests recycling historic materials as accents and introducing visitors to these materials on NP Avenue as they enter into downtown. Things to consider, he said, are how to make this a vibrant place and how to plan for art in the future. He said a two-foot treatment on the curb line would serve to introduce historic materials and establish visibility in the right-of-way. He said getting down to the details now means it is time to hone in on what materials to use and what price point or level the design components need to be set at. He said the Board could think of the categories and cost as low, medium or high and streetscape materials could be colored stamped concrete, clay or concrete pavers or granite cobble.

In response to a question from Mayor Mahoney about funding, Ms. Walker said at \$8.00 to \$10.00 per square foot, the current infrastructure funding policy caps out at an 80/20 share. She said the question is how much beyond that does the Board want to go for this first phase. This is for the two foot curb, she said, and the budget could support something in the medium quality range. If a higher cost design feature is desired, then cuts will be needed in another project, she said.

Commissioner Williams moved to stay within the existing budget and take the base option for materials with the understanding that existing recycled granite could be used on features within this corridor.

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

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

Second Reading and Final Adoption of an Ordinance Amending Section 11-0401 of Article 11-04 of Chapter 11 of the Fargo Municipal Code Relating to Public and Sanitary Nuisances:

Planning Director Jim Gilmour said several formal complaints have been received about residents parking trailers in their front yards. He said City Ordinance prohibits cars being parked on grass in front yards but not trailers.

Assistant City Attorney Jason Loos said the change to the Ordinance is to include trailers parked in the front yards as a nuisance. The Ordinance already applies to motor vehicles, he said, and it was likely an oversight to not specifically identify trailers as well.

Commissioner Sobolik moved that the proposed Ordinance Amending Section 11-0401 of Article 11-04 of Chapter 11 of the Fargo Municipal Code Relating to Public and Sanitary Nuisances which was placed on its first reading February 17, 2015 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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

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

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

On the vote being taken on the question of the final passage and adoption of the Ordinance, Commissioners Williams, Sobolik, Piepkorn and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Ordinance was duly passed and adopted.

Legislative Issues:

City Administrator Pat Zavoral reviewed the 2015 Legislative issues matrix, stating no new bills will be introduced since the crossover date has passed. He said HB 1004, the general State Department of Health budget, increases the amount of funding to the local health department. He said hopefully additional funding for the mentally ill homeless will be included. He said SB 2020, appropriation of funding for the State Water Commission, will be watched closely as it relates to the FM Diversion project and available funding. The Governor's budget, SB 2144, is the bill that includes cuts to property taxes, etc., and also has an amendment allowing Airport Authorities to issue bonds. He said SB 2329 relates to the size of a Renaissance Zone and related tax exemptions and has been passed by the House.

Assistant City Attorney Jason Loos said HB 1144 and SB 2368 both relate to transportation network company services such as Uber, and the two bills may merge into one bill at crossover making it possible for them to operate in the state.

City Engineer April Walker said HB 1392 passed the House and limits collection of mobile home park special assessments, and the City opposes that mobile home parks be classified the same as one single family residence.

City Attorney Erik Johnson said HB 1340 deals with the methods of protest for special assessment projects. He said there have been amendments made that make it appear to say that protests may stop a project from being funded by special assessments; however, if there is another funding source, the project may still move forward.

Finance Director Kent Costin said HB 1443 creates a revolving loan fund; however, the funding and loan rate have been greatly reduced.

Interim Police Chief David Todd said HB 1407 passed the House and closes a loophole in the sex offender registration and better deals with homeless offenders. He said SB 2030 is designed to make marijuana paraphernalia a Class B Misdemeanor and could be charged in Municipal Court, which would be more efficient. He said HB 1195, carrying a concealed firearm in a school, is one he opposes; however, it has passed the House.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 16, 2015.

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

The time at adjournment was 7:31 o'clock p.m.