

- e. Revenue Note in the amount of \$397,369.22 and Private Placement Memorandum for TIF District No. 2011-01 SCD, LLC--Shotwell Commons Development, LLC and Resolution (Attachment "B").
- f. Revenue Note in the amount of \$193,588.29 and Private Placement Memorandum for TIF District No. 2013-01 914 LLC, Mark and Sheri Weston and Resolution (Attachment "C").
- g. Contract with the North Dakota Department of Health for the 2014 Immunization Program (CFDA #93.268).
- h. Bid awards for the Northport Library Expansion Project: General Construction to Smithco Inc. in the amount of \$ \$37,500.00; Mechanical Construction to Sheyenne Mechanical LLC in the amount of \$13,371.00; and Electrical Construction to Modern Electric of F-M Inc. in the amount of \$15,120.00 plus alternate bid E-1 in the amount of \$4,257.00.
- i. Applications for 5-year tax exemptions for improvements made to the following:
 - (1) Jeffrey Hannig, 2219 9th Street South.
 - (2) Gordon Gustafson, 1138 27th Street North.
 - (3) Chad and Shelby Terstriep, 824 8th Street South.
 - (4) Dan and Kim Mahli, 1707 7th Street South.
- j. Application filed by Grace Lutheran School for a raffle on 3/22/14.
- k. Resolution Approving Plat of Amber Valley West Fifth Addition (Attachment "D").
- l. Purchase Agreement – Permanent Easements:
 - (1) John and Elizabeth Lyngstad (Project No. 5946-02).
 - (2) Rodney and Susan Ballinger (Project No. 5958-02).
- m. Bills in the amount of \$7,650,275.04.

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

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

GO2030 Update Received and Filed: Creation of Public Art Taskforce Approved:

The Board received a communication from Planning Director Jim Gilmour outlining the Planning Department's Activities for 2014 including a Renaissance Zone Plan Extension, Parking Management, Older Neighborhoods, Growth Plans and Area Plans, Mind Mixer, Fargo Project, Public Arts Plan, and a Parks and Trails Plan.

The Board received a communication from Commissioner Sobolik stating the City's strategic plan, GO2030, named the top three priorities as Permanent Flood Protection, Promoting Infill and Public Art. She said strides are being made in flood protection and promoting infill, but not much progress has been made in public art.

She said she would like to see the City move forward on the public art front and proposes the creation of a Public Art Taskforce to discuss the role of public art, guide the development of a Fargo Public Art Plan and recommend policies to implement a Public Art Plan. She said a Public Art Plan should incorporate the concepts outlined in GO2030. The Taskforce would not be a permanent entity, she stated, rather a temporary group to assist in providing ground work for the Public Art Plan. She proposed that the Taskforce be made up of:

- 2-City Commissioners
- 2-Planning Commissioners
- 1-City Administrator
- 1-Park District representative
- 1-Representative from the Arts Partnership
- 1-Representative from the Plains Art Museum
- 1 - 3 Representatives at large

Commissioner Sobolik moved the GO2030 update be received and filed, and that the Board approve the creation of a Public Art Taskforce to review existing public art, set priorities for new public art, guide the development of a Public Art Plan and recommend policies to implement the Public Art Plan.

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

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

Appointments to the Renaissance Zone Authority:

The Board received a communication from Mayor Walaker recommending the reappointment of Bruce Furness and the appointment of Deb Mathern to the Renaissance Zone Authority to fill the vacancy created by the departure of Doug Scraper.

Commissioner Sobolik moved the reappointment of Bruce Furness and the appointment of Deb Mathern to the Renaissance Zone Authority for three-year terms ending January 1, 2017.

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

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

Appointments to the City Hall-Auditorium Commission:

The Board received a communication from Mayor Walaker recommending the reappointment of Dan Armbrust and Jim Deutsch to the City Hall-Auditorium Commission.

Commissioner Williams moved the reappointment of Dan Armbrust and Jim Deutsch to the City Hall-Auditorium Commission for three-year terms ending January 1, 2017.

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

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

Appointments to the Library Board:

The Board received a communication from Mayor Walaker recommending that MaryBeth Hegstad be reappointed and Mary Dickson be appointed to the Library Board for three-year terms ending June 30, 2016.

Commissioner Mahoney moved the reappointment of MaryBeth Hegstad and the appointment of Mary Dickson to the Library Board for three-year terms ending June 30, 2016.

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

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

Appointments to the Metro Area Transit Coordinating Board:

The Board received a communication from Mayor Walaker recommending Kevin Hanson be reappointed Chair of the Metro Area Transit Coordinating Board for a two-year term. He said he would also like to confirm Commissioners Williams and Sobolik as the 2014 Fargo MAT Board members. He said both Commissioners were appointed for two years when Liaison Commissioner assignments were approved in 2012 and will remain members at least until new assignments are made in 2014.

Commissioner Wimmer moved Commissioners Williams and Sobolik be confirmed as the 2014 Fargo MAT Board members, and Kevin Hanson be reappointed as Chair of the Metro Area Transit Coordinating Board for a two-year term ending December 31, 2015.

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

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

Application Filed by Shale Plays Media LLC for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Shale Plays Media LLC for a five-year property tax exemption for the project to be located in part of the building at 1201 Page Drive South which the applicant will use in the development of media based technology applications for mobile devices to be used in the oil shale field.

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

City Assessor Ben Hushka stated the Committee felt that the request would meet the criteria to be eligible for the exemption on the condition that the project received "primary sector" designation by the ND Department of Commerce. He said on Friday he received a copy of a letter from the ND Department of Commerce certifying Shale Plays Media LLC as "primary sector".

Commissioner Wimmer moved that the application filed by Shale Plays Media LLC for a five-year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved.

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

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

Parcels of Land in Anderson Park Second Addition Rezoned (2400 45th Street South, 4404 23rd Avenue South and 2401 42nd Street South):

At a Hearing held on November 5, 2013 the Fargo Planning Commission recommended approval of a change in zoning from P/I, Public and Institutional to GC, General Commercial with a Conditional Overlay on Lot 4, Block 1 of the proposed Anderson Park Second 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.

In response to a question from Commissioner Mahoney wondering whether or not this move would reduce the amount of softball and baseball fields on the north side, Fargo Park District Director of Finance and Human Resources Jim Larson said the Park District is relocating activity from the south end of town to the north end of town. He said the Park District owns 130 acres at about 88th Avenue and I-29 at the Rutten property and about 160 acres at 45th Street South and 64th Avenue South. He said with this acreage the Park District will be able to start replacing some of the complexes currently on the south side. The 45th Street location, he said, is not conducive for the type of activity that takes place in the parking lot after adult softball games and the thought is to relocate the softball fields to an area that is better equipped to handle this type of activity. He said this will consolidate the fields into one location, which will make the monitoring of activities at the fields easier to do.

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

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Anderson Park Second 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 Anderson Park Second Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Anderson Park Second 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 "Anderson Park Second Addition" containing 4 Lots, 1 Block, and 75.65 acres of land more or less, located at 2400 45th Street South, 4404 23rd Avenue South, and 2401 42nd Street South; and

WHEREAS, A Hearing was held July 2, 2013, and continued to August 6, 2013, September 3, 2013, October 1, 2013, and November 5, 2013 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on December 23 and 30, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., January 6, 2014 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 "Anderson Park Second Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

Resolution Adopted Approving The Pines at the District Second Addition (5600 and 5601 44th Street South):

Planning Administrator Nicole Crutchfield stated staff is still recommending denial, even though the Planning Commission recommended approval. She said when this was presented to PWPEC they unanimously voted to deny this application as well. The purpose for the replat is to unify the block to the east and the lot to the west, she said, and this would only provide one access and that would be on 56th Avenue.

Commissioner Williams said connectivity is needed for the City to work as a system.

In response to a question from Commissioner Sobolik regarding the amount of traffic that would be pushed to 43rd Street, Ms. Crutchfield stated it would be hard to determine without doing a full traffic count. She said it could increase by about 5,000; however, Planning staff's concern is that if there is not a relief valve to the south and into the rest of the section traffic would be pushed either onto 45th Street or into the residential neighborhood. Part of staff's concern, she said, is that when looking at The Pines master plan with the developer the north-south as well as, some of the east-west collector roads had been sacrificed as part of the development's master plan. She said staff does not feel that they can continue to make these reductions when they feel that they have reached the breaking point for lack of connectivity.

Bob Groesbeck, Partner in The District project along with Larry Scheffler, General Partner, stated he has had a chance to look at the Growth Plan and the Century Code and in neither of those documents does it indicate that this project is not consistent with what the City is trying to accomplish. He said in fact the 2007 Growth Plan states that the goal is to create an overlapping system for pedestrians, transit and cars that provides reasonable movement and connection between neighborhoods. He said he does not feel that anything that has been submitted is trying to change that. He said they are making a concerted effort to make this something that the City can be proud of.

Shawn Stuhau, President and CEO of Bethany Homes, said in looking for a site, it was important to find one with a major traffic road to give visitors access to shopping and an easy way to come visit the individuals that reside at Bethany. He said what is at the 42nd Street location is 10 acres which is not quite enough due to the fact that what they are looking for is a full continuum of care all connected under one roof. The 11 acres really appealed to Bethany, he said, and was why they chose that site. He said if there is a road that is going to go through the development there really is not anything that can be done to develop around that and it would then become like the University campus where it is chopped up by roads. He said they are really looking for a space where they can incorporate parking plus expand out to have the skilled care, the assisted living and the independent living apartments under one development.

Commissioner Williams moved to accept the findings and recommendations of staff and deny The Pines at the District Second Addition, inclusive of the vacate request; as the plat is not consistent with the Comprehensive Plan or applicable requirements of the LDC.

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

Commissioners Mahoney, Wimmer and Walaker voted nay.

The motion died for a lack of a majority.

Commissioner Wimmer 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 "The Pines at the District Second Addition" containing 1 Lot, 1 Block and 11.68 acres of land more or less, located at 5600 and 5601 44th Street South; and

WHEREAS, The plat includes a petition to vacate a portion of the 44th Street South right-of-way; and

WHEREAS, A Hearing was held November 5, 2013 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on December 2, 9, 16 and 23, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., January 6, 2014 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 the Planning Commission be accepted and the Plat entitled "The Pines at the District Second 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Wimmer, Mahoney and Walaker voted aye.

Commissioners Sobolik and Williams voted nay.

The Resolution was adopted.

Recommendation for Rate Changes in City-Owned Parking Facilities Approved:

The Board received a communication from Planner Joe Nigg stating the Fargo Parking Commission recommends parking rate changes in some of the downtown parking facilities. He said a majority of the facilities are at or near capacity and the proposed rate schedule recommends modest increases in the range of \$2.00 to \$5.00 per month. There are no recommended rate increases for the Island Park Ramp or the Main Avenue surface lot, he said, and a \$6.00 increase is recommended for the 2nd Avenue North lot. He said the financial implication, assuming similar occupancy rates for 2014, would yield an additional \$3,600.00 monthly in parking revenues, with rates becoming effective in February 2014.

Commissioner Wimmer moved the recommended rate changes be approved.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, January 20, 2014.

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

The time at adjournment was 6:00 o'clock p.m.