

Amending Section 1-0305.A.1 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Ordinance Violations.

- e. Revised social media policy.
- f. Approve precinct inspectors for the 2014 elections.
- g. Allocation of \$17,000.00 in 2014 Social Service Funds to the Fargo-Moorhead Native American Center to support ongoing activities and operations.
- h. Taxicab license for Fargo Metro Taxi & Limo Service.
- i. Adjusted rates for advertising space on three transit vehicles.
- j. Purchase Schedule with Relias Learning (Learning Management System) for Gladys Ray Shelter, VA Drop-In Center and Detox Staff.
- k. Wildlife Management Program Report for 2013 and Resolution Authorizing Program for 2014/2015.
- l. Parking Services Contract Amendment to extend the contract to 12/31/14.
- m. Applications for five-year tax exemptions for improvements made to buildings:
 - (1) Gail Coplin, 3006 10th Avenue North.
 - (2) Michael Kjera, 1008 Main Avenue.
- n. Applications for Games of Chance:
 - (1) USA Wrestling of North Dakota for a raffle on 6/22/14.
 - (2) Fargo Lions for a raffle on 4/4/14.
 - (3) North Dakota Bar Foundation for a raffle on 6/12/14.
 - (4) Jess Donahue Benefit for a raffle on 4/12/14; Public Spirited Resolution.
 - (5) Roger Maris Celebrity Golf Tournament for a raffle on 6/22/14.
 - (6) Roger Maris Celebrity Golf Tournament for a raffle on 6/23/14.
 - (7) Knights of Columbus #6570 for a calendar raffle from 6/1/14 to 6/30/14.
 - (8) Lewis and Clark PTA for a raffle and bingo on 4/12/14.
- o. Bid awards for the CVS/Fargo Cass Public Health Building to Roers Construction for the General Construction in the amount of \$4,042,000.00; JDP Electric, Inc. for the Electrical Construction in the amount of \$1,565,000.00 and Northern Plains Mechanical, LLC for the Mechanical Construction in the amount of \$1,608,123.00.
- p. Change Orders for the Fargo Public Library mechanical contract: M-1, for an increase of \$1,100.00 and M-2 for an increase of \$655.00.
- q. Purchase of three Para Transit Buses from North Central Bus Sales for \$184,116.00.
- r. Purchase of two side-load refuse trucks for the total amount of \$446,592.00 and financing through Kinetic Leasing.

- s. Purchase of a Henke Industrial Folding Loader V Plow for \$21,326.66 from Titan Machinery.
- t. Amended Engineer's Report for Project No. FM-14-0.
- u. Bid award for Project No. HD-14-21 to Master Construction Company, Inc. in the amount of \$765,450.00.
- v. Concur with City of Moorhead bid award for Project No. PR-14-81 to Industrial Builders in the amount of \$446,990.00.
- w. Contract Amendment No. 6, in the amount of \$185,500.00 for Project No. 6043.
- x. Contract time extension to June 1, 2014 for Project No. 6172-03.
- y. NDDOT Cost Participation and Maintenance Agreement for Improvement District No. PR-14-6.
- z. Agreement with West Fargo for Improvement District No. PN-14-C.
- aa. Developer's Agreement with Sanford for Improvement District No. 6239.
- bb. NDDOT Documented Categorical Exclusion Document with selection of Alternative B as the preferred alternative for installation of a shared use path for Improvement District No. SN-14-2.
- cc. Contract and bond for Project Nos. HD-14-01, HD-14-11 and PR-14-51.
- dd. Bills in the amount of \$3,998,982.12.

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.

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01:
Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 24 and March 3, 2014 and protests representing forty-seven percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved the protests be received and filed and declared insufficient.

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 P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 26, 2014 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$148,610.00
Key Contracting Bid:	Fargo, ND \$151,501.00
Adelman Concrete and Excavating, Inc. Bid:	West Fargo, ND \$154,447.00
Opp Construction Company Bid:	Fargo, ND \$200,440.50

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01 Awarded to Master Construction Company, Inc. in the Amount of \$148,610.00:

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 P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 26, 2014 for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$148,610.00 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 Master Construction Company, Inc. in the sum of \$148,610.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$148,610.00, 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 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.

No Protests Received for Asphalt Pavement and Incidentals Improvement District No. PN-14-A1:

The Statutory Resolution of Necessity for the construction of Asphalt Pavement and Incidentals Improvement District No. PN-14-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 24 and March 3, 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 Asphalt Pavement and Incidentals Improvement District No. PN-14-A1.

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 Asphalt Pavement and Incidentals Improvement District No. PN-14-A1:

The bids for Asphalt Pavement and Incidentals Improvement District No. PN-14-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 26, 2014 and the bids were found to be as follows:

Border States Paving, Inc. Bid:	Fargo, ND \$399,748.99
Aggregate Industries – Midwest Bid:	Moorhead, MN \$445,498.36
Northern Improvement Company Bid:	Fargo, ND \$501,250.31

Contract for Asphalt Pavement and Incidentals Improvement District No. PN-14-A1 Awarded to Border States Paving, Inc. in the Amount of \$399,748.99:

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 Asphalt Pavement and Incidentals Improvement District No. PN-14-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 26, 2014 for Asphalt Pavement and Incidentals Improvement District No. PN-14-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Pavement and Incidentals Improvement District No. PN-14-A1 shows the bid of Border States Paving, Inc. of Fargo, North Dakota, in the sum of \$399,748.99 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 Border States Paving, Inc. in the sum of \$399,748.99 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Pavement and Incidentals Improvement District No. PN-14-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Border States Paving, Inc. for the sum of \$399,748.99, 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.

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 24 and March 3, 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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21.

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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 26, 2014 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$4,703,814.60
Dakota Underground Company Bid:	Fargo, ND \$4,852,911.07
Northern Improvement Company Bid:	Fargo, ND \$5,240,259.55

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21 Awarded to Master Construction Company, Inc. in the Amount of \$4,703,814.60:

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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 26, 2014 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$4,703,814.60 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 Master Construction Company, Inc. in the sum of \$4,703,814.60 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-21 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$4,703,814.60, 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.

Bids Received for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01:

The bids for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 26, 2014 and the bids were found to be as follows:

Ti-Zack Concrete, Inc.	LeCentre, MN
Bid:	\$384,450.00

Master Construction Company, Inc.	Fargo, ND
Bid:	\$388,140.00

Contract for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 Awarded to Ti-Zack Concrete, Inc. in the Amount of \$384,450.00:

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 New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 26, 2014 for New Construction of City Order

Sidewalks and Approaches Improvement District No. SN-14-01 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 shows the bid of Ti-Zack Concrete, Inc. of LeCentre, Minnesota, in the sum of \$384,450.00 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 Ti-Zack Concrete, Inc. in the sum of \$384,450.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ti-Zack Concrete, Inc. for the sum of \$384,450.00, 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 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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-01:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 26, 2014 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$743,636.50
Ryan Contracting Bid:	Shakopee, MN \$756,952.00
Sellin Brothers, Inc. Bid:	Hawley, MN \$909,258.00
R. L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$945,018.50
R & R Excavating, Inc. Bid:	Hutchinson, MN \$950,740.58
J.R. Ferche, Inc. Bid:	Rice, MN \$981,761.00
Dakota Underground Company Bid:	Fargo, ND \$1,037,775.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-01 Awarded to Master Construction Company, Inc. in the Amount of \$743,636.50:

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-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 26, 2014 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-01 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-14-01 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$743,636.50 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 Master Construction Company, Inc. in the sum of \$743,636.50 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-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$743,636.50, 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.

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-1 (Sanford Site – 55th Street, North of 23rd Avenue South):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-1:

Adopt Resolution Creating Improvement District No. BN-14-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-14-1 in the City of Fargo, North Dakota, be created

On 55th Street from 22nd Avenue South to Amber Valley Parkway
On 22nd Avenue South from 55th Street east 1400'

COMPRISING:

Lot 1, inclusive, Block 1

Lot 1, inclusive, Block 2

All in Agassiz Crossing Fifth Addition.
Lots 1 through 4, inclusive, Block 1.
Lots 1 through 4, inclusive, Block 2.
All in Amber Valley West First Addition.

Lots 1 through 2, inclusive, Block 1.
All in Amber Valley West Second Addition.

Lot 1, Block 1.
All in Amber Valley West Third Addition.

Lots 1 through 2, inclusive, Block 1.
All in Amber Valley West Fifth Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-1 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-14-1:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-14-1 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,325,256.00.)

Order Plans and Specifications for Improvement District No. BN-14-1:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-14-1 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-14-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-14-1 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-14-1 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

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

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-1 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 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-14-1:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-14-1 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-14-3 (On 25th Street South from 23rd Avenue South to 32nd Avenue South):

Commissioner Sobolik moved the following action be taken in connection with Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-3:

Adopt Resolution Creating Improvement District No. PR-14-3:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PR-14-3 in the City of Fargo, North Dakota, be created

On 25th Street South from 23rd Avenue South to 32nd Avenue South.

COMPRISING:

All land bounded on the west by I-29, on the east by 18th Street South, on the north by 23rd Avenue South, on the south by 32nd Avenue South, and

Lot 1, Block 1, Goldmark Addition a replat of lots 1 & 2, Block 1 of the replat of Mjelde Addition and Lots 3 thru 8, Block 1, J & R Addition and a part of Lot 1, Block 1 of S & W Addition.

Lots 1 thru 8, Block 7.

Lot 1, Block 8.

All in Wentz' Addition.

Block 5, O'Graf Addition.

Lots 1 thru 8, Block 1.

Lots 1 and 2, Block 10.

All in Crary's 1st Addition.

Lots 1 thru 7, Block 1, Hans Halverson Addition.

Lots 1 thru 15, Block 3, Rheault Addition.

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-14-3 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-14-3:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-14-3 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 \$570,000.00.)

Order Plans and Specifications for Improvement District No. PR-14-3:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PR-14-3 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PR-14-3:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-14-3 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-14-3 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-14-3 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-14-3:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-14-3 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.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-1 (Deer Creek Addition):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-1:

Adopt Resolution Creating Improvement District No. UN-14-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. UN-14-1 in the City of Fargo, North Dakota, be created

Deer Creek Parkway from 150 feet north of 55th Avenue South to 220 feet west of 68th Street South including connecting cul-de-sacs

57th Avenue South from 67th Street South to 66th Street South and from Deer Creek Parkway to 62nd Street South and from 61st Street South to 58th Street South

58th Avenue South from 67th Street South to 66th Street South and from Deer Creek Parkway to 62nd Street South and from 61st Street South to 58th Street South

59th Avenue from 67th Street South to 58th Street South including connecting cul-de-sacs

60th Avenue South from Deer Creek Parkway to 59th Street South including connecting cul-de-sacs and from 59th Street South to 58th Street South and from 66th Street South to 68th Street South

60th Street South from 55th Avenue South to 56th Avenue South

61st Avenue South from Deer Creek Parkway to 59th Street South

67th Street South from 59th Avenue South to 150 feet north of 56th Avenue South and from Deer Creek Parkway to 60th Avenue South

66th Street South from Deer Creek Parkway to 56th Avenue South

59th Street South from 61st Avenue South to 58th Avenue South and from 56th Avenue South to 55th Avenue South

61st Street South from 61st Avenue South to 63rd Avenue South and from 58th Avenue South to 56th Avenue South

63rd Avenue South from Deer Creek Parkway to 58th Street South including connecting cul-de-sacs

62nd Street South from 55th Avenue South to 56th Avenue South and from 57th Avenue South to 58th Avenue South, and from 63rd Avenue South to 150 feet south of 63rd Avenue South

56th Avenue South from 67th Street South to 58th Street South including connecting cul-de-sacs

55th Avenue South from Deer Creek Parkway to 60th Street South and from 59th Street South to 58th Street South

58th Street South from 63rd Avenue South to 59th Avenue South and from 58th Avenue South to 55th Avenue South

Smylie Lane South

68th Street South from Deer Creek Parkway to 60th Avenue South

Ashwood Loop

COMPRISING:

Lots 1 – 7, 10 – 21, 29 – 38, Block 1

Lots 1 – 11, Block 2

Lots 1 – 9, Block 3

Lots 1 – 31, Block 4

Lots 1 – 7, 12 – 22, Block 5

Lots 1 – 13, Block 6

Lots 1 – 14, Block 7

Lots 1 – 23, Block 9

Lots 1 – 32, Block 10

Lots 1 – 123, Block 11

Lots 1 – 17, Block 12
Lots 1 – 22, Block 13
Lots 1 – 26, Block 14
Lots 1 – 35, Block 15
Lots 1 – 31, Block 16
Lots 1 – 89, Block 17
Lots 1 – 21, Block 18
Lots 1 – 20, Block 19
Lots 1 – 40, Block 20
Lots 1 – 43, Block 21
Lots 1 – 38, Block 22
Lots 1 – 31, Block 23
Lots 1 – 33, Block 24
All platted in Deer Creek Addition.

Lots 1 – 2, Block 1
All platted in Deer Creek Second Addition

Lots 1 – 27, Block 1
Lots 1 – 8, Block 2
Lot 1, Block 3
Lots 1 – 2, Block 4
All platted in Ashwood Fourth Addition

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-1 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. UN-14-1:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-14-1 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 \$3,960,000.00.)

Order Plans and Specifications for Improvement District No. UN-14-1:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. UN-14-1 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. UN-14-1:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-14-1 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. UN-14-1 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. UN-14-1:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. UN-14-1 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.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-E (Valley View 2nd Addition):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-E:

Adopt Resolution Creating Improvement District No. UN-14-E:

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

On 38th Avenue South between Veteran's Boulevard and 54th Street South.
On 56th Street South from 40th Avenue South to 38th Avenue South.

COMPRISING

Lot 1, Block 1.

All platted in Valley View 2nd Addition.

All the unplatted land in the SW quarter of Section 28, T138N, R49N lying west of 54th Street South.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-E 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. UN-14-E:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-14-E 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 \$780,007.00.)

Order Plans and Specifications for Improvement District No. UN-14-E:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-14-E 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. UN-14-E in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

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

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. UN-14-E 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.

Item No. 1 Delayed Until April 14, 2014:

Item No. 1 (Presentation of GFOA Plaque to Finance Staff) was delayed until April 14, 2014.

(Commissioner Mahoney present)

Discussion Regarding the Finance Committee's Recommendation to Discontinue Creating Assessment Districts for Private Infrastructure Repairs:

The Board received a communication from the President of the Bluemont Lakes Community Service Association Marv Langerud requesting the Board reconsider the recommendation of the Finance Committee to no longer permit special assessment procedures for the repair and/or replacement of private infrastructure such as streets, water and sewer repairs. He said ShoreHomes, a cluster of

sixty-nine homes which are part of the overall Bluemont Lakes Community Service Association, is located on two private roadways, Fremont Drive and the 26th Avenue Loop. In 2013, he said, the nine ShoreHomes located adjacent to 26th Avenue South requested to have the private street that provides access to and from 26th Avenue South resurfaced as part of the overall 26th Avenue project and assessed back to their property. At the same time, he said, ShoreHomes owners who reside on Fremont Drive began the process of obtaining resident support for resurfacing Fremont Drive using the same process; however, the City recommended resurfacing wait until 25th Street was resurfaced to be bid as part of that overall project. He said they were recently informed that the Finance Committee is recommending the special assessment procedures no longer be used for the completion of improvement projects on private streets. The use of special assessment procedures worked very well for resurfacing the 26th Avenue Loop, he said, and it is expected to work equally as well for resurfacing of Fremont Drive. The use of the special assessment process is a way to assure that private streets are maintained on a cycle consistent with maintenance of public streets, he said.

Merlyn Dorrheim, 54 Fremont Drive South, said the thing that the residents are concerned about is that because ShoreHomes is not a legal entity they are not able to get any financing. He stated when the neighborhood asked the City if they could piggy-back on their project they said that the neighborhood could do that; however there would need to be 100% participation in order for that to occur. Which, he said, they were able to do.

City Engineer April Walker said in the past the City has added the private subdivisions onto projects that have been adjacent to their streets. She said that had been done by petition so every homeowner that is going to be assessed for the work agrees to take that assessment on. She said when ShoreHomes came back to the City this year the Finance Committee recommended that the City do more to protect themselves. The petition form that was used in the past was very loose, she said, so the Finance Committee asked that staff work with the City Attorney's office to put together a more comprehensive list of what Engineering's concerns may be and how to address those concerns. She said the findings were presented to the Finance Committee and a motion was made to no longer include private projects with City projects.

City Administrator Pat Zavoral said the next step in a lot of these private subdivisions is that they want all of the City services, so the question is where does the City end its services to private subdivisions.

Commissioner Williams said he believes this request should go forward; however, he does agree that the City does not need to get into financing private drives.

Commissioner Sobolik moved the private properties along Fremont Drive be included in the 25th Street construction project and special assessed accordingly, and that the City Attorney and appropriate Engineering and Planning Staff be directed to create a future policy for private subdivisions.

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 and Application for a Payment in Lieu of Tax Exemption Filed by 1026 NP Avenue, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project and application for a payment in lieu of property tax exemption filed by 1026 NP Avenue, LLC at 1026 NP Avenue North.

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 Planner Joe Nigg stating the Renaissance Zone Project application presented by 1026 NP Avenue, LLC meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Nigg said the project will rehabilitate the former Union Storage and Transfer Company/Armour Creamery buildings and will include significant exterior and interior renovations to convert the vacant historic building into commercial/retail space in addition to forty upscale apartments. He said the project will also include twenty-two heated underground parking spaces, as well as ninety-seven off-street parking spaces. The application indicates an investment of approximately \$9-\$12 million, he said, which significantly exceeds minimum investment thresholds. He said the Renaissance Zone Authority unanimously recommended approval. Mr. Nigg stated the developer is also requesting PILOT assistance for the project for years six through fifteen.

Jessica Alsop representing 1026 NP Avenue, LLC said their hope is to undertake this project by revitalizing a blighted area and extending the downtown area towards University Drive. She said the cost to redevelop is always more expensive than starting new, but they really want to make this project happen.

Mayor Walaker said he has some serious concerns about allowing housing in this area with the train tracks as close as they are. He said he feels that this decision needs to be based on the safety of the people living in this building.

Commissioner Wimmer moved the Renaissance Zone application filed by 1026 NP Avenue, LLC for a project located a 1026 NP Avenue North be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority and the application for a ten-year payment in lieu of tax exemption pursuant to Chapter 40-57.1, NDCC be approved as follows:

Year 6 through 10 - \$0

Year 11 through 15 - \$32,245

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

Mayor Walaker voted nay.

The motion was declared carried.

Application Filed by Toasted Frog Fargo, LLC d/b/a The Toasted Frog for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Toasted Frog Fargo, LLC d/b/a The Toasted Frog for a Class "FARZ" Alcoholic

Beverage License at 305 Broadway North, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

Commissioner Wimmer moved the application 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.

Application Filed by Downtown Tavern, LLC d/b/a The Boiler Room for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Downtown Tavern, LLC d/b/a The Boiler Room for a Class "FARZ" Alcoholic Beverage License at 210 North Broadway, Suite 90, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

Commissioner Wimmer moved the application 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.

Application to Transfer the Alcoholic Beverage License from Renee and Robert Teegarden d/b/a Garden Pavilion to Teegarden Enterprises, Inc. d/b/a Garden Pavilion/One on One Professional Catering Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "F" Alcoholic Beverage License from Renee and Robert Teegarden d/b/a Garden Pavilion at 1421 7th Avenue North to Teegarden Enterprises, Inc. d/b/a Garden Pavilion/One on One Professional Catering notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

Commissioner Wimmer moved the application 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.

Application Filed by Creative Kitchen, Inc. d/b/a Creative Kitchen for an Alcoholic Beverage License Denied:

A Hearing had been set for March 3, 2014 on the application filed by Creative Kitchen, Inc. d/b/a Creative Kitchen for a Class "G" Alcoholic Beverage License at 474 45th Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

At the March 3, 2014 meeting the Hearing was continued to this day and hour.

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

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

City Auditor Steve Sprague said he received a communication from Chief of Police Keith Ternes stating the applicant, Mark Sinner, intends to serve alcohol (wine) while providing cooking lessons for students who attend his presentations at a location separate from his business location. He said Mr. Sinner would like to use the model kitchens located at Western Products for his cooking lessons and provide alcohol to those who attend. He said it appears Western Products is simply interested in providing Mr. Sinner with a location for cooking lessons and not interested in holding an alcoholic beverage license. Since Mr. Sinner does not have ownership or other standing in the Western Products location, it seems impractical to provide him with an alcoholic beverage license for this location, he said, and Chief Ternes recommends the application for a Class "G" Alcoholic Beverage License be denied. He said an option would be for Mr. Sinner to have an existing alcoholic beverage license holder apply for an "E" permit which would allow for service of alcohol during the cooking lesson events at the Western Products location.

Commissioner Mahoney moved the application be denied.

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.

At 6:10 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Request for the Establishment of the Chas. A. Roberts Addition Historic Overlay Zoning District Approved (South of 5th Avenue South, East of University Drive South, North of 10th Avenue South and West of 5th Street South):

A Hearing had been held by the Fargo Planning Commission on March 4, 2014, for the purpose of considering a request for the establishment of the Chas. A. Roberts Addition Historic Overlay Zoning District for all of Chas. A. Roberts Addition, less Blocks H, I and J; Lots 1 through 3, A, B, 6 through 12, the North 18 Feet of Lot 20, and all of Lots 21 and 22, Block G, and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

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.

No written protest or objection to the establishment of zoning as petitioned for has been received or filed in the office of the City Auditor.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for establishment of a Historic Overlay Zoning District have been complied with; and

WHEREAS, The Fargo Planning Commission approved the request on March 4, 2014; and

WHEREAS, There have been no written or verbal protests to the petition for establishment of a Historic Overlay Zoning District and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the petition for establishment of a Historic Overlay Zoning District of the above-described property in Chas. A. Roberts Addition be and the same is hereby approved; and that the City Attorney be directed to prepare a zoning Ordinance to be placed on first reading at the next Regular Meeting of the Board.

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 Chas. A. Roberts Addition to the City of Fargo – Historic Overlay District:

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 Chas. A. Roberts Addition to the City of Fargo – Historic Overlay District 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.

Parcels of Land in Sincebaugh Addition Rezoned (4502 and 4550 37th Avenue South):

At a Hearing held on March 4, 2014 the Fargo Planning Commission recommended approval of a change in zoning from MR-1, Multi-Dwelling to LC, Limited Commercial on Lot 12, Block 3, Sincebaugh 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 Sincebaugh 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 Sincebaugh 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.

Application for a Zoning Change of Osgood Townsite Twelfth Addition Withdrawn (4700, 4707 and 4748 46th Street South, and 4551 and 4595 47th Avenue South):

This was the time and date set for a Hearing on an application for a zoning change from LC, Limited Commercial with a Conditional Overlay to MR-3, Multi-Dwelling and the extinguishment of the existing Conditional Overlay on Lot 1, Block 2 of the proposed Osgood Townsite Twelfth Addition; however, the application has been withdrawn by the petitioner.

Resolution Adopted Approving Osgood Townsite Twelfth 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 "Osgood Townsite Twelfth Addition" containing 4 Lots, 2 Blocks, and 11.54 acres of land more or less, located at 4700, 4707, 4748 46th Street South; and 4551 and 4595 47th Avenue South; and

WHEREAS, A Hearing was held March 4, 2014 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, As announced in the City Commission agenda which was made available on March 27, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., on March 31, 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 "Osgood Townsite Twelfth 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 the 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.

Appeal of the Board of Adjustment's Denial of a Request for a Variance at 1262 4th Street North: Variance Granted:

A Hearing had been set for this day and hour on the appeal of a February 25, 2014 ruling of the Board of Adjustment denying the request from C & K Investments, LLC/Chuck and Kristy Fremstad for a variance for a detached garage to encroach 9 feet into the street-side setback in the SR-2, Single-Dwelling Residential zoning district at 1262 4th Street North.

No written protest or objection to the granting of the variance has been received or filed in the office of the City Auditor.

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

Planning Administrator Nicole Crutchfield stated the opinion of staff has not changed since the ruling. Staff believes, she said, given the current site, that there are additional alternatives other than varying the Land Development Code.

Kristy Fremstad, owner of 1262 4th Street North, said she and her husband Chuck purchased the home in November 2013 with the goal of renovating the home and reselling it. She said part of the appeal of the house is the historic neighborhood area and the historic nature of the house. The home is not listed as a property on a historic overlay, she said, but it is listed on the national historic registry, which provides an honor to this neighborhood. She said she and her husband looked at options in how to keep the historic nature of the garage in addition to providing a double garage for a potential family.

William Cooper, 1305 4th Street North, said all the rules and regulations were in place when the Fremstad's purchased the property and they do not have any intentions of living at the property so they should let the people who are purchasing the property make that decision. Property in this neighborhood turns over quickly, he said, so selling the property without a double garage would not be an issue. Mr. Cooper said it is not only a safety issue with the garages but also with fences. He said when they get too close to the sidewalks when people are walking by and someone is coming out of the alley it is very dangerous.

Commissioner Wimmer moved the appeal be denied.

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

Commissioners Sobolik, Mahoney and Walaker voted nay.

The motion was declared lost for lack of a majority.

Commissioner Mahoney moved the variance be granted.

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

Commissioners Wimmer and Williams voted nay.

The motion was declared carried.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, April 14, 2014.

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

The time at adjournment was 7:01 o'clock p.m.