

- (4) Mark and Lois Anfinrud, 3002 2nd Street North (5 year).
 - (5) Kyle and Jeanne Bakken, 3231 Elm Street North (5 year).
 - (6) Eric Olson, 811 Southwood Drive South (5 year).
 - (7) Ryan Nagle and Kjersten Nelson, 409 8th Avenue South (5 year).
 - (8) Brian Dekkers, 2307-2309 15th Street South (5 year).
 - (9) Julie Peltier, 2921 7th Avenue North (5 year).
 - (10) Leland and Patricia Kemmer, 1210 Third Street North (5 year).
- h. Applications for Games of Chance:
- (1) Stacey Nice Benefit for a raffle on 4/26/14; Public Spirited Resolution.
 - (2) Fargo Babe Ruth League, Inc. for a raffle on 5/10/14.
 - (3) Fargo Babe Ruth League, Inc. for a calendar raffle from 6/4/14 to 6/25/14.
 - (4) NDSU Saddle and Sirloin Club for a raffle on 4/25/14.
 - (5) North Dakota Bowhunters Association for a raffle on 3/29/14.
 - (6) Zach Kraft Benefit Fund for a raffle on 4/18/14; Public Spirited Resolution.
 - (7) Lincoln Elementary School for a raffle on 4/11/14.
 - (8) Kappa Alpha Theta for a raffle on 4/14/14.
- i. Receive and file Extension of Management and Concession Agreement between the Fargo Dome Authority and Global Spectrum, LP.
- j. Residential brush chipping program assistance contract with Cougar Tree Care, Inc. with up to a 5-year negotiated extension.
- k. Purchase of one articulated wheel loader from Titan Machinery for \$200,655.91.
- l. Setback Restrictive Covenant for Ashwood 4th Addition.
- m. Agreement for Special Improvements with Danny Schatz for Improvement District No. 6240 a/k/a UN-14-01.
- n. Memorandum of Offer to Landowner and Permanent and Temporary Easement with Howard Peet, Jacquelyn Peet, Shirley Johnson, Roger Johnson, Diane Mead, M. David Wadholm, Diane Wadholm and Leslie Johnson (Project No. 5681-02).
- o. NDDOT Cost Participation, Construction and Maintenance Agreement for Improvement District No. SN-14-21 (CFDA #20.205).
- p. Agreement for Services with Merrick & Company in the amount of \$525,895.45 for 2014 Digital Orthophoto, Color Aerial Photography, LiDAR Contour Mapping and Planimetric updates (Project No. 6254).
- q. Memorandum of Agreements and Early Build Permit for construction of a school and associated infrastructure in the Ed Clapp area.

- r. Bid awards for Project Nos. HD-14-01 to Landwehr Construction in the amount of \$423,623.00 and HD-14-11 to Landwehr Construction in the amount of \$468,428.63.
- s. Bid advertisement for Project No. FM-14-0.
- t. Bills in the amount of \$5,058,315.34.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

No Protests Received for Seal Coat and Incidentals Improvement District No. PR-14-41:

The Statutory Resolution of Necessity for the construction of Seal Coat and Incidentals Improvement District No. PR-14-41 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 10 and 17, 2014 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 Seal Coat and Incidentals Improvement District No. PR-14-41.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Bids Received for Seal Coat and Incidentals Improvement District No. PR-14-41:

The bids for Seal Coat and Incidentals Improvement District No. PR-14-41 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 12, 2014 and the bids were found to be as follows:

Asphalt Surface Technologies Corporation	St. Cloud, MN
Bid:	\$541,850.45
Bituminous Paving, Inc.	Ortonville, MN
Bid:	\$684,545.20

Contract for Seal Coat and Incidentals Improvement District No. PR-14-41 Awarded to Asphalt Surface Technologies Corporation in the Amount of \$541,850.45:

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 Seal Coat and Incidentals Improvement District No. PR-14-41; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 12, 2014 for Seal Coat and Incidentals Improvement District No. PR-14-41 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Seal Coat and Incidentals Improvement District No. PR-14-41 shows the bid of Asphalt Surface Technologies Corporation of St. Cloud, Minnesota, in the sum of \$541,850.45 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 Asphalt Surface Technologies Corporation in the sum of \$541,850.45 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Seal Coat and Incidentals Improvement District No. PR-14-41 in the City of Fargo, North Dakota, be and the same is hereby awarded to Asphalt Surface Technologies Corporation for the sum of \$541,850.45, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

Contract for Project No. PR-14-51 Awarded to Roadway Services, Inc.:

The Board received a communication from City Engineer Mark Bittner recommending the contract for Project No. PR-14-51 be awarded to Roadway Services, Inc. in the amount of \$48,060.00.

Commissioner Sobolik moved the contract for Project No. PR-14-51 be awarded as recommended.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 12, 2014 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,476,197.25
Master Construction Company, Inc. Bid:	Fargo, ND \$1,701,205.00
R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,748,683.46
Ryan Contracting Bid:	Shakopee, MN \$1,764,112.00

Metro Construction Bid:	Tea, SD \$1,794,849.00
Sellin Brothers, Inc. Bid:	Hawley, MN \$2,097,124.00
J.R. Ferche, Inc. Bid:	Rice, MN \$2,363,058.50

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31 Awarded to Dakota Underground Company in the Amount of \$1,476,197.25:

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 Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received o for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,476,197.25 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Dakota Underground Company in the sum of \$1,476,197.25 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-31 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,476,197.25, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

Task Order Amendment No. 1 for Improvement District Nos. UN-14-1 and PN-14-1 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee received a communication from Division Engineer Brenda Derrig related to the desire to amend the existing task orders associated with the underground and paving of Deer Creek to include the construction inspection and staking. Staff, they said, would also like to add the design, construction inspection and staking of the Ashwood Development which is integral to

the design of Deer Creek. They said the total of the task orders would be \$266,692.20.

Commissioner Sobolik moved Task Order Amendment No. 1 for Improvement District No. UN-14-1 in the amount of \$143,089.20 and Improvement District No. PN-14-1 in the amount of \$123,603.00 be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-14-2 (Osgood Townsite 11th Addition):

Commissioner Sobolik moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-14-2:

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

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

46th Street South from 49th Avenue South to 47th Avenue South.

COMPRISING:

Lots 1 thru 11, inclusive, Block 1.

Lots 1 thru 8, inclusive, Block 2.

All platted in the Osgood Townsite 11th Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-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. BN-14-2:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-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 \$432,300.00.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-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. BN-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 Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-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 Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk 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. BN-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. BN-14-2 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-9 (Cottagewood Addition):

Commissioner Sobolik moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-9:

Adopt Resolution Creating Improvement District No. PN-14-9:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PN-14-9 in the City of Fargo, North Dakota, be created

On 47th Avenue South from 42nd Street South to the eastern plat boundary.

On 49th Avenue South from 42nd Street South to 39th Street South.

On 39th Street from 47th Avenue South to 49th Avenue South.

On 40th Street from 47th Avenue South to 49th Avenue South.

On 41st Street from 47th Avenue South to 49th Avenue South.

Avery Lane in its entirety.

COMPRISING:

Lots 1 through 45, inclusive Block 1.

Lots 1 through 10, inclusive, Block 2.

Lots 1 through 21, inclusive, Block 3.

Lots 1 through 19, inclusive, Block 4.

Lots 1 through 9, inclusive, Block 5.

All in Cottagewood First Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-9 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. PN-14-9:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-14-9 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 \$1,733,096.00.)

Order Plans and Specifications for Improvement District No. PN-14-9:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PN-14-9 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PN-14-9:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-14-9 in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. PN-14-9 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. PN-14-9 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

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

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

Direct City Auditor's Office to Call for Bids for Improvement District No. PN-14-9:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PN-14-9 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-9 (On Main Avenue from 390' West of University Drive to 23rd Street South):

Commissioner Sobolik moved the following action be taken in connection with Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-9:

Adopt Resolution Creating Improvement District No. PR-14-9:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PR-14-9 in the City of Fargo, North Dakota, be created

On Main Avenue from 390' west of University Drive to 23rd Street South.

COMPRISING:

All of the land bounded on the north by 5th Avenue North, on the south by 3rd Avenue South, on the east by University Drive and on the west by 25th Street.

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

NOW, THEREFORE, BE IT RESOLVED, That Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-9 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-14-9:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-14-9 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 \$400,000.00.)

Order Plans and Specifications for Improvement District No. PR-14-9:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PR-14-9 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PR-14-9:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-14-9 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-14-9 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 Asphalt Mill and Overlay 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 Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-9 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 Asphalt Mill and Overlay 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. PR-14-9:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-14-9 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Franchise Agreement with MidContinent Communications Approved:

The Board received a communication from City Attorney Erik Johnson stating a proposed Franchise Agreement has been negotiated between representatives of MidContinent Communications and City of Fargo staff. He said, if approved, the proposed Franchise Agreement would authorize MidContinent Communications to provide cable services to the City of Fargo.

Dan Nelson, MidContinent Communications, said they are very excited to be bringing services to Fargo. He said they do not have a definite plan in place, however, they feel they can bring services to the City in a reasonable amount of time by breaking the City into nine zones. Their goal, he said, is to provide services to three zones per year.

Commissioner Williams moved the Franchise Agreement between MidContinent Communications and the City of Fargo, North Dakota be approved.

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

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

J. Stephen Blazek Reappointed to the Airport Authority:

The Board received a communication from Mayor Walaker recommending that J. Stephen Blazek be reappointed to the Airport Authority.

Commissioner Wimmer moved J. Stephen Blazek be reappointed to the Airport Authority for a five-year term ending April 8, 2019.

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

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

Request from Brian Bjorkman for a Setback Waiver Denied:

The Board received a communication from Brian Bjorkman, owner of property located at 2525 Northwood Drive, requesting a waiver of the River Setback Ordinance to build a detached garage. Mr. Bjorkman included an aerial photo and documents from FEMA and Houston Engineering from 2005 indicating his home was not in the flood plain at that time. Mr. Bjorkman said he is able to get a permit to attach the garage to his home, however, to keep costs down he does not want to do that.

City Engineer April Walker said a separate standalone garage is not eligible for a waiver at this location, due to the 100 foot setback from the floodway requirement. She said that rule predates the setback ordinance and is still in effect. She said he is eligible to get a permit to attach the garage to his existing home, but not as a standalone structure.

Commissioner Williams moved the setback waiver request from Brian Bjorkman be denied.

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

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

(Commissioner Mahoney present)

City of Fargo's Section 5307 Federal Transportation Administration Grant Preliminary Program of Projects for 2014 Approved:

A Hearing had been set for this day and hour to consider the City's Section 5307 Federal Transportation Administration grant preliminary Program of Projects for 2014.

The Board determined that there have been no written or verbal protests and no one is present to protest thereto.

The Board received a communication from Transit Administrator Julie Bommelman stating the Federal Transit Administration will make available to the City, operating grant funds in the amount of \$2,180,552.00 to be used for the transit system. She said the Program of Projects, which she attached, was developed by the Transit Division to be submitted with the application for the funds.

Commissioner Sobolik moved the Program of Projects for 2014 and the Federal Transit Grant Award of \$2,180,552.00 be approved.

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

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

Renaissance Zone Project for Stumbeano's Coffee Roasters Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Stumbeano's Coffee Roasters for a business leasing property as part of a zone project at 210 Broadway North, Suite 92.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

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

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone". She said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". She stated the Renaissance Zone Authority felt that lease projects such as the application from Stumbeano's Coffee Roasters would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. She said staff review found the applicant has met the aforementioned requirements. She said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Sobolik moved the Renaissance Zone application filed by Stumbeano's Coffee Roasters for a lease project located at 210 Broadway North, Suite 92 be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for Sandra V. Christianson Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Sandra V. Christianson at 300 Broadway North, Suite 201.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

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

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Project application presented by Sandra V. Christianson meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Ms. Crutchfield recommended that the project be approved.

Commissioner Sobolik moved the Renaissance Zone application filed by Sandra V. Christianson for a project located at 300 Broadway North, Suite 201 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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.

Parcels of Land in Beardsley's Addition Rezoned (803 25th Street North):

At a Hearing held on February 4, 2014 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial to LI, Limited Industrial on Lots 18 through 24, Block 29 including half of the vacated alley abutting and half of the vacated 24th Street North abutting; all of Lots 5 through 11 and 18 through 24 less the west 7 feet of Lots 18 through 24, Block 30, including half of the vacated 24th Street North abutting, and all of the vacated alley between Lots 5 through 11 and 18 through 24, Beardsley'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.

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 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 Beardsley's 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 Beardsley's 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.

Appeal of the Denial of a Conditional Use Permit to Allow Household Living in a GC, General Commercial Zoning District Denied (1847 and 1855 38th Street South; 1832, 1840 and 1874 39th Street South; and 3901 20th Avenue South):

A Hearing had been held by the Fargo Planning Commission on February 4, 2014 to consider a request for a Conditional Use Permit to allow Household Living in a GC, General Commercial Zoning District on part of Lots 6 through 8, all of Lots 16 and 17, and part of Lot 18, Block 5, West Acres Fourth Addition, and the Fargo Planning Commission at such Hearing recommended that the Conditional Use Permit be denied.

The City received an appeal of the denial of the Conditional Use Permit from T Sloan Properties, LLP/Enclave Development, LLC, which requires that a Public Hearing be held by the City Commission.

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 Director Nicole Crutchfield said this proposal does not fit into the Growth Plan as the goal is to eliminate residential development along highways and arterial roadways as much as possible. She continued by stating that future highway projects could be affected by the increased population density adjacent to the interstate right-of-way and may require noise mitigation considerations which would be at an increased cost to the public.

Jeff Schlossman, Goldmark Schlossman Commercial Real Estate Services, Inc. said this land has a long history with it being the original location for the West Acres Mall. This land, he said, has been for sale for over 15 years as commercial real estate and it lacks good interstate access, which has made it very challenging to sell. This project would be a huge improvement to the neighborhood, he said, with a nice courtyard area and underground parking. He said he highly recommends that the Commission approve this \$20 million complex that everyone could be proud of having in Fargo.

Austin Morris, Enclave Development, LLC, said since the planning meeting, a larger landscaping buffer has been added to mitigate sound. He said of the 174 units in this development, only 15 units are abutting the frontage road to the interstate interchange.

Commissioner Sobolik moved the appeal of the Planning Commission's denial of the Conditional Use Permit to Allow Household Living in a GC, General Commercial Zoning District be denied.

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

Commissioners Mahoney and Walaker voted nay.

The motion was declared carried.

At 6:06 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Amendment to the Growth Plan Approved (2801, 3001 and 3307 52nd Avenue South and 5160 36th Street South):

A Hearing had been set for this day and hour to consider approval of an Amendment to the Growth Plan of the proposed Timber Creek First Addition (originally titled Christianson Addition).

The Fargo Planning Commission recommended approval of the Amendment to the Growth Plan at their December 3, 2013 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.

Commissioner Sobolik moved the Amendment to the Growth 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.

Parcels of Land in Timber Creek First Addition Rezoned (2801, 3001 and 3307 52nd Avenue South and 5160 36th Street South):

At a Hearing held on December 3, 2013 the Fargo Planning Commission considered a change in zoning from AG, Agricultural to MR-1, Multi-Dwelling, MR-2, Multi-Dwelling, SR-2, Single-Dwelling, SR-3, Single-Dwelling, SR-4, Single-Dwelling, P/I, Public and Institutional, GO, General Office and GC, General Commercial, both with a Conditional Overlay.

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, The Fargo Planning Commission approved the rezoning on December 3, 2013; and

WHEREAS, Written protests to the rezoning representing 8.4% of the legal protest area have been received and filed in the Office of the City Auditor.

NOW, THEREFORE, BE IT RESOLVED, That the rezoning be approved as recommended by the Planning Commission.

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 Timber Creek First Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the

Ordinance Rezoning Certain Parcels of Land Lying in Timber Creek First Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Timber Creek First 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 "Timber Creek First Addition" containing 119 Lots, 5 Blocks, and 82 acres of land more or less, located at 2801, 3001, 3307 52nd Avenue South and 5160 36th Street South; and

WHEREAS, A Hearing was held September 3, 2013, and continued to October 1, 2013, November 5, 2013, and December 3, 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 plat was published and approved by the Fargo Planning Commission as Christianson's First Addition; 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 March 3 and 10, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., March 17, 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 "Timber Creek First 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.

Landscape Easement Agreement for Timber Creek First Addition Approved:

Commissioner Sobolik moved the Landscape Easement Agreement for Timber Creek First Addition 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.

Review of 2013 Year-End Crime Data:

The Board received a communication from Chief of Police Keith Ternes stating he would like to present the 2013 year-end crime data to the Board for informational purposes. He shared a PowerPoint presentation with charts and graphs comparing crime data to 2012 and of the five-year averages.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 31, 2014.

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

The time at adjournment was 6:45 o'clock p.m.