

- f. 2nd reading, waive reading and final adoption of the following rezoning Ordinances; 1st reading, 8/18/14:
 - (1) Certain Parcels of Land Lying in Valley View Third Addition to the City of Fargo, Cass County, North Dakota.
 - (2) Certain Parcels of Land Lying in Kirkham's Addition to the City of Fargo, Cass County, North Dakota.
- g. Budget adjustments and contracts with the West Fargo Public School District for nursing services for the 2014-2015 school year.
- h. Notice of Grant Award from the North Dakota Tobacco Prevention and Control Executive Committee (Contract #G13-62A).
- i. Contract Amendment with the North Dakota Department of Health for the WIC Program (CFDA #10.557).
- j. Acceptance of proposals for public art to include the BEETHOVENfest, a creative bike rack project and a Rolling Art Fargo project.
- k. NDDOT Grant Agreement awarding the City \$124,388.00 to purchase two vehicles for paratransit and one minivan for Metro Senior Services (CFDA #20.513).
- l. Transit Title VI Plan.
- m. Site Authorization for Metro Sports Foundation at the Scheels Arena from 9/3/14 to 6/30/15.
- n. Applications for Games of Chance:
 - (1) Fargo Davies HS for raffles from 8/28/14 to 2/28/15 at Davies HS.
 - (2) Fargo Davies HS for raffles from 12/1/14 to 2/14/15 at Scheels Arena.
 - (3) Randy Nelson Benefit Fund for a raffle on 9/21/14; Public Spirited Resolution.
 - (4) Homeward Animal Shelter for a raffle on 10/2/14.
 - (5) Benefit for Stephen Olson for a raffle on 9/27/14; Public Spirited Resolution.
 - (6) 4 Luv of Dog Rescue for a raffle on 11/8/14.
 - (7) Villa Nazareth dba Friendship, Inc. for a raffle on 11/4/14.
- o. Agreement for Special Improvements with Master Security with Paces Lodging for Timber Creek Addition.
- p. Contract for an Engineering Technician II to assist with drafting.
- q. Resolutions Approving the following Plats:
 - (1) SRD Addition (Attachment "C").
 - (2) Stollenwerk Wilm Addition (Attachment "D").
- r. Agreement for Entry and Construction with Forum Communications Company for Project No. FM-14-41.

- s. Purchase Agreements - Permanent and Temporary Easements for Project No. FM-14-61:
 - (1) Orel and Gail Cossette.
 - (2) Annette Larson.
- t. Purchase Agreement – Permanent Easement with Thomas McLaughlin for Project No. PR-14-71.
- u. Deny request from the property owner at 2802 University Drive South for reimbursement of \$16,900+ for a collapsed sewer line located near the sewer main.
- v. NDDOT Cost Participation and Maintenance Agreement for Project No. TN-14-01.
- w. Bid award for Project No. PR-14-A1 to Key Contracting, Inc. in the amount of \$333,838.00.
- x. Contracts and bonds for Project Nos. SW-14-01, FM-14-11 and FM-14-61.
- y. Bills in the amount of \$7,376,332.80.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Agreement for Entry and Construction for Improvement District No. FM-14-81
Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating they reviewed an agreement for entry and construction from the FM Diversion Authority associated with the construction of lift stations and floodwalls for in-town work on the FM Diversion project at 200 4th Street South.

Commissioner Sobolik moved the agreement for entry and construction for Improvement District No. FM-14-81 be approved.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Burial of Power Lines for Improvement District No. FM-14-02 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed a letter from Division Engineer Nathan Boerboom regarding a quote from Xcel Energy pertaining to the relocation of Xcel Energy lines in the vicinity of the 4th Street Levee relocation project. They said it has been determined that the lines need to be buried and Xcel has provided an agreement with a cost of \$176,662.34.

Commissioner Sobolik moved the relocation of Xcel Energy lines between midblock of the 1100 block and 13th Avenue South in connection with Improvement District No. FM-14-02 at a cost not to exceed \$176,662.34 be approved.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Irrigation Repair Reimbursement in Connection with Improvement District No. 5958-03 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed a memo from Division Engineer Nathan Boerboom regarding a property that has been affected by the Rose Creek Flood Control Project. They said the cost of the proposed repairs is estimated at \$3,508.71.

Commissioner Sobolik moved the reimbursement of up to \$3,508.71 to the property owners at 1940 Rose Creek Drive for irrigation repairs in connection with Improvement District No. 5958-03 be approved.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Amended Engineer's Report for Improvement District No. BN-14-5 Approved:

The Board received an Amended Engineer's Report from City Engineer April Walker for Improvement District No. BN-14-5. The total estimate of cost has been amended to \$7,000,000.00.

Commissioner Sobolik moved the amended Engineer's Report for Improvement District No. BN-14-5 be approved.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

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

The Board received an Amended Engineer's Report from City Engineer April Walker for Improvement District No. BN-14-7. The total estimate of cost has been amended to \$6,000,000.00.

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

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 30 and July 7, 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 Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 27, 2014 and the bids were found to be as follows:

Dakota Underground Company, Inc. Bid:	Fargo, ND \$4,985,424.05
Ryan Contracting Bid:	Shakopee, MN \$5,308,013.60
J.R. Ferche, Inc. Bid:	Rice, MN \$6,076,179.70
Duininck, Inc. Bid:	Prinsburg, MN \$6,107,339.90
Master Construction Company, Inc. Bid:	Fargo, ND \$6,268,633.15
R L Larson Excavating, Inc. Bid:	St. Cloud, MN \$6,450,949.65
H & S Contracting, Inc. Bid:	Moorhead, MN \$7,568,303.70

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51 Awarded to Dakota Underground Company, Inc. in the Amount of \$4,985,424.05:

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, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 27, 2014 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51 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, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51 shows the bid of Dakota Underground Company, Inc. of Fargo, North Dakota, in the sum of \$4,985,424.05 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, Inc. in the sum of \$4,985,424.05 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-14-51 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company, Inc. for the sum of \$4,985,424.05, 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 call of the roll Commissioners Sobolik, Williams, Piepkorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

No Protests Received for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61:

The Statutory Resolution of Necessity for the construction of Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 14 and 21, 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 Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Bids Received for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61:

The bids for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 27, 2014 and the bids were found to be as follows:

Key Contracting, Inc.	Fargo, ND
Bid:	\$549,967.45

J.R. Ferche, Inc.	Rice, MN
Bid:	\$576,421.25

Contract for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61 Awarded to Key Contracting, Inc. in the Amount of \$549,967.45:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 27, 2014 for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61 shows the bid of Key Contracting, Inc. of Fargo, North Dakota, in the sum of \$549,967.45 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Key Contracting, Inc. in the sum of \$549,967.45 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Storm Sewer, Paving and Incidentals Improvement District No. BN-14-61 in the City of Fargo, North Dakota, be and the same is hereby awarded to Key Contracting, Inc. for the sum of \$549,967.45, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 6237 Approved:

Commissioner Sobolik moved approval of Final Balancing Change Order No. 1 for an increase of \$43,654.49 for Improvement District No. 6237.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Change Order No. 1 for Improvement District No. UN-14-21 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 for an increase of \$20,919.00 for Improvement District No. UN-14-21.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Contract Time Extension for Improvement District No. PR-14-31 Approved:

Commissioner Sobolik moved approval of a contract time extension to September 8, 2014 for Improvement District No. PR-14-31.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Appearance by Representatives of the High Rise Residents:

Paul Wylie, Chair of the Fargo High Rise Sufficiency Project, a newly formed nonprofit dedicated to improving the quality of life for the residents of the Fargo High Rise located at 101 2nd Street South, read a prepared statement. He said the residents acknowledge the importance of constructing the floodwall; however, there are major concerns about changes being made during the construction that will affect bus service, access to the building and parking areas. He presented a petition signed by approximately 150 residents asking that the bus stop not be moved from the front entrance. He said the residents feel the changes violate ADA standards and create difficulties for accessibility and safety for the handicapped and elderly residents of the High Rise. Equipment will take away parking spaces, he said, and asking residents to park across the street creates safety hazards, both due to distance and the grade of that parking lot. He said Fargo Transit Administrator Julie Bommelman suggested that residents utilize paratransit as an option; however, residents feel that service is more costly and requires advanced scheduling.

Planning Administrator Jim Gilmour said the current plans are not final and there will be many detours to live with during the construction of the floodwall. The project will block the current driveway, he said, and the current plan is for the bus stop to be on Second Street. He said the bus that now comes to the main entrance will not have room to make wide turns and access needs to be maintained for emergency vehicles. Floodwall construction will not begin this year; he said; however there will be utility work beginning this fall that will shut down a driveway. He said if there is confusion by the residents about eligibility for paratransit services, the Mobility Manager could provide informational sessions to the residents. The Senior Ride program is an option as well, he said, and there will be discussions with the Housing Authority, residents and neighboring businesses which may result in better solutions.

Commissioner Piepkorn recommended the entire configuration for bus access and the parking situation be analyzed. He said there must be a better way to attain accessibility for the residents.

Commissioner Mahoney asked Mr. Gilmour to report back to the Board on the outcome of the meeting.

Commissioner Williams suggested that Mr. Wylie continue to represent the residents and maintain communication with staff.

Application Filed by Fargo Jet Center, Inc. for a Five-Year Property Tax Exemption Approved:

A Hearing had been set for August 18, 2014 on an application filed by Fargo Jet Center, Inc. for a five-year property tax exemption for an expansion of their operation at 3802 20th Street North to include a new aircraft hangar.

At the August 18, 2014 meeting the application was referred back to the Tax Exempt Review Committee for their meeting on Tuesday, August 26, 2014 at 1:30 p.m., to be brought back to the Commission on this day and hour.

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.

City Assessor Ben Hushka said the revised application clarifies the number and nature of new jobs to be created, and that the expansion includes a weather modification business working out of that facility.

Commissioner Piepkorn moved that the application filed by Fargo Jet Center, Inc. for a five-year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Application Filed by Dakota Hose & Fittings, LP for Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by Dakota Hose & Fittings, LP for payment in lieu of property tax exemption for an expansion of their current operation to include a new building at 1287 47th Street North. The project will consist of the manufacturing of industrial hose products.

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.

City Assessor Ben Hushka said the Tax Exempt Review Committee recommended denial of this applicant's initial request for a tax exemption due to the fact that construction for the expansion had already started. He said a payment in lieu of tax exemption (PILOT) is the most appropriate in this situation.

Commissioner Piepkorn moved that the application filed by Dakota Hose & Fittings, L.P. for a five-year \$1,400.00 payment in lieu of tax exemption pursuant to Chapter 40-57.1, NDCC be approved for the expansion portion of the new building value.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Resolution Adopted Vacating a Public Utility Easement Located on Block 1, Keeney and Devitts Addition (51 Broadway North):

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Reciprocal Release and Relinquishment of Easement document and Easement Agreement document are intended to extinguish a portion of a public utility easement established by Plat (Keeney & Devitts Addition) on June 15, 1877. The portion of easement being vacated does not contain any utilities, she said, and is unlikely to be needed in the future. The purpose of the easement is to vacate three feet and due to it being in an older part of town, the best way to accomplish this, she said, is to vacate the current easement and establish a new one.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, A public utility easement was established as a result of a Vacation Plat dated October 8, 1979 and recorded in the Office of the Recorder for Cass County, North Dakota on the 7th day of October 1981, as document number 581684, for which a public utility easement was appurtenant to the following described real property:

Block 1, Keeney and Devitt's Addition to the City of Fargo, Cass County, North Dakota.

WHEREAS, NetREIT Fargo, LLC, is the owner of a portion of Block 1, Keeney and Devitt's Addition to the City of Fargo, Cass County, North Dakota, subject to the public utility easement for the City of Fargo; and

WHEREAS, Said owner desires the reciprocal release and relinquishment of part of the public utility easement; and

WHEREAS, The City of Fargo has determined that there are no public utilities in the public utility easement which is being vacated; and

WHEREAS, The parties mutually agree that the entire 150 foot easement shall be relinquished by this document and a new 147 foot easement shall be established by a separate document.

NOW, THEREFORE, it is hereby agreed.

1. The City of Fargo, together with NetREIT Fargo, LLC, do hereby mutually and reciprocally release, terminate and relinquish the public utility easement located on Block 1, Keeney and Devitt's Addition to the City of Fargo, Cass County, North Dakota wherein said easement was established as a result of a Vacation Plat dated October 8, 1979, and recorded in the Office of the Recorder for Cass County, North Dakota on the 7th day of October 1981, as document number 581684.
2. The subject of this instrument is that certain real property described as follows:

Block 1, Keeney and Devitt's Addition to the City of Fargo, Cass County, North Dakota.

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

Absent and not voting: Mayor Walaker.

The Resolution was adopted.

Parcels of Land in Osgood Townsite Eleventh Addition and Osgood Townsite Twelfth Addition Rezoned (4500, 4505, 4530, 4560 and 4590 47th Avenue South, 4501, 4521, 4551 and 4571 49th Avenue South; and 4800 and 4850 46th Street South):

At a Hearing held on August 5, 2014 the Fargo Planning Commission recommended approval of a change in zoning from MR-3, Multi-Dwelling to LC, Limited Commercial with a CO, Conditional Overlay on Lots 1-9, Block 1 and Lot 1, Block 2, Osgood Townsite Eleventh Addition and Lot 2, Block 2, Osgood Townsite Twelfth 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 this is a staff initiated rezoning request. She said the parcels were originally zoned in 2007 under Osgood Townsite Eighth Addition and recently a multifamily development was processed bringing these lots abutting 45th Street in. She said the intention was never to zone these lots as LC, Limited Commercial. She said after consulting with the City Attorney's office, staff feels it best to do a rezoning map amendment.

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 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Osgood Townsite Eleventh Addition, Fargo, Cass County, North Dakota and Osgood Townsite Twelfth 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 Osgood Townsite Eleventh Addition, Fargo, Cass County, North Dakota and Osgood Townsite Twelfth Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Parcels of Land in Commerce on I29 Addition Rezoned (9635 and 9853 38th Street South):

At a Hearing held on July 1, 2014 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to GC, General Commercial with a CO, Conditional Overlay of the proposed Commerce on I29 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 this item is for an undeveloped portion of approximately 97 acres on the northwest quadrant of 100th Avenue South and Interstate 29. She said this was processed as a Growth Plan Amendment and was heard and approved by the Board on May 12, 2014. She said the developer has now followed up with a plat and zoning request. She said the utilities will be done individually for now and when City services expand out to this area they will be able to hook up to them. She said staff requests that an executed amenities plan be included as a condition for approval.

Commissioner Williams said he feels the development is too far south and leaving it zoned as agricultural will deter it from being developed at this time.

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 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 Plans, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

Commission Williams voted nay.

Absent and not voting: Mayor Walaker.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Commerce on I29 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 Commerce on I29 Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Commission Williams voted nay.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Resolution Adopted Approving Commerce on I29 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 "Commerce on I29 Addition" containing 13 Lots, 3 Blocks, and 97.34 acres of land more or less, located at 9635 and 9853 38th Street South; and

WHEREAS, A Hearing was held June 12, 2014 and continued to July 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 August 18 and 25, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., September 2, 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 "Commerce on I29 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn and Mahoney voted aye.

Commissioner Williams voted nay.

Absent and not voting: Mayor Walaker.

The Resolution was adopted.

Hearing on a Petition for a Zoning Change and Plat in Gracie's Glade Addition Continued to September 15, 2014 (1990 and 2270 64th Avenue South, 6470 19th Street South and 6483 21st Street South):

This was the time and date set for a Hearing on a petition for a zoning change and Plat of the proposed Gracie's Glade Addition; however, the applicant has asked that the Hearing be continued for two weeks.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, September 15, 2014.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Amendment to the Growth Plan within Section 32, Township 139 North, Range 49 West Approved (4824-4894 Rocking Horse Circle South, and 5815, 6001 and 6301 52nd Avenue South):

A Hearing had been set for this day and hour to consider approval of an Amendment to the Growth Plan within Section 32, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.

The Fargo Planning Commission recommended approval of the Amendment to the Growth Plan at their June 12, 2014 meeting.

No written protest or objection to the amendment to the Plan has been received or filed in the Planning and Development Department.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

Planning Administrator Nicole Crutchfield said the Growth Plan Amendment is related to the west side where there is additional green space to reduce the intensity of commercial and housing.

Commissioner Sobolik moved the Amendment to the Growth Plan be approved.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Parcels of Land in Rocking Horse Farm 2nd Addition Rezoned (4824-4894 Rocking Horse Circle South and 5815, 6001 and 6301 52nd Avenue South):

At a Hearing held on June 12, 2014 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to P/I, Public and Institutional and SR-2, Single-Dwelling on Rocking Horse Farm 2nd 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Rocking Horse Farm 2nd 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 Rocking Horse Farm 2nd Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Resolution Adopted Approving Rocking Horse Farm 2nd Addition:

Planning Administrator Nicole Crutchfield said much of the discussion on this plat has been with the circulation, street naming and addressing, sidewalk circulation and access. She said an easement request would allow the developer to access 52nd Avenue as it extends to the south and when the rest of the development comes in to the west and the future end access points are built, they would be vacated. There is also a request to vacate the original plat, she said, which would be a simpler process to wipe the slate clean since it has so many easements and descriptions.

In response to a question from Commissioner Williams about two cul-de-sacs being included in the plat, Ms. Crutchfield said many more were originally proposed and, while not ideal, the two proposed are much better than the original design. She said the circle street is a collector road and affected the layout. She said in terms of connectivity and the master loop, a balance had to be made between double fronted lots and access to the collector roads. She said an important aspect of this project is that it brings a missing piece to the parks and recreation system with some regional trail networks.

In response to a question from Commissioner Williams asking if surcharging extra costs that come with cul-de-sacs has been considered, Director of Operations Ben Dow said his preference would be to continue to work with developers to reduce the number of cul-de-sacs.

In response to a question from Commissioner Piepkorn about the plans for the circle area, Mike Love from Houston Engineering said that area will remain commercial.

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 "Rocking Horse Farm 2nd Addition" containing 146 Lots, 7 Blocks, and 83.887 acres of land more or less, located at 4824 through 4894 Rocking Horse Circle South, and 5815, 6001, and 6301 52nd Avenue South; and

WHEREAS, A Hearing was held June 12, 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 August 18 and 25, 2014 that a

Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., September 2, 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 "Rocking Horse Farm 2nd 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The Resolution was adopted.

Appointments to the Housing and Redevelopment Authority:

The Board received a communication from Mayor Walaker recommending that Karen Moore and Ken Krajsa be reappointed to the Housing and Redevelopment Authority.

Commissioner Piepkorn moved Karen Moore and Ken Krajsa be reappointed to the Housing and Redevelopment Authority for three-year terms ending September 30, 2017.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Request from Vinyl Taco to Place a Moveable Stage in the Parking Lane Approved as a Pilot Project:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed a communication from Vinyl Taco regarding a desire to place a moveable stage in the parking lane for seasonal use. The intent, they said, would be to provide a venue for local entertainers to perform for patrons. They said initially this was envisioned as an encroachment; however, upon consultation with legal it appears it would be more appropriate as a lease or license agreement which may require changes to the City ordinances. They said staff recommends denial of the request.

City Engineer April Walker said the concern staff has with this unique request is that they simply are not ready for it and would like time to put together a process and to answer some of the legal questions. She said there is a desire to activate public spaces as this is an up and coming trend.

Commissioner Piepkorn said this type of parklet was looked at when touring Sioux Falls. He said they were very enthusiastic about the project and credited it with driving downtown activity. He said it is best to proceed with caution and would be great if it can be done with the promoters paying for it.

In response to a question from Commissioner Williams about his perspective of trying this new concept, Assistant City Attorney Jason Loos said his main concern is that it has not been looked at in depth.

City Attorney Erik Johnson said if the project is identified as a pilot, with the need to identify a policy for future requests, an agreement with the property owner could be put together and brought back to the Board at the next meeting.

Lance Thorson, a partner in Vinyl Taco, said parklets have been placed in many large cities as an extension of the sidewalk and provides people with a sense of community and a unique pedestrian experience. He said it is completely removable and they propose to use it for performers as a stage for acoustical performances. The proposed location is in a parallel parking spot directly in front of Vinyl Taco, he said.

Commissioner Sobolik moved the request from Vinyl Taco at 518 1st Avenue North to place a moveable stage in the parking lane for seasonal use be approved as a pilot project with the understanding that additional requests will not be approved until a policy is in place, and the City Attorney be directed to expedite an agreement with the applicant, and Engineering staff be allowed to make changes to the proposed agreement to include any necessary safety features.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Red Cross Resiliency Program Approved:

The Board received a communication from Fire Chief Steve Dirksen stating approximately four months ago he was approached by Judy Green of the American Red Cross asking to partner on a Resiliency Program in Fargo. He said a committee comprising of members of the Fire, Police, Planning and Health Departments, along with others, reviewed data and chose Madison Neighborhood to pilot the program in Fargo with the hopes that it will expand in years to come.

Judy Green, Regional Chief Executive of the American Red Cross, said the project in Fargo is planned for the Madison neighborhood which has had six house fires since 2011. She said on Saturday, October 4th, canvassing will be done by going door-to-door offering free installation of smoke alarms as well as blood pressure checks. She said residents will also be given the opportunity to enroll in Code Red and Red Cross volunteers will also be on hand to talk about preparedness.

Commissioner Williams moved the Red Cross Resiliency Program be approved.

Second by Sobolik. On call of the roll Commissioner Williams, Sobolik, Piepkorn and Mahoney voted aye.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Staff and Task Force Directed to Draft an RFP for a Feasibility Study on Repurposing the Civic Auditorium and a Feasibility Analysis of a Convention Center Downtown Approved:

The Board received a communication from City Administrator Pat Zavoral stating last week's trip to Sioux Falls, South Dakota and Lincoln, Nebraska revealed a

vitality and growth in communities of the Heartland of America similar to what the Fargo metro area is experiencing. He said connections between University developments and downtown activities is a common thread; as is the rehabilitation of older parts of a community with multi-use buildings incorporating housing with parking and retail space. Two major items of discussion among trip participants and some of the presenters in these communities, he said, focused on convention space development and the reuse of existing facilities. In Sioux Falls, a high school built in 1936 was repurposed as a performance/entertainment/arts center, he said, and in Lincoln, a new sports arena housing the University's basketball team was constructed in downtown. With this as background information, he said, he has been encouraged to bring a request to the City Commission for discussion and guidance for two actions moving forward. First, he said, is what the future of the Civic Auditorium be and a second point of discussion is the feasibility, need and location of additional convention space. He said some work has been done on this topic through the Fargo Dome Authority and a second feasibility study could be undertaken to determine need, size/space needs and location.

Commissioner Piepkorn said his preference would be to do the business side of things first to see what can be supported, before getting too far down the path of building something that is too expensive. He said it needs to be viable for the long term, meaning it does not involve a lot of debt and at the very least will break even. He said alot of the business planning has been done as far as a convention center through the study done by the Fargo Dome Authority. He said he feels the final decisions need to be packaged together and brought to the voters.

Commissioner Williams said the Fargodome does not always break even; however, a business model has been developed that makes up for it and that can be done in other instances to achieve sustainability. A quick analysis is needed as to what type of structure the Civic could be converted to, he said, and an architect or engineer could look at it early on to see if it is even feasible to think about or is it better to look at something new. He said the Civic repurposing and the Convention Center idea need to be analyzed separately and one may go by the wayside quite quickly. The analysis done by the Fargo Dome Authority is mostly a needs analysis, he said, and determining where the most benefit comes from remains to be seen. He said the Board, working with the Fargo Dome Authority, could do further analysis as to what size, what use and what site would have the best benefit to the community.

Deb Mathern, Chair of the Fargo Dome Authority, said the Fargodome does well and brings in a \$40 million impact to the Community. She said the Fargo Dome Authority is interested in continuing a study and is interested in staying involved.

Linda Boyd, Executive Director of the Fargo-Moorhead Symphony and Fargo School Board member, said she sees three aspects to the discussion. One is the convention center need and where to put it, the existing Civic Center, and a renewed community discussion on a performing arts center and where to put it. She said she is encouraged and very much in favor of keeping the performing arts center a part of the discussion going forward.

Commissioner Sobolik moved to direct appropriate staff to work with a task force to include Commissioners Williams and Piepkorn to draft an RFP for a feasibility study analyzing the repurposing of the Civic Auditorium and bring it back to the Commission in two weeks.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Commissioner Sobolik moved to direct appropriate staff to draft an RFP to expand the Fargodome/Convention Center feasibility study to areas in downtown and to appoint Rob Sobolik, Deb Mathern, Pat Zavoral, Kent Costin and Bruce Grubb to the task force.

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

Absent and not voting: Mayor Walaker.

The motion was declared carried.

At 6:30 p.m. the Board took a five-minute recess.

After recess: All Commissioners present except Mayor Walaker. Deputy Mayor Mahoney presiding.

2015 Preliminary Budget Adopted:

The Board received a communication from Director of Finance Kent Costin stating the Mayor's preliminary budget was received and filed at the last City Commission meeting. He said the next step in the process is to discuss the budget and seek input on changes that may be necessary. Pursuant to State budget laws, he said, once the preliminary budget has been approved it may not be increased in the final budget adoption.

Assistant City Administrator Bruce Grubb gave an overview of the budget.

Mr. Costin said the significance in moving the budget process to a higher quality standard is due to the fact that the GFOA gives away about 1,500 awards for "The Distinguished Budget Award" to cities that have enhanced the transparency, readability and understanding of government financial matters.

Commissioner Piepkorn said he has a problem approving a budget that he has not had participation in. He stressed the importance of continued handicap accessibility in City buildings and indicated that the Central Garage Building does not have access to the second floor and the downtown Fire Station needs accessibility upgrades as well as energy updates. He said because salary and benefits represent 67% of the budget, he would like Mr. Costin to do a salary comparison of Fargo to the cities of Sioux Falls, Lincoln, Billings, Bismarck and Grand Forks. He said he would like to include in the budget funding for enforcement of bicyclists to follow the rules of the road.

Police Chief Keith Ternes acknowledged there is a need for enforcement for bicyclists and the funding has not been available to provide those services. He said alternative ways of providing such services will need to be examined or, as a last resort, some services may need to be eliminated. He said some revisions may have to be made to Ordinances relative to bike enforcement.

Commissioner Sobolik moved the 2015 preliminary budget be adopted.

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

Commissioner Piepkorn voted nay.

Absent and not voting: Mayor Walaker.

The motion was declared carried.

Discussion of Plane Travel to Lincoln, NE:

Commissioner Piepkorn stated he added this item for discussion about arrangements made for City Administrator Pat Zavoral and Commissioner Mahoney to travel by plane to Lincoln, Nebraska on August 25, 2014. He said he would like more information on the funding for that trip.

Commissioner Mahoney said he and City Administrator Pat Zavoral joined the group that traveled by bus to visit Sioux Falls, South Dakota and Lincoln, Nebraska to view developments and projects in those two cities, including events and parking facilities. Circumstances prevented them from being able to board the bus when it left that morning, he said, and arrangements were already in the works to be in attendance at a diversion model viewing in Rosemount, MN. He said arrangements were made for a plane owned by AE2S to transport Mr. Zavoral, who was attending a funeral, out of Grand Forks and himself out of Fargo to Lincoln, Nebraska.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, September 15, 2014.

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

The time at adjournment was 7:26 o'clock p.m.