

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Tuesday:

May 26, 2015:

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., Tuesday, May 26, 2015.

The Commissioners present or absent were as shown following:

Present: Gehrig, Piepkorn, Sobolik, Williams, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Williams moved the Order of the Agenda be approved moving Item No. "23" from the Consent Agenda to the Regular Agenda and changing Item No. "47(I)" to Asphalt Mill and Overlay and Incidentals No. PR-14-3.

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

Minutes Approved:

Commissioner Piepkorn moved that the Minutes of the Regular Meeting of the Board held on May 11, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

1. Quitclaim deed to Red River Commodities, Inc.
2. Resolution Relating to City Commission Meetings and Agendas (Attachment "A").
3. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 8-1025 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Commission.
4. 1st reading of an Ordinance Amending Section 25-1506 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (authorizing on-sale single serve beer and wine to guests or patrons of the hotel under certain circumstances).

5. 1st reading of an Ordinance Amending Section 8-1006 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Time-Limited Parking Zones.
6. 1st Reading of an Ordinance Enacting Section 8-1006.2 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to the Regulation of Parking Zones in Publicly Operated Parking Lots.
7. Direct City Attorney to draft an Ordinance adopting the 2014 National Electrical Code.
8. Interlocal Agreement with Cass County and allocation of the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$57,346.00 as recommended (CFDA #16.738).
9. Health Department budget adjustments in the amount of \$18,455.00 and contract amendment with the North Dakota Department of Health for the WIC Program (CFDA #'s 10.557 and 10.578).
10. Resolution Consenting to First Amendment to Loan Agreement with Cass County and US Bank (Attachment "B").
11. Holiday Policy 500-009 to be effective 5/25/15.
12. Contract with PublicStuff for 2015-2016.
13. Applications for 5-year tax exemptions for improvements made to buildings:
 - a. Michael and Brenda Bratton, 321 15th Avenue North.
 - b. Donald and Mary Kinzler, 1421 42nd Avenue South.
14. Site Authorizations for Games of Chance:
 - a. Sharehouse, Inc. at the Bismarck Tavern, Rick's Bar and Grill, Vista Inn/Alibi's, Woody's and Borrowed Buck's Roadhouse.
 - b. Boys & Girls Club of the Red River Valley (dba Youth Commission) at the Pickled Parrot and Red River Lanes.
 - c. Special Olympics North Dakota at Rooters Bar, Inc.
 - d. West Fargo Hockey Association at Fort Noks.
 - e. VFW Club of Fargo at the VFW Club Post 762.
15. Applications for Games of Chance:
 - a. Fargo Gateway Lions for a raffle on 7/15/15.
 - b. Benefit for Steve Bulat for a raffle on 6/4/15; Public Spirited Resolution.
 - c. NDSU Development Foundation Bison Bidder Bowl for a raffle on 9/19/15.
16. Bid award for furnishings for the Fargo Cass Public Health building.
17. Purchase of one three axle trailer from Titan Machinery for \$24,995.00.

18. Purchase of one excavator with 48-month warranty from ASC Equipment for \$80,487.00.
19. Purchase of a fabric membrane salt storage structure from Greystone Construction for \$420,966.00.
20. Purchase of two rear load refuse packers from Olympic Sales for \$311,297.25.
21. 3-year Household Hazardous Waste disposal contracts with Clean Harbors Environmental and Green Lights Recycling.
22. Sole source purchase of 120 UF membranes from Evoqua Water Technologies for \$108,760.00.
23. Cass County Electric Cooperative Land Lease Agreement for construction and operation of a solar energy production facility (moved to the Regular Agenda).
24. Purchase Agreement - Permanent Easement with Contractors Leasing Corp. for Project No. 6032.
25. Purchase Agreement - Temporary Easement with Majestic Oaks Condominium I for Project No. FM-14-03.
26. Access Agreement - Soil Borings with Chandler Wilbert Vault Co. for Project No. FM-15-B1.
27. Irrigation and fence repair, in the amount of \$6,540.00, for Project No. 5958-03.
28. Contract Amendment #2, in the amount of \$8,400.00, for Project No. MS-14-71.
29. Contract time extension for pavement striping for Project No. FM-14-61 to 9/15/15.
30. Contract time extension for Project No. NN-14-21 to 12/14/15.
31. Change Order #2, for an increase of \$17,754.75 for Project No. FM-14-51.
32. Bid awards for Project Nos. SN-15-B1 to Ti-Zack Concrete, Inc. in the amount of \$369,975.00 and WW1404 to Northern Plains Contracting, Inc. for General Construction in the amount of \$119,400.00; and JDP Electric, Inc. for Electrical Construction in the amount of \$123,567.00 .
33. Bills in the amount of \$10,726,745.50.

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 20 and 27, 2015 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, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 20, 2015 and the bids were found to be as follows:

R & R Excavating, Inc. Bid:	Hutchinson, MN \$742,550.35
Ryan Contracting, Inc. Bid:	Shakopee, MN \$769,969.10
H & S Contracting, Inc. Bid:	Moorhead, MN \$786,128.01
Sellin Brothers, Inc. Bid:	Hawley, MN \$825,410.00
J.R. Ferche, Inc. Bid:	Rice, MN \$849,374.60
Northern Improvement Company Bid:	Fargo, ND \$857,938.69
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$981,098.80

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 Awarded to R & R Excavating, Inc. in the Amount of \$742,550.35:

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, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 20, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 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, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 shows the bid of R & R Excavating, Inc. of Hutchinson, Minnesota, in the sum of \$742,550.35 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from R & R Excavating, Inc. in the sum of \$742,550.35 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H1 in the City of Fargo, North Dakota, be and the same is hereby awarded to R & R Excavating, Inc. for the sum of \$742,550.35, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 20 and 27 and May 4, 2015 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 Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1.

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

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

Bids Received for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1:

The bids for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 20, 2015 and the bids were found to be as follows:

Master Construction Company, Inc.
Bid:

Fargo, ND
\$2,265,130.50

Contract for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 Awarded to Master Construction Company, Inc. in the Amount of \$2,265,130.50:

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 Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 20, 2015 for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$2,265,130.50 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 Master Construction Company, Inc. in the sum of \$2,265,130.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$2,265,130.50, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Piepkorn, Gehrig and Mahoney voted aye.

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

No Protests Received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 20 and

27, 2015 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 Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1.

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

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

Bids Received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1:

The bids for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 20, 2015 and the bids were found to be as follows:

Robert Gibb & Sons, Inc.	Fargo, ND
Bid:	\$3,209,387.60

Master Construction Company, Inc.	Fargo, ND
Bid:	\$3,647,805.90

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 Awarded to Robert Gibb & Sons, Inc. in the Amount of \$3,209,387.60:

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 Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 20, 2015 for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 shows the bid of Robert Gibb & Sons, Inc. of Fargo, North Dakota, in the sum of \$3,209,387.60 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 Robert Gibb & Sons, Inc. in the sum of \$3,209,387.60 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Robert Gibb & Sons, Inc. for the sum of \$3,209,387.60, subject to the supervision,

inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1:

The Statutory Resolution of Necessity for the construction of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 20 and 27, 2015 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 Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1.

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

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

Bids Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1:

The bids for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 20, 2015 and the bids were found to be as follows:

Central Specialties, Inc. Bid:	Alexandria, MN \$935,491.75
Border States Paving, Inc. Bid:	Fargo, ND \$993,455.70
Aggregate Industries Bid:	Moorhead, MN \$995,974.00
Northern Improvement Company Bid:	Fargo, ND \$1,020,437.80

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 Awarded to Central Specialties, Inc. in the Amount of \$935,491.75:

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 Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 20, 2015 for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 shows the bid of Central Specialties, Inc. of Alexandria, Minnesota, in the sum of \$935,491.75 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 Central Specialties, Inc. in the sum of \$935,491.75 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Central Specialties, Inc. for the sum of \$935,491.75, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Expansion of the Assessment District for Improvement District No. BN-15-A Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee received a communication from Project Engineer Mark Miller regarding a developer request to expand an infrastructure project and the associated assessment district. They said this would include the filling of lots that were impacted by the floodplain changes that went into effect in January. They said the lots have been identified as 9-12 of Block 4 in the Maple Valley Addition.

Commissioner Sobolik moved the expansion of the assessment district for Improvement District No. BN-15-A to include Lots 9-12, Block 4 of Maple Valley Addition be approved.

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

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

Contract Amendment No. 1 for Improvement District No. PN-14-C0 Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating the Committee received a communication from Division Engineer Brenda Derrig relating to a contract amendment submitted by Moore Engineering in the amount of \$80,000.00. They said the amendment will cover additional costs associated with a time extension in addition to construction related issues that came up in the field.

Commissioner Sobolik moved Contract Amendment No. 1 in the amount of \$80,000.00 for Improvement District No. PN-14-C0 be approved.

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

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

Change Order No. 1 for Improvement District No. UN-15-E1 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 for an increase of \$25,400.00 for Improvement District No. UN-15-E1.

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

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

Addition of an Incentive/Disincentive for Improvement District No. FM-14-92:

The Board received a communication from City Engineer April Walker stating the Engineering Department recommends the addition of an incentive/disincentive for the 2nd Street North Floodwall Project. She said this project is being completed by the Diversion Authority and is scheduled for bid opening in early July 2015 with a final completion date tentatively set for November 1, 2016. Staff, she said, has evaluated the entire project and determined that there are four critical phases of the project with each phase having an impact to the traveling public of varying levels. She said the most critical phase is the 1st Avenue North from the Red River Bridge through the 3rd Street intersection, which is currently planned to be constructed in the 2016 construction season and anticipated to take 120 days to complete. She said due to the traffic impacts of this road closure, Engineering is recommending an incentive be considered for this portion of the project.

She said the following are being proposed for 1st Avenue North:

- 1st Avenue North completely open to traffic, signals operational, punch list items remaining but functionally complete - \$4,000 per calendar day incentive.
- Sidewalk and boulevard restoration complete and all pavement striping in place on 1st Avenue North – additional \$1,000 per calendar day for a total of \$5,000 per day incentive.

There will also be a penalty associated with failure to open 1st Avenue with the currently proposed 120 calendar days, she said, which would be \$5,000 per calendar day. She said Engineering is recommending that two additional interim completions be set for the intersections of 1st Avenue North with 2nd Street and 3rd Street. She said the following are being proposed for those two intersections:

- 2nd Street North and 1st Avenue - \$3,000 per day incentive for opening the intersection to traffic prior to the 90 calendar day completion date.
 - Penalty of \$3,000 per calendar day for failure to open intersection under 90 calendar day limit.
- 3rd Street North and 1st Avenue - \$3,000 per day incentive for opening the intersection to traffic prior to the 70 calendar day completion date.
 - Penalty of \$3,000 per calendar day for failure to open intersection under 70 calendar day limit.

The fourth phase is in regards to 2nd Street North which, she said, they are not proposing an incentive for this phase of the project since there will be additional projects on 2nd Street North being completed in 2016 that will also result in the roadway being closed. She said it is recommended that the incentives for all phases of the project be capped at \$150,000.00.

Commissioner Sobolik moved the addition of an incentive/disincentive for 1st Avenue North be approved as recommended with the total incentive not to exceed \$150,000.00.

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

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

Flood Mitigation, Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. FM-14-9 (Various Locations in North Fargo):

Commissioner Sobolik moved the following action be taken in connection with Flood Mitigation, Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. FM-14-9:

Adopt Resolution Creating Improvement District No. FM-14-9:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. FM-14-9 in the City of Fargo, North Dakota, be created

On 2nd Street North from 3rd Avenue to 1st Avenue.

On 1st Avenue North from 3rd Street to Red River.

COMPRISING:

Lot 1, Block 1.

All in Malme Addition.

Lots 4 & 5, Block 37.

All in Auditors Lot 4.

Lots 1 & 2, Block 1.

All in North Park Maintenance Addition.

Lots 1 through 12, Block 2.

Lots 1 through 24, Block 5.

Lots 1 through 24, Block 6.

Lots 1 through 24, Block 7.

Lots 1 through 24, Block 8.

Lots 1 through 16, Block 9.

Lots 1 through 22, Block 10.

Lots 1 through 24, Block 11.

Lots 1 through 24, Block 13.

Lots 1 through 24, Block 14.

Lots 1 through 24, Block 15.
Lots 1 through 8, Block 16.
Lots 10 & 11, Block 16.
Lots 14 & 15, Block 16.
Lots 1 through 24, Block 18.
Lots 1 through 24, Block 19.
Lots 1 through 34, Block 20.
Lots 1 through 34, Block 21.
Lots 1 through 34, Block 22.
Lots 1 through 33, Block 23.
Lots 1 through 31, Block 24.
Lots 1 through 30, Block 25.
Lots 1 through 27, Block 26.
Lots 1 through 13, Block 27.
All in Reeve's Addition.

Lots 4, 5 & 8, Block 1.
All in P.M. Properties Subdivision.

Lot 1, Block 1.
All in Steidl Hawes Addition.

Lots 1 through 9, Block 1.
Lots 1 through 6, Block 2.
All in 2nd Avenue North Subdivision.

Lots 1 through 16, Block A.
Lots 1 through 16, Block B.
All in Stern's Subdivision.

Lots 1 through 4, Block 1.
Lots 1 through 18, Block 12.
Lots 22 through 24, Block 12.
All in Elim Rehabilitation Addition.

Block A.
Lots 1 through 9, Block 10.
Lots 5 through 9, Block 19.
Lots 1 through 12, Block 20.
Lots 1 through 12, Block 21.
Lots 1 through 12, Block 22.
Lots 1 through 6, Block 23.
Block 24.
Lots 1 through 12, Block 25.
Lots 1 through 12, Block 26.
Lots 3 through 12, Block 29.
Lots 1 through 12, Block 30.
Lot 1, Block 34.

Lots 1 through 12, Block 35.
Lots 1 through 12, Block 36.
Lots 1 through 12, Block 37.
Lots 1 through 12, Block 38.
Lots 1 through 12, Block 39.
Lots 1 through 12, Block 40.
Lots 1 through 9, Block 41.
Lots 1 & 2, Block 42.
Lots 1 through 6, Block 43.
Lots 1 through 6, Block 44.
Lots 1 through 6, Block 46.
Lots 1 through 5, Block 47.
All in Roberts 2nd Addition.

Lots 1 through 29, Block 1.
Lots 1 through 6, Block 2.
Lots 10 through 12, Block 2.
Lots 1 through 12, Block 3.
Lots 1 through 12, Block 4.
Lots 1 through 14, Block 5.
Lots 1 through 6, Block 6.
Lots A through M, Block 7.
Lots 4 through 13, Block 7.
Lots 1 through 14, Block 8.
Lots 1 through 12, Block 9.
All in Roberts Addition.

Lots 1 through 3, Block 1.
Lots 6 through 27, Block 1.
All in S.G. Roberts Addition Plat No. 2.

Lot 1, Block 1.
All in Burgum Addition.

Lot 1, Block 1.
All in Christianson Addition.

Lots 1 through 10, Block 45.
All in Mealey's Subdivision.

Lots A through G, Block 42.
All in Tyler & Benton's Subdivision.

Lots 1 through 3, Block 27.
Lots 7 through 12, Block 27.
Lots A through C, Block 27.
Lots A through H and K, Block 28.
Lots 7 through 12, Block 28.

Lots A through C, Block 29.
All in Douglas 2nd Subdivision.

Lots A through F, Block 10.
All in Auditor's Subdivision.

Lots 1 through 6, Block A.
All in Sheehan's Subdivision.

Lots A through E, Block A.
Lots A through L, Block B.
Lots D through K, Block C.
Block E.
All in Chapin, Johnson and Barretts Addition.

Lots A through U, Block 2.
Lots 1 through 12, Block 6.
All in Hagaman's Subdivision.

Lots 1 through 9, Block E.
All in Kirkham's Subdivision.

Lots 1 through 14, Block 1.
Lots 18 through 22, Block 1.
Lots A through F, Block 1.
Lots 1 through 14, Block 2.
Lots 18 through 22, Block 2.
Lots A through G, Block 2.
Lots 1 through 22, Block 3.
Lots 1 through 22, Block 4.
Lots 1 through 18, Block 7.
Lots 1 through 24, Block 8.
Lots 1 through 24, Block 9.
Lot 1 and Lots 12 through 18, Block 10.
Lot 1 and Lots 8 through 18, Block 15.
Lots 1 through 24, Block 16.
All in Keeney and Devitt's Addition.

Block 17.
Block 18.
Lots 1 through 5, Block 21.
Lots 10 through 12, Block 21.
Lots 1 through 5, Block 22.
Lots 10 through 12, Block 22.
Lots 1 through 4, Block 23.
Lots 11 and 12, Block 23.
Lot 1 and lots 8 through 12, Block 34.
All in Keeney and Devitt's 2nd Addition.

Lots 5 through 10, Block 23.
Lots 13 through 18, Block 23.
All in Leach and Wells Subdivision.

Lots 6 through 9, Block 24.
Lots 13 through 18, Block 24.
All in Keeney's Subdivision.

Lots 1 through 24, Block A1.
Lots 1 through 24, Block A2.
Lots 1 through 16, Block A3.
Lots 1 through 13, Block A4.
All in Northern Pacific 2nd Addition.

Lot 1, Block 1.
Lots 1 through 3, Block 2.
All in Machinery Row Addition.

Lots A and B, Block 1.
Block 22.
All in Great Northern Depot Addition.

Lots 1 through 3, Block 1.
Lots 1 through 3, Block 2.
Lots 1 and 2, Block 3.
Block 4.
Block 5.
Block 6.
Lots 1 and 2, Block 7.
Lots 1 through 4, Block 8
All in North Dakota Urban Renewal Addition.

A lot pt of the n 1/2 of the nw 1/4 of sec 7 twp 139n rge 49w, incl a pt of rr outlot no. 3 & a pt of the bnsf rr (formerly northern pacific rr co) 400 ft wide charter r/w, more particularly desc as foll: comm at the ne cor of sd rr outlot #3, sd cor being at the inter of the sly r/w ln of northern pacific ave & the wly r/w ln of 8th st n; then s 87 deg 53 min 56 sec w (assmd brg), alg the sly r/w ln of sd northern pacific ave, for a dist of 60.19 ft to the nw cor of a tract desc in doc #1015022 & the true pt of beg; then cont s 87 deg 53 min 56 sec w, alg the sly r/w ln of sd np ave, for a dist of 344.81 ft to the ne cor of a tract desc in doc #1101656; then s 02 deg 06 min 04 sec e, alg the ely ln of a tract desc in sd doc #1101656, for a dist of 143.00 ft to the se cor of a tract of land desc in sd doc # 1101656; then s 84 deg 56 min 28 sec w, alg the sly ln of a tract of land desc in sd doc # 1101656, for a dist of 329.45 ft to the sw cor of a tract desc in sd doc # 1101656; then n 88 deg 52 min 12 sec e for a dist of 329.06 ft to a pt of inter w/ a ln lying 80.00 ft nly of (as meas perp to) the cntr ln of the bnsf rr's westbound mainline track, then s 87 deg 31 min 42 sec e, para w/ and 80.00 ft nly of sd westbound mainline track centerline for a dist of 330.47 ft to a pt of

inter w/ the wly ln as ext s of a tract of land desc in sd doc #1015022; then n 02 deg 29 min 00 sec e, alg the wly ln as ext s & alg the wly ln of a tract desc in sd doc #1015022, for a dist of 192.54 ft to the true pt of beg.
All of the following located in Northern Pacific Addition.

All the unplatted land between 7th Avenue North and Dakota Drive North and 17th Street North and 14th Street North.

All the unplatted land between the Red River and University Drive North and Main Avenue and Northern Pacific Avenue North.

All unplatted on a tract of land loc at nw cor of lt 1, blk 27, reeves, sd pt also being on sly r/w ln of 1 ave n; then s 85 deg 48 min 15 sec w (assmd brg) alg sly ln of sd 1 ave n & alg nly ln of sd lt 5, for a dist of 5.39 ft to true pt of beg; then cont s 85 deg 48 min 15 sec w, alg sly ln of sd 1 ave n, for a dist of 351 ft, then s 00 deg 00 min 00 sec e, para with wly r/w ln of vac 16 1/2 st n, for a dist of 204.34 ft to nly r/w ln of a rr; then s 84 deg 30 min 51 sec e, alg nly r/w ln of sd rr, for a dist of 259 ft; then n 19 deg 54 min 12 sec e for a dist of 270.97 ft to true pt of beg.

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

NOW, THEREFORE, BE IT RESOLVED, That Flood Mitigation, Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. FM-14-9 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. FM-14-9:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. FM-14-9 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 \$4,194,268.00.)

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Piepkorn, Gehrig and Mahoney 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-15-K (Valley View 4th Addition):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K:

Adopt Resolution Creating Improvement District No. UN-15-K:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. UN-15-K in the City of Fargo, North Dakota, be created

Crimson Loop South.

37th Avenue South between 54th Street South and Veterans Boulevard.

Justice Drive South between 54th Street South and 56th Street South.

55th Street South between 37th Avenue South and Justice Drive South.

56th Street South between 37th Avenue South and Justice Drive South.

COMPRISING:

Lots 1 through 10, Block 1.

Lots 1 through 60, Block 2.

Lots 1 through 8, Block 3.

Lots 1 through 8, Block 4.

Lots 1 and 2, Block 5.

Valley View Fourth Addition.

Lots 1 through 19, Block 1.

Lots 1 through 13, Block 2.

Lots 1 through 11, Block 3.

Lots 1 through 18, Block 4.

Lots 1 through 3, Block 5.

Valley View 5th Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-K 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-15-K:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-15-K 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 \$2,642,590.00.)

Order Plans and Specifications for Improvement District No. UN-15-K:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. UN-15-K in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. UN-15-K:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UN-15-K 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-15-K 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-15-K:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. UN-15-K in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Piepkorn, Gehrig and Mahoney 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-15-A1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-A1 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Piepkorn, Gehrig and Mahoney 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-15-A1 Approved:

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

Western National Mutual Insurance Company, in the amount of \$1,067,375.80, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-A1 in the City of Fargo, North Dakota.

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

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

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 Approved:

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

Western National Mutual Insurance Company, in the amount of \$843,440.70, for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 in the City of Fargo, North Dakota.

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

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

Contract for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 Approved:

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

United Fire and Casualty Company, in the amount of \$3,994,740.91, for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Piepkorn, Gehrig and Mahoney 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-14-51 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Sherman's, LLC for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-51 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Piepkorn, Gehrig and Mahoney 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-14-51 Approved:

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

Western Surety Company, in the amount of \$614,988.50, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-51 in the City of Fargo, North Dakota.

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

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

Commissioner Williams Appointed Deputy Mayor:

The Board received a communication from Mayor Mahoney recommending that Commissioner Williams be appointed Deputy Mayor.

Commissioner Sobolik moved Commissioner Williams be appointed Deputy Mayor.

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

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

Liaison Commissioner Assignments Approved:

The Board received a communication from Mayor Mahoney submitting the following recommendations for Liaison Commissioner assignments:

Gehrig

Departments: Enterprise/Utilities

Committees: Metro COG, Metro Area Transit Coordinating Board, Liquor Control, Utility, Alternate to Diversion Authority

Board Liaison: Airport Authority, Human Relations, Housing Authority

Mahoney

Departments: Police, Operations, City Commission, Finance, Health, Human Resources

Committees: GFMEDC, Finance, Position Evaluation, Vector Control, Community Development, Tax Exempt Review, Lake Agassiz

Water Authority, Diversion Authority, Ambulance Oversight
Committee
Board Liaison: Board of Health

Piepkorn

Departments: Engineering
Committees: Metro COG, GFMEDC, Liquor Control, Position Evaluation,
Renaissance Zone, Tax Exempt Review, Fargo Dome Finance,
Alternate to Diversion Authority
Board Liaison: Fargo Dome Authority, Special Assessment, Civil Service

Sobolik

Departments: Planning
Committees: Metro COG, Cass County Planning, Community Development,
Renaissance Zone, Diversion Authority
Board Liaison: Planning, Board of Adjustment, Board of Appeals, Historic
Preservation, Native American Commission, Downtown
Community Partnership, Fargo Youth Initiative, Arts and Culture

Williams

Departments: Fire, Information Services
Committees: Metro COG, Finance, Cable Review, Metro Area Transit
Coordinating Board, Parking, Renewable Energy, Traffic Tech
Advisory, Utility, Diversion Authority
Board Liaison: Library, Auditorium, Red River Basin Board

Commissioner Williams moved the recommendations submitted by Mayor Mahoney be approved as outlined above.

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

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

Darrell Vanyo Reappointed to the Fargo Dome Authority:

The Board received a communication from Mayor Mahoney recommending that Darrell Vanyo be reappointed to the Fargo Dome Authority.

Commissioner Piepkorn moved the reappointment of Darrell Vanyo to the Fargo Dome Authority for a term ending April 1, 2019 be approved.

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

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

First Reading of an Ordinance Amending Section 25-0401 and Enacting Section 25-0410 of Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire:

Commissioner Williams moved first reading of an Ordinance Amending Section 25-0401 and Enacting Section 25-0410 of Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire.

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

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

Third Amendment to the Joint Powers Agreement Approved:

The Board received a communication from City Attorney Erik Johnson stating he has a proposed third amendment to the Joint Powers Agreement (JPA) which would establish a separate decision making Board with the principal purpose of being able to approve expenditures for the Metro Flood Project. Assuming all the entities approve this amendment, he said, it will be necessary for each of the North Dakota members to appoint members to the Dakota Metro Flood Board. Mr. Johnson said once the Minnesota DNR completes their EIS process, the Diversion Board would go back to the same model that was used in the past.

Commissioner Williams moved the Third Amendment to the Joint Powers Agreement be approved as presented and to appoint Mayor Timothy Mahoney and Commissioners Melissa Sobolik and Mike Williams to serve on the Dakota Metro Flood Board.

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

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

Land Lease Agreement with Cass County Electric Cooperative for the Construction and Operation of a Solar Energy Production Facility Approved:

The Board received a communication from the Utility Committee stating the Committee was presented a memo and Land Lease Agreement from Enterprise Director Bruce Grubb for a related solar energy project with Cass County Electric Cooperative. He said the City's role as a partner would be to lease the land for the project in exchange for an energy credit for a portion of the electricity produced. Staff suggested, he said, that the project be located on the City's Ground Storage Reservoir property near the intersection of 52nd Avenue South and 63rd Street South. Cass County Electric is planning to install 240 individual 410 watt solar panels, with the City of Fargo owning two of the panels in lieu of rent, he said, which should result in an estimated energy credit of \$108 per year.

Cass County Electric Cooperative Vice President of Member and Energy Services Marshall Albright said he is very thankful to the City for the land opportunity which will help this project come to fruition.

Commissioner Williams moved the Land Lease Agreement with Cass County Electric Cooperative for the construction and operation of a solar energy production facility be approved.

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

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

Resolution Adopted Approving the Issuance of Bonds by the City of Kindred, North Dakota on Behalf of Dakota Boys and Girls Ranch Foundation Under the Municipal Industrial Development Act:

The Board received a communication from Director of Finance Kent Costin stating the City of Kindred, on behalf of the Dakota Boys and Girls Ranch Foundation, is requesting the issuance of Municipal Industrial Development (MIDA) Revenue Bonds. He said the bond proceeds will be used to construct and equip a gymnasium, dining room, kitchen and mediation addition to the present location at 7045 15th Street South. He said a public hearing is required by the IRS since the facility is located in Fargo.

Commissioner Williams moved the Resolution Entitled "Resolution Approving the Issuance of Bonds by the City of Kindred, North Dakota on Behalf of Dakota Boys and Girls Ranch Foundation under the Municipal Industrial Development Act" and referred to as Attachment "C" be adopted and attached hereto.

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

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

Application Filed by Food Services of America, Inc. for Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by Food Services of America, Inc. for payment in lieu of property tax exemption for an expansion of their operation at 4101 15th Avenue North where the applicant operates a food service distribution center.

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

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

The Board received a communication from City Assessor Ben Hushka stating the applicant is asking for a ten-year payment in lieu of tax (PILOT) for the new expansion based on the equivalent of 5 years at 100% improvement exemption and 5 years at a 50% improvement exemption.

Commissioner Piepkorn moved that the application filed by Food Services of America, Inc. for a 100% property tax exemption for years one through five and a 50% property tax exemption for years six through ten for an expansion to the operation at 4101 15th Avenue North be approved pursuant to Chapter 40-57.1, NDCC.

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

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

Application to Transfer the Alcoholic Beverage License from The Beefsteak Club, LLC d/b/a The Beefsteak Club to The Beefsteak Club, LLC d/b/a Pounds Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "FA-RZ" Alcoholic Beverage License from The Beefsteak Club, LLC at 612 1st Avenue North to The Beefsteak Club, LLC d/b/a Pounds, 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 Piepkorn moved the application be approved.

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

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

Resolution Adopted Approving Butler Business Park Addition (3500 Main Avenue and 100 36th Street South):

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 "Butler Business Park Addition" containing 1 Lot, 1 Block, and 15.52 acres of land more or less, located at 3500 Main Avenue and 100 36th Street South; and

WHEREAS, A Hearing was held March 3, 2015 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 18 and 25, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., May 26, 2015 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 "Butler Business Park 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, Gehrig, Williams and Mahoney voted aye.

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

Text Amendment to Section 20-0402.N of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Telecommunications Support Structures Approved:

A Hearing had been held by the Fargo Planning Commission on May 5, 2015 for the purpose of considering a request for a text amendment to Section 20-0402.N of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) all relating to Telecommunications Support Structures (TSSs) aka cell towers, and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

The Board received a communication from Assistant City Attorney Jason Loos stating the changes, were proposed by attorneys for Verizon Wireless and edited and reviewed by Planning staff and himself. He said the proposed changes will allow more flexibility for telecommunication towers, as well as make the code more compatible with the significant changes in technology.

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.

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

Commissioner Sobolik moved the request be approved on the basis the proposed Text Amendment complies with Section 20-0904.E (1-3) of the Land Development Code.

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

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

First Reading of an Ordinance Amending Section 20-0402.N of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Telecommunication Support Structures:

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 relating to Telecommunication Support Structures be placed on first reading.

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

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

Addition of a MATBUS Downtown Circulator Route Effective June 1, 2015 Approved: Memorandum of Understanding (MOU) Between the City of Fargo and City of Moorhead Approved:

The Board received a communication from Planner Joe Nigg and Planning Director Jim Gilmour stating a concept for a downtown circulator route that would link Fargo and Moorhead was discussed in early March and a subcommittee was formulated to discuss and refine the concept. They said the subcommittee had representation from both the Fargo City Commission and the Moorhead City Council, along with community and business representatives. A few modifications have been

made to the concept, they said, and the Metro Area Coordinating Board reviewed and recommended approval of the draft MOU and route concept. The Moorhead City Council will also be reviewing the proposal at their meeting today, they stated. The MOU establishes framework for operations, they said, and states that the City of Fargo will pay for all operating costs and the City of Moorhead will make underutilized parking areas available for use at the Moorhead Center Mall. They listed the following details about the Link FM route:

- Circulator service would start June 1, 2015.
- Operating hours would be Monday – Friday from 7 am to 7 pm and Saturdays from 10 am to 5 pm.
- 15 minute frequency.
 - Circulator service will be fare free and free transfers to other routes will be allowed.
- 10 designated stop locations (six in Fargo and four in Moorhead).
 - Marketing and promotional elements will be further developed in the upcoming months and will focus on a service that is fun, friendly and free.

In response to a question from Steven Stremick, 1155 13th Avenue South, regarding the cost to taxpayers and the cessation date for the service, Planning Director Jim Gilmour said in February the City Commission approved a \$100,000 budget for the remaining seven months of the year. He said the Finance Committee's recommendation was to try the route for a period of nine months and then reevaluate after that. He said the annual operating costs would be between \$135,000.00-150,000.00 per year.

In response to a question from Commissioner Gehrig regarding how to measure if this is successful or not, Mr. Gilmour said if there are more than 30 boarding's per hour he feels that could be considered a success.

Commissioner Piepkorn said this is a way to maximize the parking in downtown Fargo and if changes need to be made that can certainly be done.

Commissioner Williams moved the addition of a MATBUS Downtown Circulator Route be approved effective June 1, 2015, and the Memorandum of Understanding between the City of Fargo and the City of Moorhead be approved.

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

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

Renaissance Zone Project for Bruce and Nancy Taralson Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Bruce and Nancy Taralson at 1020 1st Avenue North.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Planner Joe Nigg stating the Renaissance Zone Project application presented by Bruce and Nancy Taralson meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent

with the established goals and objectives. Mr. Nigg recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by Bruce and Nancy Taralson for a project located at 1020 1st Avenue North be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for 670 Events Center, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for 670 Events Center, LLC at 670 4th Avenue North and 321 7th Street North.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Planner Joe Nigg stating the Renaissance Zone Project application presented by 670 Events Center, LLC meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Nigg recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by 670 Events Center, LLC for a project located at 670 4th Avenue North and 321 7th Street North be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Special Assessment List for 2014 New Construction City Ordered Sidewalks:

A Hearing had been set for this day and hour on the special assessment list for the New Construction of City Ordered Sidewalks in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Piepkorn moved that the special assessment list for the New Construction of City Ordered Sidewalks in the City of Fargo, North Dakota be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

Special Assessment List for 2014 Reconstruction City Ordered Sidewalks:

A Hearing had been set for this day and hour on the special assessment list for the Reconstruction of City Ordered Sidewalks in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Piepkorn moved that the special assessment list for the Reconstruction of City Ordered Sidewalks in the City of Fargo, North Dakota be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

At 6:03 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Special Assessment List for Various Improvement Districts Approved:

A Hearing had been set for this day and hour on the special assessment list for the construction of the following Improvement Districts in the City of Fargo, North Dakota, all having been approved by the Special Assessment Commission on 4/22/15; set the interest rate at 1% per annum over the net rate on bonds financing said projects:

Street Lighting and Incidentals No. 6159.

Water Main Replacement, Street Reconstruction and Incidentals No. 6174.

Water Main Replacement, Street Reconstruction and Incidentals No. 6176.

Water Main Replacement, Street Reconstruction and Incidentals No. 6178.

Water Main Replacement, Street Reconstruction and Incidentals No. 6179.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 6201.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 6219.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals No. 6236.

P.C. Concrete Alley Paving and Incidentals No. 6258.

P.C. Concrete Alley Paving and Incidentals No. AN-14-1.

Asphalt Paving and Incidentals No. PN-14-A.

Asphalt Mill and Overlay and Incidentals No. PR-14-3.

Asphalt Mill and Overlay and Incidentals No. PR-14-1.

Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals No. PN-14-5.

Seal Coat and Incidentals No. PR-14-4.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. UN-14-E.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. UN-14-0.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. UN-14-4.

No appeals have been filed in writing against any item appearing on such special assessment lists and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Piepkorn moved the special assessment list for the construction of the above listed Improvement Districts be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

Applications Filed by Ryan Property Tax Services; Ethan Horn, Agent to Lower the 2014 Assessment Valuations on 406 Main Avenue and 2501 13th Avenue South Denied:

The Board received a communication from City Assessor Ben Hushka stating two applications for abatement of taxes for Wells Fargo Bank were initiated by Ryan Property Tax Services; Ethan Horn, Agent for Wells Fargo Bank. The first application #4448 for Wells Fargo Bank at 406 Broadway requests a value reduction from \$14,111,300.00 to \$8,443,000.00, he said, and the second application #4449 for

Wells Fargo Bank at 2501 13th Avenue South requests a value reduction from \$3,438,000.00 to \$2,134,000.00. He said it is common for property tax representatives to file valuation appeals without specific knowledge of the owner of the property and these firms often have a financial incentive in procuring tax reductions. He said frequently in appeal filings such as these, the applicant renders opinions of value with limited due diligence of fact verification, research of the local market or adequate provision of documented support for their conclusions. Relying almost entirely on nationally published data and failing to view or inspect the subject and comparable properties is common and prohibited under the Uniform Standards of Professional Appraisal Practice for state licensed or certified appraisers, he said.

Commissioner Williams moved, based upon Mr. Hushka's recommendation, that application #4448 and application #4449 filed by Ryan Property Tax Services; Ethan Horn, Agent for abatement of 2014 real estate taxes on property located at 406 Main Avenue and 2501 13th Avenue South be denied.

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

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

Remodeling Plans for Fire Station No. 1 Approved:

Fire Chief Steve Dirksen said Fire Station No. 1 at 637 NP Avenue was built in 1961 and over the years the facility has seen quite a few changes in staffing that have been adjusted to meet the needs of the City. He said an extensive project needs to be completed due to the fact that plumbing leaks have caused damage, windows and doors are not energy efficient and the building has asbestos throughout. He said previously the department was looking to relocate downtown; however, further analysis has determined the current location is well suited to respond to the needs of the community. The IMAGE Group was enlisted last year to conduct a feasibility study for remodeling the facility, he said, and it became apparent a project, more extensive than a small office remodel and window and door replacement, would better meet the needs of the Department. The Finance Committee voted to approve the remodeling plans as presented with bonding for the project up to \$3 million, he said.

Commissioner Piepkorn said he is in full support of the remodeling project except for the museum portion. He said he does not feel that this prime real estate area in downtown Fargo is an appropriate spot for the museum.

Commissioner Williams moved the remodeling plans for Fire Station No. 1, with bonding for the project up to \$3 million be approved, and to direct the Fire Chief to complete a contract with IMAGE Group Architects for design and construction management of the project.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Appropriate Staff Authorized to Obtain Appraisals and Commence Negotiation to Acquire the Properties Necessary for the Construction of Flood Risk Reduction Projects:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the Committee reviewed a communication from Storm Sewer Utility Division Engineer Nathan Boerboom regarding the next step in the progression of Flood Risk Reduction Projects. They said 26 properties have been identified as properties that must be acquired and the structures removed to facilitate construction. In addition, they stated, there is one property where the primary structure is not needed; however, an easement needs to be secured through the property for the levee alignment and clear zone. Staff is seeking permission to obtain appraisals on properties and to proceed with negotiations for the properties, they said.

Director of Engineering April Walker said there were a couple of typos in the Report of Action. She said one of the properties was listed as being on Cooperfield Court it is however, in Oak Creek. She said the other item that was missing from the Report of Action is the partial lot taking where the structure was not needed and that was omitted.

In response to a question from Commissioner Sobolik about the eminent domain process and how long that may take, City Attorney Erik Johnson said the formal process typically starts with an appraisal which could take months to obtain, but once it is obtained the City would enter into negotiations making an offer based on the appraisal and then enter into negotiations. When negotiations stall without success it would be then that a lawsuit would typically start to obtain the property by eminent domain. He said there is the possibility to demand that a lawsuit moves at a pace within 60 days if that is demanded but if it is not demanded it would be safe to say that a lawsuit could end within a year.

Ms. Walker said the limiting factor in this process is the ability to get appraisals. She said their hope is that by doing a group of appraisals all at once, someone will be committed to doing them all. She said the properties that have been identified are as follows:

- 1421 42nd Avenue South
- 4123 15th Street South
- 4117 15th Street South
- 4122 17th Street South
- 4033 Copperfield Court South
- 4027 Copperfield Court South
- 4021 Copperfield Court South
- 4009 Copperfield Court South
- 4449 Oakcreek Drive South
- 3405 39th Avenue South
- 3365 39th Avenue South
- 3209 39th Avenue South
- 3215 39th Avenue South
- 3680 River Drive South
- 3714 River Drive South
- 3732 River Driver South
- 3738 River Drive South

3842 River Drive South
3908 River Drive South
726 Hackberry Drive South
714 Hackberry Drive South
618 Hackberry Drive South
602 Hackberry Drive South
801 Harwood Drive South
707 Harwood Drive South
635 Harwood Drive South
4003 Cooperfield Court South

Commissioner Williams moved to authorize appraisals for properties identified and to direct staff to thereafter commence negotiations, in the event that the negotiations are unsuccessful, direct staff to use legal means to secure the property for flood risk reduction projects.

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

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

Resolution of Necessity for Acquisition of Property for Flood Mitigation Purposes Adopted:

Commissioner Piepkorn offered the following Resolution and moved its adoption:

WHEREAS, The City of Fargo is a Municipal Corporation under North Dakota Century Code Chapter 40-06; and

WHEREAS, The City of Fargo is vested with the powers enumerated in Chapter 32-15 of the North Dakota Century Code, including the power to secure control of the property necessary to create, construct, operate and maintain flood control and protection projects; and

WHEREAS, The Red River of the North, its tributaries and the associated drain system are prone to frequent flooding which presents significant risks to the inhabitants, property, infrastructure and economy of the City of Fargo and surrounding communities; and

WHEREAS, The City of Fargo has identified viable flood control and protection options, and in November 2012 adopted a City-wide Flood Mitigation Comprehensive Plan; and

WHEREAS, The City-wide Flood Mitigation Comprehensive Plan identifies properties determined by Engineering staff and consulting engineer's opinions required to be acquired in order to accomplish certifiable protection to the City of Fargo; and

WHEREAS, The City of Fargo has made, or will make reasonable efforts to secure the necessary property by voluntary means, and will engage in negotiations with the landowners whose property the City of Fargo has determined is necessary to construct certifiable flood protection measures.

NOW, THEREFORE, BE IT RESOLVED, That the public use for which the property has been identified is a use authorized by law.

BE IT FURTHER RESOLVED, That it is necessary for the City of Fargo to acquire the following identified properties to allow for such use that being the construction of certifiable flood protection measures within the City of Fargo:

1421 42nd Avenue South	3680 River Drive South
4123 15th Street South	3714 River Drive South
4117 15th Street South	3732 River Drive South
4122 17th Street South	3738 River Drive South
4033 Copperfield Court South	3842 River Drive South
4027 Copperfield Court South	3908 River Drive South
4021 Copperfield Court South	726 Hackberry Drive South
4009 Copperfield Court South	714 Hackberry Drive South
4449 Oakcreek Drive South	618 Hackberry Drive South
3405 39th Avenue South	602 Hackberry Drive South
3365 39th Avenue South	801 Harwood Drive South
3215 39th Avenue South	707 Harwood Drive South
3209 39th Avenue South	635 Harwood Drive South

BE IT FURTHER RESOLVED, That it is necessary for the City of Fargo to acquire an easement on the following identified property to allow for the construction of certifiable protection measures within the City of Fargo:

4003 Copperfield Court South

BE IT FURTHER RESOLVED, That the City of Fargo will proceed with the requisite legal proceedings in accordance with North Dakota Century Code Chapter 32-15 to acquire the necessary property.

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

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

Property Tax Reduction Proposal Presentation by Commissioner Gehrig Received and Filed:

Commissioner Gehrig shared a PowerPoint presentation and outlined his proposal for property tax reduction.

Commissioner Williams moved the property tax reduction proposal presentation by Commissioner Gehrig be received and filed.

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

Acquisition and Flood Risk Reduction Measures for Project No. FM-14-63 Approved (Drain 27 Prairie Rose):

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the Committee reviewed a communication from Storm Sewer Utility Division Engineer Nathan Boerboom regarding the final proposed alignment of the flood risk reduction project through the Prairie Rose

development on Drain 27. Ground on the east side of the drain is high ground that is outside the current FEMA 1% chance inundation area, they said, and it is possible to terminate the constructed levee section and tie off to the high ground, preserving structures on the east. This means the south properties need to be acquired to accommodate the levee, they stated, and staff is recommending approval of the final alignment and seeking approval to extend acquisition offers to the necessary property. It is further recommended, they said, that accommodations be made to prepare the property east of the drain for emergency measures by clearing a corridor, securing an easement and placing a stabilized surface on which to place rapid deploy products.

Jerry Bents, Houston Engineering, said this neighborhood took significant protection measures in 2009 and therefore is a priority neighborhood to take care of.

Commissioner Piepkorn moved the proposed project alignment be approved, that voluntary offers be extended to impacted properties, and that the northeast property be prepared for emergency measures by clearing a corridor, securing an easement and placing a stabilized surface in which to place rapid deploy products be approved.

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

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

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, June 8, 2015.

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

The time at adjournment was 7:03 o'clock p.m.