

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

June 23, 2014:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, June 23, 2014.

The Commissioners present or absent were as shown following:

Present: Mahoney, Sobolik, Williams, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on June 9, 2014 be approved as read.

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

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

- a. Accept results of the Cass County Canvassing Board for the June 10, 2014 Primary Election; declare candidates elected.

Total City of Fargo Votes Cast for the Mayor's race: 13,876

- i. For Mayor of the City of Fargo Four Years

Dennis Walaker	7,731 (elected)
Brad Wimmer	6,020

- ii. For Members of the Board of City Commissioners Four Years

Tim Mahoney	7,428 (elected)
Dave Piepkorn	5,293 (elected)
John Strand	3,211
Mara Brust	2,761
Scott Wagner	2,540

Vern Bennett	2,423
Anthony Gehrig	2,073

- iii. For Members of the Board of Park Commissioners Four Years
a. Joe Deutsch 7,067 (elected)

b.Mary C. Johnson 7,327
(elected)
c.Matt Magness 5,772
(elected)
d.Terry Waltz 4,650
e.Rick Flacksbarth 4,252

- b. 2nd reading, waive reading and final adoption of an Ordinance Amending Article 13-11 of Chapter 13 of the Fargo Municipal Code Relating to Child Care Centers; 1st reading, 6/9/14.
- c. 1st reading of an Ordinance Amending Section 20-0305.J.1 of Article 20-03 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Specific Historic Overlay (H-O) Districts.
- d. Request from Benico, Inc. d/b/a The Winery for an extension of Ordinance 25-1512 until December 31, 2014.
- e. Request from Applebee's for an extension of their Class "FA" Alcoholic Beverage License until December 31, 2014.
- f. Receive and file the Comprehensive Annual Financial Report for the year ending December 31, 2013.
- g. Purchase of Service Agreement Amendment with the North Dakota Department of Health for the Southeast Regional Network Project (Contract No. PF11.370A).
- h. Contract with the University of North Dakota School of Medicine and Health Sciences for medical school student training in the clinic.
- i. Memorandum of Understanding with Audubon Dakota to allow installation of birding amenities on City property adjacent to Unicorn Park.
- j. Second Amendment to the Joint Powers Agreement with the North Dakota entities of the Diversion Authority.
- k. Renewal of Alcoholic Beverage Licenses and Live Entertainment Licenses until June 30, 2015, contingent on all essential requirements for renewal being met by 6/30/14.
- l. Approval of Neighborhood Stabilization Program funds for the acquisition of 1021 13th Avenue South for \$108,500.00.
- m. Amended Site Authorizations:
 - a.Team Makers Club, Inc. at the Fargodome.
 - b.North Dakota Association for the Disabled, Inc. at Hennessy's Irish Pub.
- n. Applications for Games of Chance:
 - a. Steve Weidner FM Junior Tour for a calendar raffle from 7/1/14 to 6/30/15.
 - b. Ronald McDonald House Charities of the Red River Valley for a raffle on 7/15/14.
 - c. Dakota Medical Foundation for a raffle on 7/24/14.
 - d. Fargo Angels Youth Hockey for a calendar raffle from 12/7/14 to 1/5/15.
- o. Purchase of one log loader body from Bert's Truck Equipment for \$77,921.00.
- p. Reimbursement of \$17,490.00 for irrigation repair associated with the Rose Creek.
- q. Flood Risk Reduction Phase 2 Project for Summit Chase Townhome Association.
- r. Concur with bid award for Project No. TN-14-31 to Moorhead Electric Inc. in the amount of \$71,573.00.
- s. Change Order No. 1, in the amount of \$50,000.00 for Project No. PR-14-51.
- t. Contract Time Extension for Project No. 6232.
- u. Bid advertisements for Project Nos. FM-14-6, HD-14-3, HD-14-4 and WA 1301.

v. Contracts and bonds for Project Nos. SN-14-11, TR-14-01, TR-14-11 and UR-14-21.

w. Bills in the amount of \$4,736,101.05.

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

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

Bids Received for Retention Pond and Incidentals Improvement District No. FP-14-01:

The bids for Retention Pond and Incidentals Improvement District No. FP-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 18, 2014 and the bids were found to be as follows:

Wanzek Construction, Inc. Bid:	Fargo, ND \$303,930.50
Comstock Construction, Inc. Bid:	Wahpeton, ND \$308,810.00
Griffin Construction Company, Inc. Bid:	Chatfield, MN \$344,456.00
Excavating, Inc. Bid:	West Fargo, ND \$372,308.68
R.L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$381,267.50
J.R. Ferche, Inc. Bid:	Rice, MN \$401,626.00
H & S Contracting, Inc. Bid:	Moorhead, MN \$417,505.50
Adelman Concrete and Excavating, Inc. Bid:	West Fargo, ND \$418,710.00

Contract for Retention Pond and Incidentals Improvement District No. FP-14-01 Awarded to Wanzek Construction, Inc. in the Amount of \$303,930.50:

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 Retention Pond and Incidentals Improvement District No. FP-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 18, 2014 for Retention Pond and Incidentals Improvement District No. FP-14-01 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Retention Pond and Incidentals Improvement District No. FP-14-01 shows the bid of Wanzek Construction,

Inc. of Fargo, North Dakota, in the sum of \$303,930.50 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 Wanzek Construction, Inc. in the sum of \$303,930.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Retention Pond and Incidentals Improvement District No. FP-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Wanzek Construction, Inc. for the sum of \$303,930.50, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Mahoney, Wimmer, Williams and Walaker voted aye.

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

Contract Amendment No. 1 for Improvement District No. BN-14-50 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee received a communication from Division Engineer Brenda Derrig related to a contract amendment in the amount of \$19,300.00 for additional services from Houston Engineering. They said the additional costs covered are related to the determination that a sanitary sewer lift station needs to be installed.

Commissioner Sobolik moved Contract Amendment No. 1, in the amount of \$19,300.00, for Improvement District No. BN-14-50 be approved.

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

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

Contract Time Extension for Improvement District No. 6243 Approved:

Commissioner Sobolik moved approval of a contract time extension for Improvement District No. 6243 with a final completion date of August 15, 2014.

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

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

Contract Time Extension for Improvement District No. PN-14-51 Approved:

Commissioner Sobolik moved approval of a contract time extension for Improvement District No. PN-14-51 with final completion date of August 3, 2014.

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

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

Amended Engineer's Report for Improvement District No. PN-14-7 Approved:

The Board received an Amended Engineer's Report from City Engineer April Walker for Improvement District No. PN-14-7. The total estimate of cost has been amended to \$1,241,688.00.

Commissioner Sobolik moved the amended Engineer's Report for Improvement District No. PN-14-7 be approved.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-5 (Timber Creek First Addition):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-5:

Adopt Resolution Creating Improvement District No. BN-14-5:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BN-14-5 in the City of Fargo, North Dakota, be created

On 47th Avenue South between 32nd Street South and 36th Street South
On 32nd Street South between NE Frontage Rd/36th Street South and 46th Avenue South
On 34th Street South between NE Frontage Rd/36th Street South and 47th Avenue South
On 36th Street South between 47th Avenue South and 52nd Avenue South
On Timber Creek Circle South between 32nd Street South and Drain 53

In the South half of Section 35, Township 139 North, Range 49 West.

COMPRISING

Lots 1-29, Inclusive Block 1
All platted within Timber Creek First Addition

Lots 1-31, Inclusive Block 2
All platted within Timber Creek First Addition

Lots 1-22, Inclusive Block 3
All platted within Timber Creek First Addition

Lots 1-26, Inclusive Block 5
All platted within Timber Creek First Addition

Lots 1-9, Inclusive Block 1
All platted within Timber Creek Second Addition

A re-plat of Block 4 of Timber Creek First 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, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-5 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-14-5:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-14-5 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 \$8,500,000.00.)

Order Plans and Specifications for Improvement District No. BN-14-5:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BN-14-5 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BN-14-5:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-14-5 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-14-5 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, Concrete Curb and Gutter, Asphalt Pavement 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, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-5 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, Concrete Curb and Gutter, Asphalt Pavement and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. BN-14-5:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BN-14-5 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-14-21 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-14-21 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-14-21 Approved:

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

Liberty Mutual Insurance Company, in the amount of \$371,085.10, for Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalk and Incidentals Improvement District No. BN-14-21 in the City of Fargo, North Dakota.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-31 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Northern Improvement Company for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-31 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-31 Approved:

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

Western Surety Company, in the amount of \$1,635,879.35, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-14-31 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-21 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and KPH, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-21 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-21 Approved:

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

Western Surety Company, in the amount of \$1,734,525.45, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-14-21 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-81 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Northern Improvement Company for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-81 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-81 Approved:

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

Western Surety Company, in the amount of \$1,823,957.08, for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-14-81 in the City of Fargo, North Dakota.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-21 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and H & S Contracting, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-21 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-21 Approved:

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

The Guarantee Company of North America USA, in the amount of \$1,020,985.00, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-21 in the City of Fargo, North Dakota.

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

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

Ordinance Relating to Alcoholic Beverages to be Placed on First Reading at the Next Regular Meeting of the Board:

The Board received a communication from City Attorney Erik Johnson stating this draft ordinance is stage two of the process that was started earlier this year when the City expanded the number of "Z" licenses available, as well as modernizing the various forms of business entities that are used. He said one other thing that he would like to get permission for and was not able to address in this draft was the accommodation for the Sidestreet Grille and Bar. Due to the 2nd Street Levee, he said, they will need to relocate; however, their current license is associated with the hotel which will require another "A" license to be made available for Sidestreet.

Commissioner Wimmer moved the Ordinance Amending Sections 25-1506 and 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

Samantha Kunderger Appointed to the Community Development Committee:

The Board received a communication from Mayor Walaker recommending that Samantha Kunderger be appointed to the Community Development Committee to fill a vacancy.

Commissioner Sobolik moved Samantha Kunderger be appointed to the Community Development Committee for a term ending December 31, 2015.

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.

2014 Cost of Living Adjustment for City Employees Approved:

The Board received a communication from the Budget Development Team recommending a 2% cost of living adjustment effective July 1, 2014 and the budget be modified for the last half of fiscal year 2014 to fund the proposed COLA. General fund balances are slightly ahead of the City's fund balance goals, they said, and the City is carefully managing the operation costs in light of the large building projects currently underway.

Commissioner Williams moved the 2% cost of living adjustment for all full-time and permanent part time employees effective July 1, 2014 be approved, including a budget amendment to appropriate the funding needed for this adjustment.

Second by Wimmer. On call of the roll Commissioners Williams, Wimmer, Mahoney, Sobolik 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 GMRI, Inc. d/b/a Red Lobster to Red Lobster Hospitality d/b/a Red Lobster Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "A" Alcoholic Beverage License from GMRI, Inc. d/b/a Red Lobster at 4215 13th Avenue South to Red Lobster Hospitality d/b/a Red Lobster 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.

Hearing on an Application Filed by E.R.L., Inc. d/b/a Seasons at Rose Creek for an Alcoholic Beverage License Continued to July 7, 2014:

This was the time and date set for a Hearing on an application filed by E.R.L., Inc. d/b/a Seasons at Rose Creek for a Class "FA-Golf" Alcoholic Beverage License at 1500 Rose Creek Parkway East, notice of which had been duly published in the official

newspaper for the City of Fargo; however, City Auditor Steve Sprague has requested that the Hearing be continued to July 7, 2014.

Commissioner Wimmer moved the Hearing be continued to 5:15 p.m. on Monday, July 7, 2014.

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.

Hearing on an Application to Transfer the Alcoholic Beverage License from E.R.L., Inc. d/b/a Seasons at Rose Creek to Happy Harry's Bottle Shop 52nd, LLC d/b/a Happy Harry's Bottle Shop Continued to July 7, 2014:

This was the time and date set for a Hearing on an application to transfer the Class "AB" Alcoholic Beverage License from E.R.L., Inc. d/b/a Seasons at Rose Creek at 4001 53rd Street South to Happy Harry's Bottle Shop 52nd, LLC d/b/a Happy Harry's Bottle Shop notice of which had been duly published in the official newspaper for the City of Fargo; however, City Auditor Steve Sprague has requested that the Hearing be continued to July 7, 2014 due to the discovery of an incorrect address listed on the application.

Commissioner Wimmer moved the Hearing be continued to 5:15 p.m. on Monday, July 7, 2014.

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.

Hearing on an Application Filed by Service Oil, Inc. d/b/a Stamart Liquor for an Alcoholic Beverage License Continued to July 21, 2014:

This was the time and date set for a Hearing on an application filed by Service Oil, Inc. d/b/a Stamart Liquor for a Class "B-Limited" Alcoholic Beverage License at 3220 12th Avenue North, notice of which had been duly published in the official newspaper for the City of Fargo; however, City Auditor Steve Sprague said there is a question as to whether or not there is a B-Limited license available to issue, so the hearing must be postponed to research the availability.

Commissioner Wimmer moved the Hearing be continued to 5:15 p.m. on Monday, July 21, 2014.

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.

Resolution Adopted Approving Dedication Plat: 39 Street South and 36 Avenue South (South of 34th Avenue South, North of 40th Avenue South, East of 42nd Street South and West of 38th Street South):

Planning Administrator Nicole Crutchfield stated the right-of-way dedication will allow existing segments of 39th Street to be connected at 34th and 37th Avenues. She said without this connection a number of property owners will not have adequate access to public right-of-way which limits development options. The petitioner, she said, is intending to pursue platting and development of the adjacent acreage.

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 "Dedication Plat: 39 Street South & 36 Avenue South" a portion of Lot 2, Block 1 of Collins Third Subdivision and a portion of Lots 4 and 5, Block 1 of 42nd Street Addition and an unplatted portion of the East Half, Section 27, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota containing 3.94 acres of land more or less, located South of 34th Avenue South, North of 40th Avenue South, East of 42nd Street South, and West of 38th Street South; and

WHEREAS, The Plat includes the vacation of a portion of 40th Street South; and

WHEREAS, A Hearing was held May 6, 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, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on May 19 and 26, and June 2 and 9, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 23, 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 "Dedication Plat: 39 Street South & 36 Avenue South" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

Parcels of Land in RHI Addition Rezoned (333 and 345 19th Street North, and 1808 and 1824 5th Avenue North):

At a Hearing held on April 1, 2014 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial to LI, Limited Industrial of the proposed RHI 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.

A representative from RHI Supply said they are a wholesale distributor for refrigeration, heating and air conditioning products. He said they have outgrown their current space and this will allow for more space and future expansion.

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 RHI Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in RHI Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving RHI 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 "RHI Addition" containing 3 Lots, 1 Block, and 2.589 acres of land more or less, located at 333 and 345 19th Street North, and 1808 and 1824 5th Avenue North; and

WHEREAS, The Plat includes the vacation of part of an alley situated between Blocks 15 and 16 of Tyler's Addition; and

WHEREAS, A Hearing was held April 1, 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, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on May 19 and 26, and June 2 and 9, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 23, 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 "RHI Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

Parcels of Land in Prairie Farms Addition Rezoned (5703 through 5799 31st Street South, 5605 38th Street South and 5906 through 6196 Mountain Maple Court South):

At a Hearing held on April 1, 2014 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural, SR-2,

Single-Dwelling and P/I, Public and Institutional to SR-1, Single-Dwelling, SR-4, Single-Dwelling and P/I, Public and Institutional of the proposed Prairie Farms 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.

Planning Administrator Nicole Crutchfield said on June 18th the Planning Department received a letter from homeowners in the Maple Valley Addition stating their concerns about the proposed zoning changes and an existing shelter belt. The letter, she said, outlines the residents' concerns about the removal of trees, green space and wetland along the eastern borders of their backyards and stated they would like this area to remain untouched. She said in the amenities plan there is a request to save those trees by working closely with the City Forester and the developer has been made aware of the homeowners' concerns.

In response to a question from Mayor Walaker regarding assurances the homeowners have that the developer will work with Forestry, Ms. Crutchfield stated there is nothing codified, just the staff's intent to work with the existing property owners and future property owners as well as being in the amenities plan. She said if the City wants something more restrictive a covenants or a conditional overlay or some sort of zoning language would be required to preserve the trees.

Commissioner Sobolik offered the following Resolution and moved its adoption and that the developer be encouraged to be mindful of the amenities plan by keeping as many trees as possible:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Wimmer, 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 Prairie Farms Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Prairie Farms Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Prairie Farms 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 "Prairie Farms Addition" containing 79 Lots, 7 Blocks, and 67.01 acres of land more or less, located at 5703 through 5799 31st Street South, 5605 38th Street South, and 5906 through 6196 Mountain Maple Court South; and

WHEREAS, The Plat includes the vacation of that Part of 31st Street South, Maple Valley Drive South and Mountain Maple Court South lying within the boundary of said Prairie Farms Addition; and

WHEREAS, A Hearing was held April 1, 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, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on May 19 and 26, and June 2 and 9, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 23, 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 "Prairie Farms Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

No Commissioner being absent and none voting nay, the Resolution was adopted.
Parcels of Land in Woodhurst Addition Rezoned (2931 and 2911 64th Avenue South):

At a Hearing held on April 1, 2014 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-2, Single-Dwelling and P/I, Public and Institutional of the proposed Woodhurst 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 Woodhurst Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Woodhurst Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Woodhurst 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 "Woodhurst Addition" containing 16 Lots, 2 Blocks, and 22.67 acres of land more or less, located at 2911 and 2931 64th Avenue South; and

WHEREAS, A Hearing was held April 1, 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, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on June 9 and 16, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 23, 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 "Woodhurst Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

Joint Powers Agreement with the Fargo Park District for the Proposed El Zagal Golf Course Modifications Approved:

The Board received a communication from Division Engineer Nathan Boerboom stating for the past few months Engineering has been developing a flood mitigation project around the El Zagal bowl which includes working with the Fargo Park District to reduce the impacts to the El Zagal Golf Course. He said Engineering has come to a good resolution with the Park District that will result in an overall cost savings; however, the golf course will have to be reconstructed due to the earthen levee installation. He said to continue moving this project forward for a possible fall construction, Engineering would like to receive authorization to move forward with the bidding of the project, as well as the execution of the Joint Powers Agreement (JPA) with the Park District.

Kurt Lysne, Moore Engineering, provided an overview of the El Zagal Area Flood Risk Reduction Project. He said the cost of the earthen levee, which is the recommended

alternative, is estimated to be \$1,045,000.00 versus the cost of a flood wall at an estimated cost of \$4,700,000.00.

Commissioner Mahoney moved the Joint Powers Agreement with the Fargo Park District for the proposed El Zagal golf course modifications for Project No. FM-14-51 be approved and the Engineering Department be authorized to move forward with the bidding of Phase 1 and the acquisition of properties in Phase 2 of the El Zagal Flood Mitigation Project.

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.

Temporary Striping of NP Avenue to Provide for One Lane of Traffic in Each Direction Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee received a communication from Traffic Division Engineer Jeremy Gorden regarding the potential to restripe the current roadway to see how the street could operate with only one lane of traffic in each direction and short left turn lanes added at 8th Street and Broadway. Staff, they said, is recommending the restriping and delineator/curb bumps project be installed by mid-July with plans to leave the striping until October and then remove the delineators/curb bumps for winter, but to leave the striping as it is over the winter. They said the estimated cost of the project would be around \$39,000.00.

Division Engineer Jeremy Gorden stated this is a very interim project due to the fact that when this street is reconstructed it will need to last for at least 50 to 60 years.

Commissioner Sobolik moved the temporary striping and delineator project of NP Avenue to provide for one lane of traffic in each direction be approved.

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

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

Presentation of Appreciation Plaque to Commissioner Wimmer:

Mayor Walaker presented a plaque to Commissioner Wimmer in appreciation of his dedicated service to the City of Fargo.

Commissioner Mahoney moved that the Board adjourn to 11:30 o'clock a.m., Tuesday, June 24, 2014.

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

The time at adjournment was 6:11 o'clock p.m.