

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. Pledged securities as of December 31, 2013.
- b. State Water Commission request for cost reimbursement for the FM Diversion flood project totaling \$41,490.00.
- c. Resolution approving the 2014 Cass County Multi-Jurisdictional, Multi-Hazard Mitigation Plan (Attachment "A").
- d. Police Department budget adjustment and Amendment to the North Dakota Department of Transportation grant funding, in the amount of \$5,800.00, for Distracted Driving Enforcement (CFDA #20.616).
- e. Purchase of Service Agreement with the North Dakota Department of Health to direct Tuberculosis screening activities (CFDA #93.117).
- f. Fire Department budget adjustment and contract with the North Dakota Division of Homeland Security for grant funding, in the amount of \$38,540.00, to purchase Regional Response Equipment (CFDA #97.067).
- g. Fire Department budget adjustment and contract with the North Dakota Division of Homeland Security for grant funding, in the amount of \$41,715.00, for hazardous materials training and specialized rescue training (CFDA #97.067).
- h. Employee Testing Services Agreement with Sanford Health.
- i. Ancillary Testing Services Agreement with Sanford Health.
- j. Applications for property tax exemptions for improvements made to buildings:
 - (1) Sarah and Daniel Deutsch, 3625 21st Street South (3 year).
 - (2) Sue Nielsen and Annette Morrow, 1119 8th Avenue South (5 year).
 - (3) Brian Aasland, 1341 7th Avenue South (5 year).
 - (4) Ken and Alice Christianson, 2807 25th Avenue South (3 year).
 - (5) Tammy Miller and Craig Palmer, 2853 Lilac Lane North (3 year).
 - (6) Heather Sletten, 2207 25 ½ Avenue South (3 year).
 - (7) Eugene Fife, 1449 13 ½ Street South (5 year).
 - (8) Kris and Nicole Bakkegard, 1604 8th Street South (5 year).
 - (9) Andrew Nielsen and Jennifer Bozovsky, 1109 7th Avenue South (5 year).
- k. Direct City Attorney to draft Ordinance relating to taxicabs.
- l. Direct City Attorney to draft Ordinance relating to the unlawful possession of marijuana and associated paraphernalia.
- m. MATBUS exterior advertising rates for Borrowed Buck's Roadhouse, JL Beers of America and Old Broadway.

- n. Set March 3, 2014 at 5:15 p.m. as the date and time for a hearing regarding sanctions levied as the result of a compliance failure at Santa Lucia Restaurant.
- o. Applications for Games of Chance:
 - (1) NDSU Saddle and Sirloin Club for a raffle on 2/15/14.
 - (2) Red River Valley FSC for a raffle on 3/8/14.
 - (3) USA Wrestling of North Dakota for a raffle on 6/22/14.
 - (4) AMVETS of North Dakota for a raffle on 5/17/14.
 - (5) Blessed John Paul Catholic Schools for a raffle on 4/26/14.
 - (6) Farm Rescue for a raffle on 11/1/14; Public Spirited Resolution.
- p. Proposal from Sanitation Products, Inc. for a hook/hoist refuse body and lift axle in the amount of \$45,144.00; and lease with Kinetic Leasing, Inc.
- q. Memorandum of Offer to Landowner for Temporary Construction Easements for Project No. 5681-02:
 - (1) Tyler Stowers, Richard Akers, Mary Akers, Fern Elofson and Lori Becker.
 - (2) Leslie Rotvold, Bonita Rotvold, Steven Lundblad, Julie Mayer, Paulette Schlenker and David Glaser (Permanent Storm Sewer Easements).
 - (3) Dean Thune, Thomas Schneider, Edward Roesler, Jeanette Roesler and Gordon Fischer.
 - (4) C & E Finance, Inc.
 - (5) North Dakota Cuisine II, Inc.
 - (6) Levi and Ruth Parmer Trustees of the Levi and Ruth Parmer Revocable Living Trust, Michael McMaines, Glenda Schmit, James Schmit, Gary Sollid and Masayo Sollid.
- r. Agreement for Special Improvements Master Security Agreement with K Squared Developers for improvements in Valley View Addition.
- s. Purchase Agreement – Permanent Street and Utility Easement with Mark and Kristi Gilbertson for Project No. 5499.
- t. Encroachment Agreement for 23 Broadway for balconies.
- u. Maintenance Certification for City Wide Urban Federal Aid Projects.
- v. Access Agreements with the Park District and WDAY, Inc. for Project No. 6259.
- w. Bid advertisement for Project No. PR-14-5.
- x. Bills in the amount of \$4,514,569.84.

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.

Burial of Power Lines for Improvement District No. PR-14-6 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed a letter from Division Engineer Jeremy Gorden regarding a quote from Xcel Energy pertaining to the removal of power poles and burying of power lines at 25th Street from 17th Avenue South to 23rd Avenue South. He indicated that the work would be necessary in order to facilitate the widening of 25th Street under Improvement District No. PR-14-6 at an estimated cost of \$151,043.00.

Commissioner Mahoney moved the burial of power lines on 25th Street from 17th Avenue South to 23rd Avenue South at an estimated cost of \$151,043.00 for Improvement District No. PR-14-6 be approved.

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

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

Contract Time Extension for Improvement District Nos. 6175, 6201, 6203, 6204, 6211 and 6236 Approved:

Commissioner Mahoney moved approval of contract time extensions to May 15, 2014 for Improvement District No. 6175; to May 31, 2014 for Improvement District No. 6201; to May 31, 2014 for Improvement District No. 6203; to May 31, 2014 for Improvement District No. 6204; to May 15, 2014 for Improvement District No. 6211; and to May 2, 2014 for Phase 1, May 20, 2014 for Phase 2 and June 15, 2014 for Phase 3 for Improvement District No. 6236.

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.

Final Balancing Change Order No. 1 for Improvement District No. 6162 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$27,056.25 for Improvement District No. 6162.

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.

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-2 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-2:

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

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

On 3rd Avenue South from 10th Street South to University Drive South.
On 4th Avenue South from 10th Street South to University Drive South.
On 11th Street South from 2nd Avenue South to 5th Avenue South.
On 12th Street South from 3rd Avenue South to 4th Avenue South.
Alley between 3rd Avenue South and 4th Avenue South from 10th Street South to 11th Street South.

COMPRISING:

Lots 1 thru 8, inclusive, Block 26.
Lots 1 thru 3 and 7 thru 12, inclusive, Block 27.
The South 200' of Block 28.
All of Block 29.
Lots 1 thru 12, inclusive, Block 30.
Lots 1 thru 12, inclusive, Block 31.
All in Original Townsite Addition.

Lots 1 thru 8, inclusive, Block 38.
Lots 1 thru 7 and 14, inclusive, Block 39.
All in Northern Pacific Addition.

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-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. BR-14-2:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BR-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 \$1,570,443.00.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BR-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. BR-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.

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-14-2 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 thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. BR-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. BR-14-2 in the City of Fargo, North Dakota.

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

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

Seal Coat and Incidentals Improvement District No. PR-14-4 (Various Locations City Wide):

Commissioner Mahoney moved the following action be taken in connection with Seal Coat and Incidentals Improvement District No. PR-14-4:

Adopt Resolution Creating Improvement District No. PR-14-4:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PR-14-4 in the City of Fargo, North Dakota, be created

LOCATION (Section 2):

On 3rd Avenue North from a point located 300 feet east of 43rd Street North to 45th Street North.

On 43rd Street North from 3rd Avenue North to 7th Avenue North.

On 43 1/2 Street North from 3rd Avenue North to 7th Avenue North.

LOCATION (Section 6):

On Harrison Street South from 35th Avenue South to 38th Avenue South.

On Polk Street South from 35th Avenue South to 38th Avenue South.

On Taylor Street South from 35th Avenue South to 38th Avenue South.

On Fillmore Street South from 35th Avenue South to 38th Avenue South.

On 43rd Street South from 35th Avenue South to 128' north of 35th Avenue South.

On Pierce Street South from 35th Avenue South to 36th Avenue South.

On Buchanan Street South from 35th Avenue South to 36th Avenue South.

On Lincoln Street South from 35th Avenue South to 36th Avenue South.

On 35th Avenue South from Lincoln Street South to Harrison Street South.

On 36th Avenue South from 42nd Street South to 45th Street South.

On 37th Avenue South from 42nd Street South to Harrison Street South.

On 37th Avenue South from Fillmore Street South to 150' west of Fillmore Street South.

On 38th Avenue South from Harrison Street South to Fillmore Street South.

LOCATION (Section 7):

On Norman Court South from 37th Avenue South to 37th Avenue South.

On all of Dorothea Court South.

On 37th Avenue South from 45th Street South to 140' west of Dorothea Court South.

COMPRISING (Section 2):

Lots 6 through 15, Block 5A.

Lots 1 through 18, Block 6A.

Lots 1 through 9, Block 7A.

Lots 7 through 23, Block 8A.

All platted in Replat of Lots 12 and 13, Block 3 and Lots 18, 19, 20 and 30, 31, 32 and 33, Block 4 of E.G. Clapp's 1st Addition.

Lot 1, Block 1, Lucken Addition.

COMPRISING (Section 6):

Lots 1 through 29, Block 1.
Lots 1 through 21, Block 2.
Lots 1 through 19, Block 3.
Lots 1 through 16, Block 4.
Lots 1 through 14, Block 5.
Lots 1 through 14, Block 6.
Lots 1 through 14, Block 7.
Lots 1 through 19, Block 8.
All in Pointe West 2nd Addition.

Lots 1 through 9, Block 1.
Lots 1 through 27, Block 2.
Lots 1 through 30, Block 3.
Lots 1 through 33, Block 4.
Lots 1 through 12, Block 5.
Lots 1 through 25, Block 6.
All in Pointe West 3rd Addition.

Lots 1 through 3, Block 1.
Lots 1 through 11, Block 3.
Lot 1, Block 4.
Lots 3 through 9, Block 4.
All in Vista Village Addition.

Lots 2, 4, 5, 7, 8, 9, and 12 through 75, Block 1.
All in Vista Village 2nd Addition.

Lots 1 through 3, Block 1, Vista Village 3rd Addition.

Lots 1 through 5, Block 1, Vista Village 4th Addition.

COMPRISING (Section 7):

Lots 1 through 26, Block 1.
Lots 1 through 18, Block 2.
Lots 1 through 27, Block 3.
Lots 1 through 10, Block 4.
All in Sincebaugh Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Seal Coat and Incidentals Improvement District No. PR-14-4 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. PR-14-4:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-14-4 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 \$741,370.00.)

Order Plans and Specifications for Improvement District No. PR-14-4:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PR-14-4 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PR-14-4:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-14-4 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. PR-14-4 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 Seal Coat 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 Seal Coat and Incidentals Improvement District No. PR-14-4 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 Seal Coat 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. PR-14-4:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-14-4 in the City of Fargo, North Dakota.

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

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

Update from the Greater Fargo Moorhead Economic Development Corporation:

The Board received a communication from the Greater Fargo Moorhead Economic Development Corporation (GFMEDC) which included an Activity Report for January through November 2013. The report detailed the GFMEDC staff activities and how their objectives are being met.

President Jim Gartin said the focus of the GFMEDC has transitioned from the traditional incentive attraction process to focusing more on existing businesses and making sure that they are working well and growing. He said they are really trying to reach out and understand what is going on in the community. In his discussions with existing businesses, he said, a topic that has come up time and time again is the lack of a highly trained and educated workforce for the community's primary sector businesses to succeed and move forward. He said that has become a major focus for the GFMEDC in their initiatives and programs. He said a better job needs to be done in keeping students in the state and also attracting outside students to this area, therefore, a lot of their initiatives have been on work force.

Research and Business Information Manager John Machacek said the Growth Initiative Fund (GIF) had a slower 2012, with activity picking up in 2013 with nine loans throughout the year, four of which were for City of Fargo businesses. He said one of the goals of the board is to find more creative ways to develop programming to use more loan funding. He said typically the GFMEDC has been using the Bank of North Dakotas PACE Program, so that is something that they are really looking forward to expanding on.

2014 Community Development Action Plan for Housing and Community Development Approved:

A Hearing had been set for this day and hour on the proposed 2014 Community Development Action Plan for Housing and Community Development resources which will be used in the next fiscal year in accordance with the community's Consolidated Plan update.

The Board received a communication from Community Development Administrator Dan Mahli stating the Community Development Committee is recommending approval of the 2014 Community Action Plan. He stated the proposed budget anticipates \$680,000.00 in Community Development Block Grant (CDBG) funds and \$400,000.00 in HOME funds to be available. Upon approval by the City Commission, he said, the plan will be forwarded to the US Department of Housing and Urban Development for review and approval. He said projects in the 2014 Action Plan include the following activities:

HOUSING:

Housing Rehabilitation-Owner Occupied - \$400,000 to be available for rehabilitation of existing owner occupied housing units. This includes \$100,000 in CDBG and \$300,000 in HOME funds.

Beyond Shelter, Inc. CHDO Housing Project - \$100,000 in HOME funds for construction of affordable senior housing at 4815 28th Avenue South.

Special Assessment Assistance - \$10,000 in CDBG funds to assist low income homeowners with annual special assessments.

DOWNTOWN PROJECTS:

\$200,000 in CDBG funds for projects that address slum and blight conditions in downtown Fargo.

PUBLIC SERVICE PROJECTS:

Fargo Homeless Initiatives - \$90,000 in CDBG funds to support Fargo's emergency homeless shelter as well as a police liaison to the homeless population.

Snow Removal Assistance - \$2,000 in CDBG funds to offer snow removal assistance to low income senior households and people with disabilities.

High Plains Fair Housing Center - \$5,000 in CDBG funds for comprehensive outreach and education on fair housing laws.

Immigrant Development Center - \$5,000 in CDBG funds to provide business/entrepreneurial training and loan assistance to new Americans.

Metro Transportation Initiative - Opportunities Under Transit (OUT) - \$5,000 in CDBG funds to provide transportation to low and moderate income participants.

Job Training - \$25,000 in CDBG funds to provide job skills training and development for refugees and low income persons.

Homebuyer/Tenant Education - \$20,000 in CDBG funds to support general and financial education for low income new homebuyers and renters.

FACILITIES AND CAPITAL PROJECTS:

Neighborhood Project - \$300,000 in CDBG funds will be used for a community project in the Jefferson neighborhood in Fargo.

Myrt Armstrong Center - \$7,500 in CDBG funds to improve accessibility and accommodations for people with disabilities.

ShareHouse - \$85,000 in CDBG funds for building renovations to the Robinson Recovery Center.

YouthWorks - \$35,000 in CDBG funds for window and roof repairs to the YouthWorks building

ADMINISTRATION:

\$136,000 in CDBG funds for project development, planning and administrative costs associated with the delivery of the CDBG program. HOME funds will provide an additional \$40,000 for administration.

Commissioner Sobolik moved the 2014 Community Development Action Plan be approved.

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.

Year-End Budget Amendment and Transfer of Funds from the General Fund to the Building Fund Approved:

The Board received a communication from the Finance Committee stating the Committee reviewed preliminary year-end results for the 2013 General Fund and overall results were better than anticipated. They recommended any year-end budget surplus be pledged toward the two building capital projects in progress the CVS/Fargo Cass Public Health remodeling project which will be bid this spring and the City Hall project which is in the preliminary design process. They said appropriation of funds for these projects will lower the anticipated borrowing costs and will enable pay-as-you-go financing for a portion of these two projects. Deployment of this funding strategy will save a significant amount of resources vs. traditional long term bonding for all of the capital project costs, they said.

Commissioner Wimmer moved the year-end budget amendment and transfer of funds, in an amount currently estimated at \$2 million, from the General Fund to the Building Fund be approved.

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

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

Agreement Regarding Extraterritorial Zoning Jurisdiction and Annexation with the City of Briarwood Approved:

The Board received a communication from Planning Director Jim Gilmour stating the agreement between the City of Fargo and the City of Briarwood for extraterritorial zoning jurisdiction has expired. He said over the past several months, the Planning Department has worked with the City of Briarwood on an agreement to define zoning jurisdiction and future annexation. Under this agreement, he said, the City of Fargo would have zoning jurisdiction north of the City of Briarwood, west of University Drive and south of 70th Avenue South. Briarwood would have zoning jurisdiction for the property east of University Drive, he said, which is within a quarter mile of the Briarwood city limits. This is also an annexation agreement, he said, and each city agrees it may annex property within its jurisdiction without additional prior approval of the other city, with a term agreement of 20 years. He said the City of Fargo is processing a zoning and subdivision application for the second phase of Crofton Coves, located west of University Drive and north of 70th Avenue South, and an extraterritorial zoning jurisdiction agreement needs to be in place prior to final City Commission action on that application.

Commissioner Sobolik moved the agreement regarding extraterritorial zoning jurisdiction and annexation with the City of Briarwood be approved.

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

Commissioner Williams voted nay.

The motion was declared carried.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, February 18, 2014.

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

The time at adjournment was 5:34 o'clock p.m.