

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. Resolution Approving Plat of Robust Third Addition (Attachment "A").
- b. Resolution Approving Plat of Urban Plains Northeast Retail Second Addition (Attachment "B").
- c. Resolution of Annexation for property northwest of 70th Avenue South and University Drive for the second phase of the Crofton Coves Subdivision (Attachment "C").
- d. Fire Department budget adjustment and contract with the North Dakota Division of Homeland Security for grant funding in the amount of \$31,028.00 for training exercises in 2014 (CFDA #97.067).
- e. Memorandum of Understanding with BNSF for storage and use of a foam trailer and associated equipment.
- f. Construction Memorandum of Understanding with the US Army Corps of Engineers which will allow Diversion construction to occur prior to a Project Partnership Agreement with the Corps.
- g. Agreement for Special Improvements with Synergy Real Estate Investments, LLC (Improvement District No. 6209).
- h. Applications for tax exemptions for improvements made to buildings:
 - (1) Mark and Tracey Braeger, 1114 2nd Street North (5 year).
 - (2) Russell and Mary Brown, 906 21st Avenue South (5 year).
 - (3) Denice and Galen Owens, 1440 West Gateway Circle South (3 year).
- i. Applications for Games of Chance:
 - (1) El Zagal Arab Patrol for a raffle on 5/15/14.
 - (2) Clara Barton Hawthorne PTA for bingo and a raffle on 3/15/14.
 - (3) Bennett Elementary PTA for bingo on 2/28/14.
 - (4) YWCA Cass Clay for a raffle on 3/31/14.
- j. In Building Radio Distribution Agreement between the Fargo Dome Authority and Verizon Wireless (VAW) LLC.
- k. Health Department budget adjustments, in the amount of \$12,000.00, and Purchase of Service Agreement Amendment with the North Dakota Department of Health for Ryan White Case management (CFDA #93.917).

- l. Health Department budget adjustments, in the amount of \$199,620.00, and Purchase of Service Agreement with the North Dakota Department of Human Services for substance abuse prevention activities (Contract #810-09540).
- m. Hazard Mitigation Grant Program Subgrant Agreement from the ND Department of Emergency Services for WWTP Flood Protection (HMGP 9-R).
- n. Purchase Agreement for the acquisition of a 1.10 acre (approximate) parcel of land adjacent to the Solid Waste Utility property.
- o. Task Order in the amount of \$248,910.00 with AE2S for Phase 5 upgrades to the WTP control system.
- p. Formal amendment request to the ND Industrial Commission to allow the QEBC allocation to be used for a landfill gas to a compressed natural gas conversion project.
- q. Direct flood buyout demolition material to other inert disposal locations rather than requiring the City Landfill to accept the demolition material.
- r. Memorandum of Offer to Landowner and Temporary Construction Easement with Roger Koth, Bradley Allison, James Hailey, Craig Irwin and Phyllis Huber (Project No. 5681-02).
- s. Access Agreement with the Park District for Project No. 6261.
- t. Creation of Project PR-14-8 for 2014 bidding and construction (omitted).
- u. Contract and bond for asbestos abatement for the CVS Building/Fargo Cass Public Health Building.
- v. Bills in the amount of \$6,219,550.95.

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

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

Engineering Services Agreement with Moore Engineering, Inc. for Improvement District No. PN-14-C Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed a letter from Division Engineer Brenda Derrig regarding a proposed Engineering Services Agreement associated with the Design, Construction Engineering, Management and surveying of the paving project for 40th Avenue South from Drain 27 to Sheyenne Street. The project construction cost is currently estimated at \$7.5 million, they said, and the not to exceed quote from Moore Engineering was for \$785,875.00. They said there may be additional costs associated with the construction administration and if that is the case an amendment will be submitted as needed.

Commissioner Mahoney moved the Engineering Services Agreement in an amount not to exceed \$785,875.00 for Improvement District No. PN-14-C be approved.

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

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

Asphalt Pavement and Incidentals Improvement District No. PN-14-A (Legacy I Fourth Addition):

Commissioner Mahoney moved the following action be taken in connection with Asphalt Pavement and Incidentals Improvement District No. PN-14-A:

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

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

18th Street South from 62nd Avenue South to 63rd Avenue South and 19th Street South from 62nd Avenue South to the south.

COMPRISING:

Lots 21 through 33, Block 11 and Lots 2 through 21, Block 12, Legacy I 4th Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Asphalt Pavement and Incidentals Improvement District No. PN-14-A in the City of Fargo, North Dakota, be and the same is hereby created.

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

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-14-A 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 \$615,700.00.)

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

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

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

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

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

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

Adopt Resolution Declaring Asphalt 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 Asphalt Pavement and Incidentals Improvement District No. PN-14-A in the City of Fargo, North Dakota, according to 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.

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

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

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

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

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

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-2 (19th Avenue North from 10th to 18th Street North):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-2:

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

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

On 19th Avenue North from 10th to 18th Street.

COMPRISING:

Lot 1, Block 1.

All in NDSU 1st Addition.

Lots 1 through 13, Block 3.

Lots 1 through 13, Block 6.

All in Peter Sway 5th Addition.

Lots 1 through 12, Block 3.

Lots 1 through 11 and 15, Block 4.

All in Airport 1st Addition.

Lots 1 through 3, Block 1.

All in Airport 2nd Addition.

Lots 1 and 2, Block 1.

Lots 6 and 7, Block 2.

All in Hector Airport Addition.

Lots 1 and 2, Block 1.

All in Hector Airport 2nd Addition.

Lots 1 and 2, Block 1.

Lots 1, Block 2.

All in Vision Addition.

Lots 1, 4, 5 and 6, Block 1.

All in Martin Hector Subdivision.

Lots 1 and 2, Block 1.

All in Thomsak 1st Addition.

Lots 1 through 3, Block 1.

All in Wild Wings Subway Addition.

Lots 1 through 3, Block 1.

Lots 1 through 5, Block 2.

All in NDSU Research and Technology Park 1st Addition.

All of the unplatted land lying in the east half of Section 25, Township 140, Range 49.

All of the unplatted land lying in the northeast quarter of Section 36, Township 140, Range 49.

All of the unplatted land lying in the northwest quarter of Section 31, Township 140, Range 48 between 10th Street and University Drive North, north of 17th Avenue.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-2 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. PR-14-2:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-14-2 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$5,922,800.00.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-14-2 in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. PR-14-2 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Water Main Replacement, Street Reconstruction 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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. PR-14-2 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City

Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Water Main Replacement, Street Reconstruction and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 77% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. PR-14-2:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-14-2 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-0 (Block 6, Holes Addition):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-0:

Adopt Resolution Creating Improvement District No. AN-14-0:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. AN-14-0 in the City of Fargo, North Dakota, be created

From 13th to 14th Avenue North between 2nd Street & 3rd Street, Holes 1st Addition.

COMPRISING:

Lots 1 through 32, inclusive, Block 6.
All in Holes 1st Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-0 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. AN-14-0:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. AN-14-0 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 \$203,050.00.)

Order Plans and Specifications for Improvement District No. AN-14-0:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. AN-14-0 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. AN-14-0:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. AN-14-0 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. AN-14-0 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 P.C. Concrete Alley Paving 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 P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-14-0 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 P.C. Concrete Alley Paving and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. AN-14-0:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. AN-14-0 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-3 (The Pines):

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

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

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

On 55th Avenue South between 45th Street South and 43rd Street South.

On 43rd Street South from 175 feet south of 54th Avenue South to 175 feet south of Pine Parkway South.

On Pine Parkway South between 43rd Street South and 56th Avenue South.

On Bristlecone Loop South off of Pine Parkway South from 330 feet east of 43rd Street South to 1050 feet east of 43rd Street South.

On 56th Avenue South between 54th Avenue South and 38th Street South.

On 38th Street South between 55th Avenue South and 56th Avenue South.

COMPRISING

Lot 1 through 2, inclusive, Block 1.

Lot 1, Block 4.

Lot 1, Block 8.

Lot 1 through 8, Lot 7 exclusive, Block 9.

Lot 1, 9, 20 through 50, inclusive, Block 10.

Lot 1 through 15, inclusive, Block 11.

Lot 1 through 19, inclusive, Block 12.

Lot 1 through 8, inclusive, Block 13.

Lot 1-9, inclusive, Block 14.

Lot 1, Block 15.

All platted in The Pines at the District.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-3 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. UN-14-3:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-14-3 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,485,934.60.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-14-3 in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. UN-14-3 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. UN-14-3:

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

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

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

New Construction of City Order Sidewalks and Approaches Improvement District No. SN-14-0 (City Wide):

Commissioner Mahoney moved New Construction of City Ordered Sidewalks and Approaches Improvement District No. SN-14-0 in the City of Fargo, North Dakota be approved.

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

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

Speed Limit Increase on 32nd Avenue North Between Broadway and University Drive Approved:

The Board Received a Report of Action from the Traffic Technical Advisory Committee (TTAC) stating a press release went out on January 30th soliciting public input on the proposal to increase the speed from 25 mph to 30 mph on 32nd Avenue North between University Drive and Broadway. They said a total of nine responses were received with six in favor of the speed limit increase and three opposed.

Division Engineer Jeremy Gordon said two additional responses were received since the TTAC report, which makes the public input six endorsing the change and five opposing. He said the proposed speed increase came from a citizen's request following the reconstruction of that road and it seems to be a common-sense approach to the wider, improved road.

Mayor Walaker complimented the Engineering Department for the fine job done on both the design and construction of that street improvement.

Commissioner Williams moved the speed limit increase on 32nd Avenue North between Broadway and University Drive from 25 mph to 30 mph be approved, effective Monday, February 24, 2014.

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.

City Auditor's Office Directed to Publish Notice of Hearing on an Application Filed by Michael Harden d/b/a Fargo Metro Taxi & Limo Service: Commissioner Wimmer Appointed to Serve on the Taxicab License Committee:

The Board received a communication from City Auditor Steve Sprague stating his office received an application from Michael Harden d/b/a Fargo Metro Taxi & Limo Service for a taxicab license. He stated in accordance with Article 25, Section 0403, Paragraph B of the Fargo Municipal Code, the application shall be submitted by the City Auditor to the Board of City Commissioners who will set a date for a public hearing and appoint a member of the City Commission to serve on a committee to examine the need for the license. He said the Ordinance calls for the City Auditor's office to publish notice at least 10 days in advance of the time and place for said Hearing, after which the committee would submit their recommendation to the Board.

Commissioner Williams moved that the City Auditor's Office be directed to publish a notice of hearing on the application and Commissioner Wimmer be appointed to serve on the taxicab license committee.

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

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

2014 Capital Improvement Plan Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating they reviewed and are recommending approval of the 2014 Capital Improvement Plan (CIP). The Plan includes all projects that are currently known to the Engineer's office, they said; however, there is a possibility that additional requests may be made for improvements such as alley paving projects and

new developments which will be evaluated as requested and recommendations will be made as to how they should proceed. At present, they said, the CIP represents an estimated \$263.1 million in projects. Just under \$64 million of this work is anticipated in new developments, they stated, such as Deer Creek Phase 2, Eagle Pointe Second Addition, The Pines Phase 2, Crofton Coves First Addition Phase 2, Valley View Second Addition and others. Flood Risk Reduction Projects are anticipated in the range of \$68 million, they said, with an anticipated \$40 million being expended on land acquisitions. They said there is over \$30 million in transportation capacity improvements and Federal Aid projects consist of \$14.3 million in work, including the I-94 Interchange and addition of a northbound and eastbound ramp onto the Interstate. Pavement management projects make up \$5.6 million, they said, and water main replacements with street reconstruction are estimated at \$10.4 million.

City Engineer April Walker gave an overview of the project breakdown with statistics and shared a map of the projects. She said the total for the Capital Improvement Plan in 2012 was \$40.8 million, and in 2013 it was \$114 million. This year, she said, it is \$263 million, which is a massive improvement plan. Overall there are about 70 individual projects and at least 14 distinct development areas, she said. The City has taken advantage of one-time allocations from the State, she said, which have increased sharply from 2011 to present. While it is good to be so busy, she said, the volume of work may lead to capacity issues for contractors and suppliers and the amount of work may lead to higher bid prices. She said concerns that existing staff may not be able to provide the appropriate level of oversight and meet customer's expectations will likely result in a need for more part-time assistance than in the past.

Mayor Walaker said this is a tremendous increase. He said he is concerned that the time may come when additional work cannot be taken on, making it necessary to deny plats. He said he has seen both the peaks and valleys in development and said it is good to have everyone busy.

Commissioner Wimmer moved the 2014 Capital Improvement Plan 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.

Parcels of Land in Eagle Pointe Third Addition Rezoned (7009-7292 16th Street South, 7200-7290 Eagle Pointe Drive South and 1661 73rd Avenue South):

At a Hearing held on December 3, 2013 the Fargo Planning Commission recommended approval of a change in zoning from SR-2 and SR-4, Single Dwelling to SR-2, Single-Dwelling and MR-1 Multi-Dwelling of the proposed Eagle Pointe Third 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 Director Nicole Crutchfield said the Planning Department supports the change which rezones the property within its boundaries, reduces the number of single family lots and allows for expansion of the Dakota Boys Ranch campus to the west. She said the replat restructures the single-family lots creating a loop and

removes a cul-de-sac. She said parts of 16th Street South and Eagle Pointe Drive South will be vacated. The Fargo Planning Commission's recommendation was unanimous, she said.

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 Eagle Pointe Third 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 Eagle Pointe Third Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Resolution Adopted Approving Eagle Pointe Third 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 "Eagle Pointe Third Addition" containing 22 Lots, 2 Blocks, and 23.53 acres of land more or less, located at 7009 through 7292 16th Street South; 7200 through 7290 Eagle Pointe Drive South; and 1661 73rd Avenue South; and

WHEREAS, The plat includes the vacation of that part of 16th Street South and Eagle Pointe Drive South within the boundary of said Eagle Pointe Third Addition; and

WHEREAS, A Hearing was held December 3, 2013 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on January 13, 20, 27, and

February 3, 2014 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., February 18, 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 "Eagle Pointe Third 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.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 3, 2014.

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

The time at adjournment was 5:22 o'clock p.m.