

** The Board will meet in Executive Session at 4:30 pm to discuss the following pending litigation items as authorized by NDCC, Section 44-04-19.2: Two cases, both entitled Hector v. City of Fargo relating to Improvement District No. 5314

FARGO CITY COMMISSION AGENDA
Monday, November 1, 2010 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO 12 (Channel 12). They are rebroadcast each Monday at 5:00 p.m., Thursday at 7:00 p.m. and Saturday at 8:00 a.m.; and are also included in our video archive at www.cityoffargo.com/commission

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, October 18, 2010).

* * * Consent Agenda - Approve the Following * * *

- a. Waive the requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance relating to Noise Control and Radio Interference – Compression Brakes Prohibited and an Ordinance Relating to Penalties for Ordinance Violations.
- b. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Deer Creek Addition; 1st reading, 10/18/10.
- c. Contract with Patron Solutions, L.P., d/b/a New Era Tickets for computerized ticketing of Fargodome events for a five-year period beginning January 1, 2011.
- d. Plan design changes for the City of Fargo Health Trust to maintain grandfathered status of the plan and to increase the co-payment of brand name prescription drugs to \$40.00.
- e. Resolution relating to extension of the existing lease agreement between the City and the Fargo Building Authority for the 2011 calendar year, confirming appropriation of funds for required debt service payments in the amount of \$381,180.00 for the City Hall and Civic Center expansion project.
- f. Resolution giving preliminary approval to MIDA bond financing in the amount of \$150,000,000.00 to refinance bonds issued previously for Meritcare Obligated Group and setting a public hearing for 11/29/10.
- g. Grant Award Agreement with the North Dakota Department of Health for Radon Awareness (CFDA #66.605).
- h. Maple Valley School contract for the Tobacco Prevention and Control Program.
- i. Fire Department budget adjustment in the amount of \$5,078.48 for Haz Mat training.
- j. Fiscal Services Agreement for Red River Regional Dispatch.

- k. Applications for five-year tax exemptions for improvements made to buildings:
 - (1) Eric and Brittany Sinclair, 317 21st Avenue North.
 - (2) David and Beth Tacke, 1320 5th Avenue South.
 - (3) Scott and Carol Funfar, 410 21st Avenue North.
- l. Applications for Games of Chance:
 - (1) NDSU Student Dietetic Association for a raffle on 11/18/10.
 - (2) North Dakota Autism Center, Inc. for a raffle on 1/22/11.
- m. Donation of three light bars to the Argusville Fire Department.
- n. Staff authorization to contract fuel purchases for the 2011 fiscal year.
- o. Purchase of two buses from the Minnesota Cooperative Purchasing Venture for a total amount of \$114,866.00 for the Senior Ride Service.
- p. Purchase Agreement with Dorothy Heidt for Permanent Easement in connection with Improvement District No. 5747-26.
- q. Engineering Services Contract Amendment in the amount of \$173,270.00 for Project No. 5949.
- r. Engineering Services Contract Amendment in the amount of \$241,365.00 for Project No. 5944.
- s. Priority list for 2012 Transportation Enhancement Project Applications.
- t. Joint Powers Agreement with Minnesota Department of Natural Resources for Project No. 5153-3.
- u. Request for Proposals for Project No. 5981.
- v. Project Concept Report for Improvement District No. 5908-02.
- w. Change Order No. 9 for an increase of \$27,308.00 for Project No. 5726.
- x. Change Order No. 1 for an increase of \$606,485.00 for Project No. 5657.
- y. Change Order No. 1 for an increase of \$1,757.00 for Project No. 5970.
- z. Contract time extension for Project No. 5968.
- aa. Bid award for Project No. 5948.
- bb. Contract and bond for Project No. SW 10-01.
- cc. Bills.
- dd. Contract time extension for Improvement District No. 5953.
- ee. Contracts and bonds for Improvement District Nos. 5821, 5928 and 5964.

* * * Regular Agenda * * *

1. Recommendation to accept offer from Microsoft to loan artwork to the City.
2. Recommendation from the Public Works Projects Evaluation Committee to accept Option 5 for Drain 53 improvements along Silverleaf Addition (District No. 5904).
3. Recommendation for appointment to the Civil Service Commission.
4. Recommendation for appointments to the Parking Commission.
5. Public Hearings - 5:15 p.m.:
 - a. Addition of Route 23 to the Fargo Metro Area Transit (from the West Acres Shopping Center to the Osgood, Woodhaven and Microsoft neighborhoods in Southwest Fargo).
 - b. Transfer of the Class "F" Alcoholic Beverage License at 2901 Main Avenue from Genesis, Inc. d/b/a Jalapenos to Jalapenos Mexican Restaurant, Inc. d/b/a Jalapenos Mexican Restaurant.
 - c. Transfer of the Class "AB" Alcoholic Beverage License at 3150 39th Street South from Windbreak, Inc. d/b/a Windbreak Saloon to Liquid Hospitality, LLC d/b/a Windbreak Saloon.
 - d. Application filed by El Mezcal Mexican Restaurant, LLC d/b/a El Mezcal Mexican Restaurant for a Class "F" Alcoholic Beverage License at 2515 University Drive South.
 - e. Application filed by Samurai Japanese Cuisine, Inc. d/b/a Samurai Japanese Cuisine for a Class "GH" Alcoholic Beverage License at 1775 45th Street South, Suite B.
 - f. Application filed by River Smash, LLC d/b/a Smashburger for a Class "GH" Alcoholic Beverage License at 1801 45th Street South.
 - g. Vacation Plat of Part of Second Avenue North adjacent to Block 10, Keeney and Devitt's Addition (abutting property at 201 5th St. N.).
 - (1) Approval recommended by the Planning Commission on 9/7/10.
 - h. Growth Plan Amendment for Hector's Subdivision; the current Growth Plan recommends commercial land use and the proposal is for a change from commercial use to industrial use on Lots 13 and 14, Hector's Subdivision (4102, 4106, 4206, 4210, 4212, 4300 and 4456 19th Ave. N. and 1801, 1805, 1809, 1817, 1825, 1833, 1841, 1849 and 1857 43rd St. N.).
 - (1) Approval recommended by the Planning Commission on 9/7/10.
 - i. Petition requesting a zoning change from AG, Agricultural to LI, Limited Industrial on part of Lot 13, Hector's Subdivision (4210 19th Ave. N.).
 - (1) Approval recommended by the Planning Commission on 9/7/10.
 - (2) 1st reading of rezoning Ordinance.

- j. Petition requesting a zoning change to repeal Section 1.1.1 Massing of Dwelling Units of the existing Conditional Overlay Ordinance No. 4320 applying to the MR-3, Multi-Dwelling zoned land in Blocks 2 and 3 of Urban Plains by Brandt First Addition (51st St. and 28th Ave. S.)
 - (1) Approval recommended by the Planning Commission on 10/5/10.
 - (2) 1st reading of rezoning Ordinance.

 - k. Petition requesting a City of Fargo initiated Text Amendment to establish a “Group Living Restricted Residency” Use Category within Table 20-0401 of the Land Development Code and to establish an accompanying set of Use Standards setting forth the general characteristics, minimum standards and conditions of approval of all Group Living Restricted Residency land uses; the Group Living Restricted Residency is the residential occupancy of a structure by a group of people who have been individually convicted of a felony that do not meet the definition of Household as defined within the Land Development Code.
 - (1) Approval recommended by the Planning Commission on 10/5/10.
 - (2) 1st reading of Ordinance.
6. Communication and map from the Planning Department outlining possible placement of off-premise advertising signs abutting principal arterial roadways.

PLEASE NOTE: Agenda items for the November 15th City Commission meeting must be submitted no later than noon on Wednesday, November 10, 2010.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.cityoffargo.com/commission