



5. Notice of Grant Award Agreement with the North Dakota Department of Health for Water Pollution – EPA Block for the water pollution program in southeastern North Dakota (CFDA #66.605).
6. Contract with Service Master Cleaning Professionals, in the amount of \$183,858.00, for janitorial services for the new Fargo Cass Public Health Facility.
7. Change Orders for the Fargo Cass Public Health Remodeling Project:
  - a. No. G-12 for an increase of \$37,464.41.
  - b. No. E-3 for an increase of \$2,098.00.
  - c. No. E-4, for an increase of \$84,803.00.
  - d. No. M-7 for an increase of \$2,204.00.
8. Application filed by Shaun and Jessica Kohanowski for a five-year tax exemption for improvements made to a building at 349 9th Avenue South.
9. Extension Agreement for Cass County Electric Cooperative, Inc. franchise.
10. Agreement for Entry and Construction presented by Cass County Joint Water Resource District (moved to the end of the Regular Agenda).
11. Applications for Games of Chance:
  - a. 4 Luv of Dog Rescue for a raffle on 11/21/15.
  - b. Pray for Gray for a raffle on 9/11/15; Public Spirited Resolution.
  - c. NDCPAS Foundation for a raffle on 9/22/15.
12. Service Agreement with Fargo Public Schools for nursing services for the 2015-2016 school year.
13. Contract and contract amendment for landscape construction services for The Fargo Project.
14. Storm Water Retention Policy Amendment for DMU zoning districts (moved to the end of the Regular Agenda).
15. Consulting Engineering Services Contracts for Project Nos. FM-15-J0, FM-15-K0 and FM-15-L0.
16. Memorandum of Offer to Landowners for Permanent Fence Easements for Project No. 5681-02: James R. Knudson, Catherine J. Knutson, Richard D. Akers, Mary J. Akers, Fern Elofson and Lori E. Becker.
17. Contract Amendment #1 for an increase of \$11,200.00 for Project No. FM-15-B0.
18. Contract Amendments for Project No. 6043: No. 7 for an increase of \$33,744.00 and No. 8 for an increase \$79,000.00.

19. Change Orders for Project No. PR-14-A1: No. 1 for an increase of \$20,000.00 and No. 2 for an increase of \$48,525.00.
20. Change Order #1 for an increase of \$125,995.00 for Project No. 5958-03.
21. Contract and bond for Project No. WW1402-9.
22. Bills in the amount of \$17,230,158.85.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Bids Received for Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1:

The bids for Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 29, 2015 and the bids were found to be as follows:

Key Contracting, Inc. Bid:	Fargo, ND \$1,205,450.00
Reiner Contracting, Inc. Bid:	Hutchinson, MN \$1,318,404.65
R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,458,890.00
Industrial Contract Services, Inc. Bid:	Fargo, ND \$1,512,080.00

Contract for Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1 Awarded to Key Contracting, Inc. in the Amount of \$1,205,450.00:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 29, 2015 for Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1 shows the bid of Key Contracting, Inc. of Fargo, North Dakota, in the sum of \$1,205,450.00 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 Key Contracting, Inc. in the sum of \$1,205,450.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Key Contracting, Inc. for the sum of \$1,205,450.00, 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 Sobolik, Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Commissioner Gehrig.  
The Resolution was adopted.

No Protests Received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 29 and July 6, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1.

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

Absent and not voting: Commissioner Gehrig.  
The motion was declared carried.

Bids Received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1:

The bids for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 29, 2015 and the bids were found to be as follows:

Aggregate Industries – Midwest Bid:	Moorhead, MN \$1,395,648.90
Northern Improvement Company Bid:	Fargo, ND \$1,408,906.15
Border States Paving, Inc. Bid:	Fargo, ND \$1,422,211.35
Central Specialties, Inc. Bid:	Alexandria, MN \$1,722,630.25

Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1 Awarded to Aggregate Industries - Midwest in the Amount of \$1,395,648.90:

Commissioner Sobolik 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 Paving, Street Lights and Incidentals Improvement District No. PN-15-K1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 29, 2015 for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1 shows the bid of Aggregate Industries - Midwest of Moorhead, Minnesota in the sum of \$1,395,648.90 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 – Midwest in the sum of \$1,395,648.90 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-K1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries - Midwest for the sum of \$1,395,648.90, 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 Sobolik, Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Commissioner Gehrig.

The Resolution was adopted.

Contract Time Extension for Improvement District No. BN-15-A1 Denied:

Commissioner Sobolik moved denial of a contract time extension for Improvement District No. BN-15-A1.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Time Extension for Improvement District No. BN-15-B1 Denied:

Commissioner Sobolik moved denial of a contract time extension for Improvement District No. BN-15-B1.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Time Extension for Improvement District No. BN-14-41 Approved:

Commissioner Sobolik moved approval of a contract time extension to August 28, 2015 for Improvement District No. BN-14-41.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Time Extension for Improvement District No. UN-14-51 Approved:

Commissioner Sobolik moved approval of a contract time extension to August 7, 2015 for Improvement District No. UN-14-51.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Time Extension for Improvement District No. BN-14-11 Approved:

Commissioner Sobolik moved approval of a contract time extension to July 1, 2015 for Improvement District No. BN-14-11.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Memorandum of Understanding with the City of West Fargo for Improvement District Nos. PN-15-B and TN-15-B Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating a communication from Transportation Division Engineer Jeremy Gorden states that a memorandum of understanding has been drafted between the City of Fargo and the City of West Fargo for Improvement District Nos. PN-15-B and TN-15-B, relating to traffic control devices on Veterans Boulevard at 32nd Avenue South and 26th Avenue South.

Commissioner Sobolik moved the Memorandum of Understanding with the City of West Fargo for Improvement District Nos. PN-15-B and TN-15-B be approved.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Recommendation to Not Include an Incentive/Disincentive Clause for Improvement District No. PN-15-A Approved:

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) regarding a recommendation to not include an incentive/disincentive clause on the 12th Avenue North Street construction project, Improvement District No. PN-15-A. They said the project constructs 12th Avenue North from 45th Street to 57th Street North and is anticipated to take two construction seasons to complete. They said the Fargo portion will be constructed in 2016;

however, the road to the west will continue to be impacted throughout the 2017 construction season.

Commissioner Sobolik moved the incentive/disincentive clause not be included in the contract for Improvement District No. PN-15-A.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Gladen Construction, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 Approved:

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

Western Surety Company, in the amount of \$1,501,436.50, for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Gladen Construction Inc. for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 Approved:

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

Western Surety Company, in the amount of \$2,143,300.27, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-G1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract for P.C. Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for P.C. Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Contract Bond for P.C. Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L1 Approved:

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

Western National Mutual Insurance Company, in the amount of \$1,813,780.50, for P.C. Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Assistant City Administrator Bruce Grubb Appointed Interim City Administrator:

The Board received a communication from Mayor Mahoney stating that with the recent retirement of City Administrator Pat Zavoral, there is a need to appoint an Interim City Administrator until the position is filled. He said Bruce Grubb has been serving as Assistant City Administrator since May of 2014 and has done a great job in that capacity; therefore, he would be the logical person to fill the interim position.

Commissioner Williams moved the recommendation to appoint Assistant City Administrator Bruce Grubb as Interim City Administrator effective August 1, 2015 be approved.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

City Attorney's Office Directed to Draft Changes to Ordinances 25-1509, 10-0304 and 10-1202 to Comply with State Law:

The Board received a communication from Interim Police Chief David Todd stating the Fargo Police Department has concerns about three City Ordinances that are inconsistent with the North Dakota Century Code as a result of the recent legislative changes. He said the changes affect the following:

- Ordinance 25-1509, Restrictions on sale, service or dispensing of alcoholic beverages - HB 1434 expanded Sunday on-sale from noon to 11:00 a.m.
- Ordinance 10-304, Carrying, possession, discharge of dangerous weapons - HB 1241 redefined a "dangerous weapon" and "public gatherings."
- Ordinance 10-1202, Unlawful to possess marijuana - HB 1394 changed misdemeanor marijuana possession from 1/2 ounce to one ounce or less.

Commissioner Piepkorn moved the City Attorney's office be directed to draft changes to Ordinances 25-1509, 10-0304 and 10-1202 to comply with State law.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Appointments to the Native American Commission:

The Board received a communication from Mayor Mahoney recommending that Guy Fox and Sharon White Bear be reappointed, and Maylynn Warne be appointed to the Native American Commission for three-year terms ending June 30, 2018 and Connie Longie be appointed to fill the unexpired term of Jaclynn Davis Walette, who resigned, for a term ending June 30, 2017.

Commissioner Sobolik moved Guy Fox and Sharon White Bear be reappointed and Maylynn Warne be appointed to the Native American Commission for three-year terms ending June 30, 2018, and Connie Longie be appointed to fill the unexpired term of Jaclynn Davis Walette for a term ending June 30, 2017.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

John Q. Paulsen Appointed to the Community Development Committee:

The Board received a communication from Mayor Mahoney recommending the addition of a third public member to the Community Development Committee. He recommended that John Q. Paulsen be appointed to the Community Development Committee as a public member for a term ending December 31, 2017.

Planning Director Jim Gilmour said Mr. Paulsen is the out-going Chair of the Planning Commission, and there will continue to be a position for the acting Chair as a member of the Community Development Committee. He said an advantage to adding a member is that it will make the committee comprised of an odd number of members which would be a benefit in a close vote.

Commissioner Piepkorn said Mr. Paulsen is fantastic and has given Fargo hundreds of hours of his time over a long period of time. This is a unique situation, he stated, and if this is a way to keep Mr. Paulsen involved, he definitely supports the appointment.

Commissioner Williams said this appears to be a special circumstance; however, he strongly encourages the public be given an opportunity to apply when there are citizen positions open.

Mayor Mahoney said when the term is up for this additional member, the Board can choose whether or not to keep the third public member. He said citizens can apply to be on a variety of committees at any time and he has a list of those who are interested. He is making it a practice to review the applications when vacancies arise, he said, and visits with the applicants prior to making recommendations.

Commissioner Piepkorn moved a third public member be added to the Community Development Committee and that John Q. Paulsen be appointed to the Community Development Committee for a term ending December 31, 2017.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Application Filed by 220 West, LLC for Payment in Lieu of Tax Exemption (PILOT)

Approved:

A Hearing had been set for this day and hour on an application filed by 220 West, LLC for payment in lieu of property tax exemption for operation of rental property at 220 10th Street North.

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.

Planning Director Jim Gilmour said the PILOT assistance request is for an apartment project at 220 10th Street North. He said the request was reviewed by the Tax Exempt Review Committee and the Committee recommends approval of a 10-year PILOT incentive for the project. He said the project conforms to City policy supporting PILOT incentives for new housing downtown. The recommended exemption is for 10 years, he stated, with a 100 percent exemption in years 1-5 and a 75 percent exemption in years 6-10.

Commissioner Piepkorn said the project is within walking distance of downtown, near NDSU's Barry Hall, includes lower cost apartments with some underground parking, and is within an area the City would like to see grow as far as the Renaissance Zone.

Commissioner Williams said he favors the project and it is a good example of how improvements have been made to how incentives are targeted.

Commissioner Williams moved that the PILOT application filed by 220 West, LLC for a 100% property tax exemption for years one through five and a 75% property tax exemption for years six through ten for the operation of rental property at 220 10th Street North be approved pursuant to Chapter 40-57.1, NDCC.

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

Absent and not voting: Commissioner Gehrig.  
The motion was declared carried.

Application Filed by Wisent Properties, LLC for Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by Wisent Properties, LLC for payment in lieu of property tax exemption for operation of rental property at 1122 17th Street North.

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.

Planning Director Jim Gilmour said the developer has requested PILOT assistance for a 12 unit townhouse-style apartment project at 1122 17th Street North, near North Dakota State University. The request was reviewed by the City financial advisors, he said, and the report concluded that the project would unlikely be feasible without assistance. He said the Finance Committee recommends approval of a maximum of \$202,900.00 of PILOT assistance, with the PILOT Exemption to be for a maximum of 10 years. He said City policy calls for a five percent administrative fee, which increases the amount of the PILOT to \$213,045.00.

Commissioner Piepkorn moved that the application filed by Wisent Properties, LLC for a property at 1122 17th Street North for a payment in lieu of tax exemption in the amount of \$213,045.00 as outlined in the Developer's Agreement and pursuant to Chapter 40-57.1, NDCC be approved.

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

Absent and not voting: Commissioner Gehrig.  
The motion was declared carried.

Parcels of Land in Urban Plains Recreational Addition Rezoned (5225 31st Avenue South):

At a Hearing held on July 7, 2015 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a modification of the C-O, Conditional Overlay on Lot 1, Block 1, Urban Plains Recreational 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.

Planning Administrator Nicole Crutchfield said the applicant, ICON Architectural Group, is seeking a zoning change to modify some of the design standards within the Conditional Overlay (C-O) zoning district in preparation for construction of an ice arena on the Scheels Arena site at 5225 31st Avenue South. She said the original Urban Plains Addition was written for mixed use development with mixed retail, not necessarily for an athletic complex. She said modifications were made to the west elevation, the façade and the parking to meet the current conditions as well as the expansion.

In response to a question from Commissioner Piepkorn about parking and landscaping, Ms. Crutchfield said requirements for the Land Development Code for

landscaping and parking standards will be met including additional shrubs and trees, and adequate paved parking.

Scheels Arena General Manager Jon Kram said the modifications for the addition of a second ice sheet give additional flexibility for youth hockey and will help to bring back NCAA playoffs as well as allow for other big events. He said the second full ice sheet will include seating for 425 and about 3,000 additional square feet to accommodate conference rooms and related activities. He said he hopes construction can start this month and to open next May if possible. Adequate parking is a challenge, he said, and an agreement is in place to utilize the parking lot to the south to meet the parking requirements.

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 the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance 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.

Absent and not voting: Commissioner Gehrig.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Urban Plains Recreational 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 Recreational 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.

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Text Amendment to Amend Section 20-1202 (9) of Article 20-12 and Section 20-0701.G of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Surface Materials for Vehicular Circulation Denied:

A Hearing had been held by the Fargo Planning Commission on July 7, 2015 for the purpose of considering a request for a text amendment to Section 20-1202 (9) of Article 20-12 and Section 20-0701.G of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to Surface Materials for Vehicular Circulation and the Fargo Planning Commission at such Hearing recommended denial of the request.

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.

Planning Administrator Nicole Crutchfield said the applicant has asked for amendments to sections of the Land Development Code to allow for gravel parking in industrial uses in the GC, General Commercial, zoning districts. The request asks that parking standards be relaxed and treated more like in the LI, Limited Industrial or GI, General Industrial zoning districts, allowing other materials in a rear yard. Staff is not in support of the amendments, she said, and feel that it is counteractive to the LDC as it is intended. Having high intensity uses next to low intensity uses is discouraged in land use principles, she said, with GC, General Commercial being a mid-level intensity. It is important that conditions include appropriate buffering or landscaping to avoid nuisances for neighboring lower density uses, such as residential. She said the LDC allows for crushed concrete; however, gravel or other materials are sometimes substituted which becomes impossible to enforce. There are concerns about dust, she said, as well as storm water and sediment factors. She said the applicant's concerns stem from a specific case and a specific site in the 100th Avenue and I29 area.

Commissioner Sobolik said a Text Amendment would apply to all parcels that have a CUP; however, a PUD may be an option for the applicant to customize something more specific to a parcel.

Nate Vollmuth, Paces Lodging Corporation, said he represents Commerce on I29. He said the request is not about parking, it is for rear yard circulation. Storage in rear yards must be completely paved in the GC, General Commercial zones and he would like areas that materials sit on be allowed to be grass or some other material due to the high cost of concrete or paving. For example, he said, an implement dealer would need to pave under all inventory when that really is not necessary. An issue with asking for a CUP in GC, General Commercial, he said, is that there are supplemental regulations; one being there has to be an all weather surface. He said a half dozen companies seeking frontage access have looked at the development and gone to another community that could also offer frontage on the Interstate, due to the requirement to pave the back lot. He said he brought the question to this level because he wanted the ramifications heard, and wanted it known that companies that may have come to Fargo are being lost. If the amendments do not pass, he said, he intends to apply again to zone the property LI, Limited Industrial.

Ms. Crutchfield said other avenues could be looked at, such as rezoning. She said recent agendas for the Planning Commission have been up to 80 percent applications for CUP's for industrial uses, partly due to speculation when building about what type of enterprise may ultimately use the property.

Commissioner Williams said the materials used do matter, particularly when it comes to water retention.

Commissioner Sobolik moved the request be denied on the basis the proposed text amendment relating to Section 20-0701.G of Article 20-07 and Section 20-1202(9) of Article 20-12, Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to All Weather Surfaces, as the proposal does not meet the criteria of Chapter 20-0904.E(1-3) of the Land Development Code.

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

Absent and not voting: Commissioner Gehrig.  
The motion was declared carried.

Master Service Agreement with KLJ, Stantec and SRF for Planning Services Approved:

The Board received a communication from Planning Administrator Nicole Crutchfield and Planning Director Jim Gilmour stating in May of 2015 the Planning Department put out a request for qualifications for planning services assistance. Proposals were sought from local and regional firms, they said, and at this time they recommend extending three contract agreements with the local firms who submitted proposals: KLJ, Stantac and SRF. They said the contract for each company would not exceed \$30,000.00 and would have an expiration date of December 2016. The purpose of the services, they said, would be to assist with additional case load, area planning, and to pursue solutions for specific projects and provide assistance to staff.

Commissioner Williams said he thinks everyone agrees there is a need for more staff in the Planning Department; however, this will help.

Commissioner Piepkorn moved the contract for a Master Service Agreement with KLJ, Stantec and SRF, in the amount not to exceed \$30,000.00 each, be approved.

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

Absent and not voting: Commissioner Gehrig.  
The motion was declared carried.

Grant Acceptance from the Kresge Foundation Approved:

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Kresge Foundation has indicated that, by all accounts, Fargo's submittal of a grant request fits their portfolio. She said they are interested in partnering with a city government in the exploration of how cultural and innovative practices can be integrated within community development. The concept of the grant, she stated, takes the practices of Jackie Brookner (the New York artist of The Fargo Project and lead creative vision) and the community's declared interest to operationalize a community development program that is multi-disciplinary and where the city can replicate other pond renovations. She shared the materials they submitted to the Kresge Foundation and said the amount of the grant could be up to \$1.2 million. A portion of the grant would construct the last phase of The Fargo Project, she said.

Commissioner Williams said there are many storm water retention ponds in Fargo and it would be good if they can be turned into amenities.

Commissioner Sobolik said it is thrilling to be approached by grantors interested because the City is doing something unique.

Commissioner Sobolik moved the grant from the Kresge Foundation be accepted.

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

Absent and not voting: Commissioner Gehrig.  
The motion was declared carried.

Agreement for Entry and Construction with Cass County Joint Water Resource District Approved:

The Board received a communication from Assistant City Attorney Nancy Morris stating access is needed for the construction of the 2nd Street Floodwall and to accommodate a generator for the lift station, with a final location to be determined. She said the parcels are identified in the Agreement, although only a portion will be utilized in the construction process and final project. The contract documents will specify the extent of the use during construction, she said, including continuing to provide parking.

City Engineer April Walker said the request is for the City Hall parking lot and for the current City Hall parcel to facilitate connections happening along the right-of-way. She said this impacts the areas up to the building needing to be disturbed to relocate underground utilities.

In response to a question from Commissioner Piepkorn about how the project will disrupt the First Avenue Bridge, Ms. Walker said the current contract includes incentives/disincentives including a limit of 120 days from the time the contractor breaks into the intersection of First Avenue and Second Street to get it back up and running. She said the goal is to have that completed within one construction season.

Commissioner Piepkorn moved the Agreement for Entry and Construction for all of Lot 1, Block 7 and all of Block 6 less triangular parcel deeded for bridge right-of-way, North Dakota R-1 Urban Renewal Addition to the City of Fargo, Cass County, North Dakota with the Cass County Joint Water Resource District be approved.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Storm Water Retention Policy Amendment for DMU Zoning Districts Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the Committee reviewed a communication from Storm Sewer Utilities Division Engineer Nathan Boerboom regarding a proposed policy amendment to address concerns regarding redevelopment on lots over an acre in the DMU, Downtown Mixed Use zoning district. Current policy requires new developments or redevelopments over an acre to provide retention, they said; however, this requirement can be problematic and result in lower density developments in the urban core where code would otherwise allow for construction of buildings without a setback from the property line.

City Engineer April Walker shared some examples of pond sizes under the current requirements and under the proposed requirements. She said staff recommends approval of the following modifications:

- Any development on a parcel one acre in size or larger within the DMU shall be allowed a maximum storm water runoff rate that is not greater than the existing condition runoff rate from the parcel for the 2, 10 and 100 year, 24 hour synthetic rainfall events.
- No storm water retention will be required on the parcel unless necessary to maintain the runoff rate below the existing runoff rate.

Commissioner Williams moved the amendment to the Storm Water Retention Policy for the Downtown Mixed Use Zoning District be approved.

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

Absent and not voting: Commissioner Gehrig.

The motion was declared carried.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, August 17, 2015.

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

The time at adjournment was 6:17 o'clock p.m.