

- d. Funding agreement with NDDOT in the amount of \$1,132,000 in 5339 (Transit Capital) funds for two hybrid buses, one paratransit expansion cut-away bus and two mini-vans for Metro Senior Services (CFDA #20.500).
- e. Applications for five-year tax exemptions for improvements made to buildings:
 - (1) Darin Folsom, 1534 9th Avenue South.
 - (2) Gary Baummeister, 918 27th Street North.
- f. Site Authorizations for Jon Greenley Amvets Post #7 at the Amvets and the Nestor Tavern.
- g. Applications for Games of Chance:
 - (1) Benefit for Tami Soyring for a raffle on 5/22/14; Public Spirited Resolution.
 - (2) Red River Valley Asperger-Autism Network for a raffle on 5/2/14.
 - (3) Fargo Metro Baseball Association for a raffle on 6/9/14.
 - (4) NDSU Rugby Club (men's) for a raffle on 5/3/14.
- h. Acceptance of quote from Industrial Builders, Inc., in the amount of \$46,757.00 for residential waste collection and cleanup services for the 2014 Cleanup Week event.
- i. Ash tree injection services contract with Paul Bunyan Nurseries with option to negotiate up to a five-year extension.
- j. Contracts and bonds for the Fargo Cass Public Health Building and Project No. FM-14-21.
- k. Change Orders for the Fargo Cass Public Health Building for acceptance of the Coroner's Suite to scope of the project:
 - (1) G-1 for an increase of \$296,000.00.
 - (2) M-1 for an increase of \$79,192.00
 - (3) E-1 for an increase of \$33,500.00.
- l. Encroachment Agreements for Improvement District No. PR-14-61.
- m. Concurrence with NDDOT bid award for Project No. TR-14-2 to Newman Signs, Inc. in the amount of \$871,822.25.
- n. Concurrence with NDDOT bid award for Project No. PR-14-6, and contract and bond to Industrial Builders, Inc. in the amount of \$14,869,639.56.
- o. Final Balancing Change Order No. 1, in the amount of \$5,543.88, for Project No. 6112.
- p. Bid advertisements for Project Nos. FM-14-1, TR-14-0, TR-14-1 and SR-14-0.
- q. Bills in the amount of \$3,622,138.62.

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 17, 2014 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 23, 2014 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,574,651.20
Master Construction Company, Inc. Bid:	Fargo, ND \$1,693,979.10
R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,709,084.85
Ryan Contracting Company Bid:	Shakopee, MN \$1,712,545.10
Sellin Brothers, Inc. Bid:	Hawley, MN \$1,735,705.10
J.R. Ferche, Inc. Bid:	Rice, MN \$1,844,608.55
R.L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$1,891,684.70

Utility Systems of America
Bid:

Eveleth, MN
\$2,425,723.80

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01 Awarded to Dakota Underground Company in the Amount of \$1,574,651.20:

Commissioner Mahoney 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, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 23, 2014 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-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, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,574,651.20 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 \$1,574,651.20 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,574,651.20, 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 Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 10 and 17, 2014 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney 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. BR-14-11.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 23, 2014 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$1,631,202.70
Dakota Underground Company, Inc. Bid:	Fargo, ND \$1,744,411.90
Border States Paving, Inc. Bid:	Fargo, ND \$1,803,714.12
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$2,230,420.80

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 Awarded to Master Construction Company, Inc. in the Amount of \$1,631,202.70:

Commissioner Mahoney 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. BR-14-11; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 23, 2014 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-11 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. BR-14-11 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$1,631,202.70 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 \$1,631,202.70 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. BR-14-11 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$1,631,202.70, 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 Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

No Protests Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91:

The Statutory Resolution of Necessity for the construction of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 24 and 31, 2014 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91.

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

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

Bids Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91:

The bids for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 23, 2014 and the bids were found to be as follows:

Northern Improvement Company Bid:	Fargo, ND \$462,066.80
Minn-Dak Asphalt, Inc. Bid:	Thief River Falls, MN \$503,806.56
Central Specialties, Inc. Bid:	Alexandria, MN \$530,799.00
Border States Paving, Inc. Bid:	Fargo, ND \$532,910.20
Aggregate Industries Bid:	Moorhead, MN \$575,091.10

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 Awarded to Northern Improvement Company in the Amount of \$462,066.80:

Commissioner Mahoney 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 Mill and Overlay and Incidentals Improvement District No. PR-14-91; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 23, 2014 for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$462,066.80 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 Northern Improvement Company in the sum of \$462,066.80 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-14-91 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of \$462,066.80, 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 Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

Bid Award for Improvement District No. UN-14-11 Moved to the Regular Agenda:

The bid award for Improvement District No. UN-14-11 was moved to the Regular Agenda.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-3 (28th Street from 30th to 32nd Avenue South, 32nd Avenue South at 28th Street):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-3:

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

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

On 28th Street South from 30th Avenue South to 32nd Avenue South.

COMPRISING:

Lots 1 and 2, Block 2.

All in Bluemont Park 1st Addition.

Lot 1, Block 1.
All in Bluemont Park 4th Addition.

Lot 1, Block 1.
All in Ed Clapp Park 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, Paving, Street Lights and Incidentals Improvement District No. BN-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. BN-14-3:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-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 \$1,845,014.00.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-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. BN-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 Sanitary Sewer, Water Main, Storm Sewer, 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, Paving, Street Lights and Incidentals Improvement District No. BN-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 Sanitary Sewer, Water Main, Storm Sewer, 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-14-3:

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

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-4 (Ashwood 4th Addition):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-4:

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

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

57th Avenue South from 66th Street South to 67th Street South
58th Avenue South from 66th Street South to 67th Street South
59th Avenue South from 66th Street South to 67th Street South
66th Street South from 150' South of 56th Avenue South to 150' south of 59th Avenue South
67th Street South from 56th Avenue South to 59th Avenue South
Ashwood Loop from 56th Avenue South to 58th Avenue South

COMPRISING:

Lots 29-38, inclusive, Block 1
Lots 13-15, inclusive, Block 4
Lots 1-7 and Lots 12-22, inclusive, Block 5
Lots 1-13, inclusive, Block 6

Lots 8-14, inclusive, Block 7
Lots 24-32, inclusive, Block 10
All Platted in Deer Creek Addition

Lots 6-27, inclusive, Block 1
Lots 1-8, inclusive, Block 2
Lot 1, Block 3
Lots 1-2, inclusive, Block 4
All platted in Ashwood Fourth Addition.

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-14-4 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. UN-14-4:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-14-4 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,375,256.00.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-14-4 in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. UN-14-4 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. UN-14-4:

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

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

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

Contract for P.C. Concrete Pavement, Grading, Storm Sewer, Street Lights, Signals and Incidentals Improvement District No. PN-14-C1 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for P.C. Concrete Pavement, Grading, Storm Sewer, Street Lights, Signals and Incidentals Improvement District No. PN-14-C1 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Pavement, Grading, Storm Sewer, Street Lights, Signals and Incidentals Improvement District No. PN-14-C1 Approved:

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

United Fire and Casualty Company, in the amount of \$7,534,423.93, for P.C. Concrete Pavement, Grading, Storm Sewer, Street Lights, Signals and Incidentals Improvement District No. PN-14-C1 in the City of Fargo, North Dakota.

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

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

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

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Ti-Zack Concrete, Inc. for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 in the City of Fargo, North Dakota.

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

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

Contract Bond for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 Approved:

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

The Guarantee Company of North America USA, in the amount of \$384,450.00, for New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-01 in the City of Fargo, North Dakota.

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

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

First Reading of an Ordinance Amending Sections 25-1501, 25-1503, 25-1504.1, 25-1508 and 25-1512 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages:

The Board received a communication from City Attorney Erik Johnson stating he has prepared an Ordinance amending several sections of Article 25-15 of the Fargo Municipal Code relating to alcoholic beverages. He said the changes have been made to address situations that have arisen with respect to the Bulldog Tap/Hennessey's and JL Beers/Vinyl Taco locations. The amendment adds an additional Class "A" Alcoholic Beverage License, he said, with the intent being that Hennessey's will apply for the license at the same time the Ordinance is undergoing the approval process and they will be in a position to receive the license when it becomes available. The same is intended for JL Beers, he said, with the amendment adding an additional Class "C" and Class "D" Licenses, he said, which will be issued to JL Beers downtown, and in turn the Class "AB" license currently held by JL Beers will be available to be transferred next door to Vinyl Taco. He said a provision has also been inserted limiting the transferability of new licenses issued after June 1, 2014 and distinguishing a location transfer from an ownership transfer. He said an ownership transfer can occur with an asset transfer or a change in ownership, identified as being any conveyance of 50 percent or more of the ownership interest in one single transaction or change of more than 50 percent of the ownership interest over a 36 month period. He said death and ongoing business would be exceptions to the No Transfer Rule. He said this draft Ordinance does not invoke a transfer fee any greater than the annual renewal fee for the particular business. One aspect of the situation with the issuance of the Class "A" license to Hennessey's, he said, is that there is a limitation that no person or business entity may hold more than one "Z" license and no person or partnership holding an "A" license can hold a "Z" license. Hennessey's intention is to establish a Limited Liability Company as the applicant for the Class "A" license, he said, thus avoiding the prohibition of a person or partnership holding both an "A" and a "Z" license. He called attention to another situation on the horizon regarding the Sidestreet Grille & Pub. The Second Street levee project is in the design phase, he said, and City officials have been communicating with representatives of the Sidestreet Grille & Pub, which is currently affiliated with the Howard Johnson Inn. He said Sidestreet would like to relocate elsewhere downtown if, and when, it is acquired to make room for the levee. Sidestreet would no longer be able to operate with the same liquor license that is affiliated with the Howard Johnson Inn, he stated, and will need to be issued a new license for a separate location. Therefore, he said, in the near future, a request is expected for a minor amendment to allow an additional Class "A" Alcoholic Beverage License to be issued to Sidestreet Grille & Pub to accommodate the move.

Commissioner Wimmer moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Amending Sections 25-1501, 25-1503, 25-1504.1, 25-1508 and 25-1512 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages be placed on first reading.

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.

Item No. 3 Omitted:

Item No. 3 (Recommendation to change a position on the Tax Exempt Review Committee) was omitted.

Discussion Regarding Improvement District No. UN-14-11:

City Administrator Pat Zavoral said there is an issue in Deer Creek that the Fire Chief is a little concerned about which is not having two ways in or out of the development.

City Engineer April Walker said the Engineering Department received a request from the developer to continue to work with them on the issuance of building permits out in Deer Creek. She said Deer Creek is south of 52nd Avenue and along the west side of Drain 27 abutting Horace's ET and the road that needs the second connection would need to be built through Horace's ET and connect to Cass County 17. For that piece, she said, the developer needs to secure a contractor so that a road connection can be made to Cass County 17. She said the developer has a set of plans that the Engineering Department has seen; however, to their knowledge the developer has yet to secure a contractor to complete the work. She said the developer has asked that the Engineering Department consider granting building permits to the other areas in the development as the underground comes on-line and then hold the occupancy certificate; however, the Engineers are not comfortable doing that as it goes against current practice. She said current practice is that the paving needs to be in place before permits will be granted, and in addition they have been put on notice through the PWPEC process that they will not be given any additional building permits until that connection is made.

Nate Vollmuth, representing Paces Lodging, said it was his understanding that as long as Paces Lodging had the road under design and there was good faith that the road would be installed, building permits would be granted but occupancy certificates would be withheld.

In response to Mr. Vollmuth's statement, Ms. Walker said the Engineering Department's suggestion was that they would withhold building permits due to the fact that when occupancy certificates are withheld an individual's financing can be impacted and that is not the City's intent. She said it is easier to withhold a building permit because the infrastructure is not in place to support the building permit. She said the developer can continue to work by hiring the contractor, demonstrate that they can get the road connection done and then Engineering will start to release building permits with the understanding that they have a contract in place to complete that paving in a reasonable amount of time.

Fire Chief Steve Dirksen said with the fire code, any time that there is a development with 30 or more homes there has to be two ways in and out of that development. He said this area has already been overbuilt and exceeds the comfort level of the Fire Department by pushing the length of fire coverage into the southwest corner where the Fire Department cannot get to places in a reasonable amount of time. He said if there was something blocking the road for whatever reason; the Fire Department would not have another way to access that development.

Commissioner Mahoney moved that the bids be awarded for Improvement District No. UN-14-11 with the understanding that until a contractor has been secured by the developer for the paving connection, building permits will not be issued.

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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-11:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-11 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 23, 2014 and the bids were found to be as follows:

R. L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$3,698,466.96
Ryan Contracting Bid:	Shakopee, MN \$3,753,993.43
Dakota Underground Company, Inc. Bid:	Fargo, ND \$4,293,542.60
Master Construction Company, Inc. Bid:	Fargo, ND \$4,392,223.80
J.R. Ferche, Inc. Bid:	Rice, MN \$4,758,825.10
Sellin Brothers, Inc. Bid:	Hawley, MN \$4,870,771.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-11 Awarded to R.L. Larson Excavating, Inc. in the Amount of \$3,698,466.96:

Commissioner Mahoney 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-14-11; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 23, 2014 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-11 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-14-11 shows the bid of R.L. Larson Excavating, Inc. of St. Cloud, Minnesota, in the sum of \$3,698,466.96 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 R.L. Larson Excavating, Inc. in the sum of \$3,698,466.96 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-14-11 in the City of Fargo, North Dakota, be and the same is hereby awarded to R.L. Larson Excavating, Inc. for the sum of \$3,698,466.96, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Application Filed by Integreon Managed Solutions (North Dakota), Inc. for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Integreon Managed Solutions (North Dakota), Inc. for a five-year property tax exemption for an expansion to their operation into a new building in the area of 33rd Avenue South and 47th Street South on a portion of Lot 1, Block 1, Brandt Crossing 4th Addition which the applicant will use in the operation of administrative legal support services including document review, legal process outsourcing, document production services, graphic production, transcription and proofreading.

No written protests have been filed for the attention of the Board.

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

Commissioner Wimmer moved that the application filed by Integreon Managed Solutions (North Dakota), Inc. for a five-year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved.

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

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

Application Filed by Border States Industries, Inc. for a Ten-Year Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by Border States Industries, Inc. for payment in lieu of property tax exemption (PILOT) for an expansion to their current operation at 105 25th Street North and construction of a new facility at 5th Avenue South and 25th Street which the applicant will use in the operation of serving the electric utility industry as a product and supply chain specialist that provides products, material management solutions and logistics expertise.

No written protests have been filed for the attention of the Board.

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

The Board received a communication from City Assessor Ben Hushka stating the applicant is asking for a ten-year payment in lieu of taxes, 100% exemption for the first five years and a 50% exemption for the remaining five years. He said the Tax Exempt Review Committee feels the request will meet the necessary criteria to be

eligible for this payment in lieu of tax for the expansion, provided that the applicant received "primary sector" certification for the project from the ND Department of Commerce. Mr. Hushka said since the Tax Exempt Review Committee meeting, it is his understanding that there have been subsequent discussions with Border States; however, the recommendation made by the Committee was to approve the exemption provided the applicant receives the "primary sector" certification.

In response to a question from Mayor Walaker regarding the need for the "primary sector" certification, Mr. Hushka said the primary sector certification is not required to approve the exemption.

Tammy Miller, CEO of Border States Electric, said Border States has 62 branch locations in 14 states, with its corporate headquarters being located in Fargo. She said they have a very centralized corporate structure with all of the back room corporate office work being done in Fargo. She said they have outgrown their facilities in Fargo and would like to get the corporate team in one building. She said the hope was to put the new corporate offices and the Fargo branch in one area; however, when analyzing the space it was determined to be too small, so now they will have extra costs with constructing and renovating two facilities.

Philip Settles, Vice President of Operations for Border States Electric, said they will be building a new facility for the branch offices and refurbishing the current facility to accommodate the corporate staff in one location. The other facility is going to be the branch office where it will be much safer, have better access for truck traffic and more exposure, he said. The plan is to start construction in May on the new facility and then once that building is completed which, he said, should be May of 2015, remodeling on the existing building will begin.

Commissioner Wimmer moved that the application filed by Border States Industries, Inc. for a 100% property tax exemption for years one through five and a 50% property tax exemption for years six through ten for a new facility at 5th Avenue South and 25th Street, and renovation of the facility at 105 25th Street North be approved pursuant to Chapter 40-57.1, NDCC.

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 for an Alcoholic Beverage License Filed by Family Entertainment, LLC d/b/a West Acres Cinema Withdrawn:

This was the time and date set for a Hearing on an application filed by Family Entertainment, LLC d/b/a West Acres Cinema for a Class "FA-Entertainment" Alcoholic Beverage License at 4101 17th Avenue South; however, the application has been withdrawn by the applicant.

Application Filed by JT521, LLP d/b/a Prairie Grove Lounge and Amended to JT524, LLP d/b/a Prairie Grove Liquors for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by JT521, LLP d/b/a Prairie Grove Lounge for a Class "B-Limited" Alcoholic Beverage License at 2600 52nd Avenue South, 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.

City Auditor Steve Sprague said the applicant, Jeff Thomas, amended the applying business from JT521, LLP d/b/a Prairie Grove Lounge to JT524, LLP d/b/a Prairie Grove Liquors. He said this is a new limited liability partnership that will be registered to own and operate a liquor store d/b/a Prairie Grove Liquors under the Class "B Limited" Alcoholic Beverage License with a 98% partnership interest in JT524, LLP owned by JT522, LLP, which is owned by the applicant. The applicant believes this should eliminate any concerns with the same individual or partnership holding both a Class "Z" and Class "B-Limited" Alcoholic Beverage License. The amended site plan shows the building suite which Prairie Grove Liquors will share with Prairie Grove Lounge, is separated by a wall, he said, and customers of the lounge must exit the building to access the liquor store through a customer door located on the opposite side of the building.

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.

Resolution Annexing Property Northwest of 70th Avenue South and University Drive Halted:

The Board received a communication from Planning Director Jim Gilmour stating on February 18, 2014 the Board approved a Resolution of Annexation for the second phase of the Crofton Coves Subdivision, along with other property on the west side of University Drive between 70th Avenue South and 76th Avenue South, and a City-owned lot southeast of University Drive and 70th Avenue South, approximately 96.2 acres. He said L2H Development, LLC asked the City to begin an annexation of the Crofton Coves Second Addition because L2H Development had planned to purchase the property in March or early April; however, that sale did not take place. He said because of the delayed sale of the property, the current owner (Fred Hector, Jr.) has protested the annexation. This protest, along with other protests, is more than 25% of the annexation area, he said, and the City of Fargo now has the option of either stopping the annexation or submitting the matter to a committee for mediation. He said his recommendation is to stop the annexation and should the property transfer to a group that supports annexation sometime in the future, another annexation could begin at that time.

Commissioner Wimmer moved the annexation of land described in the February 18, 2014 Resolution of Annexation be halted and staff be directed to notify the property owners that the annexation will not be approved at this time.

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.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, May 12, 2014.

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

The time at adjournment was 5:43 o'clock p.m.