

4. Membership Agreement with the Center for Internet Security's MS-ISAC.
5. Receive and File Year to Date – Budget to Actual Report for August 2015.
6. Agreement for Cost-Share Reimbursement with the State Water Commission for 60% participation in the costs for a water system regionalization project.
7. ND DOT contract award in the amount of \$96,292.00 for replacement of two paratransit vehicles (Contract # 38151873).
8. ND DOT contract award in the amount of \$591,620.00 for State Aid for Public Transit from 7/1/14 – 6/30/16 (Contract #38151830).
9. Contract award for three mini-vans for the Metro Senior Services to Nelson Auto Center for a total of \$68,691.00.
10. Award of the Fargo-Moorhead Transit Operational Services contract to First Transit for operation of transit services for the three-year period January 1, 2016 through December 31, 2018 with the option to extend for one 2-year period.
11. Order for Services Agreement with the 119th Wing, North Dakota Air National Guard for use of the Fargo Regional Law Enforcement Training Center.
12. Contracts to provide substance abuse prevention services addressing underage drinking and/or adult binge drinking with the Fargo Police Department for \$15,000.00; the West Fargo Police Department for \$21,972.20; the Cass County Sheriff's Office (Cops in Shops) for \$6,750.00; the Casselton Youth Task Force for \$1,300.00; the North Dakota State University, President's Council on Alcohol and Other Drug Prevention for \$11,000.00; and Fargo Public Schools, Ben Franklin Middle School for \$80,690.00.
13. 2-Year Lease agreement with the North Dakota Department of Human Services, Medical Services Division, in the amount of \$6,052.32 per year, for the Health Tracks Program.
14. Authorize Fargo's participation in the 2015 Wilder Study on Homelessness in the FM area with \$6,000.00 from the 2015 Community Development Block Grant planning services budget.
15. RFP to sell vacant land at 1209 4th Avenue North.
16. Interpreter Services Agreement with Family HealthCare.
17. Service agreement with Fargo Public Schools for nursing services for Special Education services for school year 2015-2016.

18. Health Department budget adjustment in the amount of \$6,000.00 and Grant Award from the North Dakota Department of Emergency Services for the "Are You Prepared" guide.
19. Applications for Games of Chance:
 - a. NDSU Development Foundation Bison Bidders Bowl for a raffle on 10/10/15.
 - b. Anne Carlsen Center for a raffle on 11/5/15.
 - c. Friends of Chimbote for a raffle on 9/18/15; Public Spirited Resolution.
 - d. Shannon Farha Benefit Fund for a raffle on 9/26/15; Public Spirited Resolution.
20. Engineering Task Order with AE2S for an increase of \$303,000.00, for Phase 2 Water Treatment Plant Facility Plan.
21. 5-year municipal lease with Kinetic Leasing, in the amount of \$67,584.00 per year, for two rear load refuse trucks.
22. Memorandum of Understanding with Prairie Rose I Association.
23. Agreement to enter into an Encroachment Agreement for property at 1735 Prairie Lane South.
24. Participation in the cost to replace railroad tracks north of Main Avenue at 4th Street and at Broadway.
25. Easement for a bike trail along the east side of Drain 3 from 3rd to 7th Avenue North.
26. Access Agreements – Soil Borings with Judie VandeVoort and the Park District for Project No. FM-15-K1.
27. Contract Amendment No. 1 for Moore Engineering, in the amount of \$22,065.00, for Project No. FM-15-C0.
28. Change Orders No. 1 and 2 for an increase of \$26,175.33 and time extension for Project No. FM-14-21 to 9/30/15.
29. Addition of a power pole in the boulevard for Project No. VF-14-A1.
30. Bills in the amount of \$7,184,188.81.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N (Commerce on 12th Avenue North):

The Board received a communication from City Engineer April Walker stating Fargo Commercial Properties, LLC is the sole owner of Commerce on 12th Addition and is requesting a Waiver of Protest Agreement. She said the purpose of the request is to move up the bidding process two weeks to allow for increased construction progress this year.

Commissioner Williams moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N:

Adopt Resolution Creating Improvement District No. BN-15-N:

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

On 12th Avenue North between 55th Street North and 47th Street North.

On 13th Avenue North between 57th Street North and 55th Street North.

On 14th Avenue North between 57th Street North and 55th Street North.

On 55th Street North between 14th Avenue North and 12th Avenue North.

COMPRISING

Lots 1 through 4, Inclusive, Block 1.

Lots 1 through 8, Inclusive, Block 2.

Lots 1 through 9, Inclusive, Block 3.

All platted in Commerce on 12th 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, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. BN-15-N:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-15-N 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 \$6,987,568.00.)

Order Plans and Specifications for Improvement District No. BN-15-N:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-15-N in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. BN-15-N in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N: Resolution Adopted Determining that a Waiver of Protest has Been Received Eliminating the 30 Day Waiting Period Required by a Resolution of Necessity:

WHEREAS, Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. BN-15-N was created for the purpose of installing improvements in Commerce on 12th Addition to the City of Fargo; and

WHEREAS, Fargo Commercial Properties, LLC, is the owner of a majority of the area of the property included within the district; and

WHEREAS, Section 40-22-15, NDCC, requires a resolution of necessity for such improvements unless a written petition for such improvement is received by the owners of a majority of the area of the property included in the district.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners of the City of Fargo hereby determines that a written petition for the improvement to be constructed pursuant to Special Assessment District No. BN-15-N has been received from Fargo Commercial Properties, LLC and that such petition has been signed by the owners of a majority of the area of property included within the district and that the improvement may be constructed without the adoption and a publication of a resolution declaring the improvements necessary.

Direct City Auditor's Office to Call for Bids for Improvement District No. BN-15-N:

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

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Reimbursement of Sprinkler Repair in Connection with Improvement District No. PR-14-21 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating they reviewed a letter from Project Engineer Kristy Schmidt regarding reimbursement for sprinkler repair at Happy Harry's Plaza at 1125 19th Avenue North in the amount of \$5,200.00. She said the repair is the result of a water main replacement and street reconstruction project in 2014.

Commissioner Williams moved the reimbursement of \$5,200.00 for sprinkler repair at Happy Harry's Plaza at 1125 19th Avenue North be approved.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Change Order No. 1 for Improvement District No. PN-14-11 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$35,177.48 for Improvement District No. PN-14-11.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. PN-14-81 Approved:

Commissioner Williams moved approval of Final Balancing Change Order No. 1 for an increase of \$798.78 for Improvement District No. PN-14-81.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Elimination of Interim Completion Dates for Improvement District No. BR-15-B1 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating they reviewed a communication from Project Engineer Kristy Schmidt related to the elimination of interim completion dates for Phases 2, 3 and 4 of Improvement District No. BR-15-B1. She said due to the unforeseen circumstances involving Xcel Energy's work within the project multiple phases needed to be in progress at the same time for the project to be completed this construction season.

Commissioner Williams moved the elimination of the interim completion dates for Improvement District No. BR-15-B1 be approved.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Contract Time Extension for Improvement District No. PR-15-G1 Approved:

Commissioner Williams moved approval of a contract time extension for substantial completion to July 27, 2015 for Improvement District No. PR-15-G1.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Contract Time Extension for Improvement District No. BN-15-H1 Approved:

Commissioner Williams moved approval of a contract time extension to October 3, 2015 for Improvement District No. BN-15-H1.

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

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

State Water Commission Cost Reimbursement Request for FM Diversion Flood Project Costs Approved:

Finance Director Kent Costin stated this is a standard monthly request from the State Water Commission. He said the components of the costs include: continued work on the flood walls and pump stations in the downtown area, as well as a business relocation payment for the Sidestreet Bar and Grille and some other incidental expenses. He said there have been some questions about the summary of buyouts that are eligible for Diversion funding. He said buyouts are categorically ineligible for state funding; however, the properties' land component is 100% eligible for cost reimbursement. He said the purpose of this schedule is to hand off a listing of acquisitions that have been made and proration of the land costs that the City would be seeking reimbursement for from the State. He said for clarification, in the legislative funding rules this year there is a \$120,000,000.00 appropriation for home buyouts within Fargo city limits that will be eligible for reimbursement from the State.

Commissioner Piepkorn said some of the money from the State is being used to buy out homes in Oxbow.

Mr. Costin said the appropriation is for the land element, not for the actual homes.

In response to a question from Mayor Mahoney on the intent of the legislature for money spent on Oxbow, Mayor of Oxbow Jim Nyhof said during the last session dollars were to be spent on the protection of Oxbow as part of the entire project.

Commissioner Williams moved the cost reimbursement request to the State Water Commission for the FM flood project costs in the amount of \$1,528,056.00 be approved.

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

Commissioner Piepkorn voted nay.

Absent and not voting: Commissioner Sobolik.

The motion was declared carried.

Renewal Plan for Tax Increment Financing District No. 2015-02 Approved (410 and 412 5th Street North and 401 and 413 Broadway North):

A Hearing had been set for this day and hour to review a Renewal Plan for Tax Increment Financing District No. 2015-02 for property on the northeast corner of 4th Avenue North and Broadway for a project to include the demolition of an existing building and construction of a mixed use development expected to include a parking structure for approximately 400 vehicles, main floor commercial spaces, offices and housing.

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

The Board received a communication from Planning Director Jim Gilmour stating this plan is one that the Planning and Development Department has completed work on and is appropriate for redevelopment in downtown. He said the Planning Commission has reviewed the renewal plans and determined that they are consistent with the GO2030 Comprehensive Plan for Fargo.

President of the Downtown Community Partnership Mike Hahn said his Executive Committee's position is that they consider additional parking in the downtown area infrastructure as an economic development tool that will generate more investment in jobs, capitalizing on the existing environment of downtown. He said the Committee concurs with the sites selected as priority locations for new parking structures identified in the Parking Study. He said in order to keep sidewalk space activated; the Committee encourages the building of new parking structures to be mixed-use. He said in the Committee's opinion, stand-alone parking garages similar to the Island Park ramp are not acceptable. He said they would like something better than that because they believe that the Downtown has progressed to that level. He said with over 15,000 people living and working Downtown, the Committee looked at Downtown as being a place where the City comes together from all walks of life to celebrate with parades, festivals and events and requires a different type of support, management and partnership unique in maintaining the historic vibrant city center. With the existing infrastructure, he said, and services already downtown, taxpayers do not have to pay for the high cost associated with urban sprawl. He said the DCP stands ready to partner with the City in facilitating feedback on these ideas in the future.

Andrew Peterson, 57 Prairiewood Drive South, said he is wondering how many businesses have been asked to help fund this ramp; how the ramp will be paid for long term; If any money will come from the general fund; how many total parking ramps are being discussed and why is the Island Park ramp not sufficient. He said he does not see the necessity for multiple \$10,000,000.00 structures and is wondering if this is such a great benefit to everyone; why not put it to a public vote? He said he might not see an increase on one project, but what about six structures? He said he is completely against this project due to the fact that no other businesses in town get their parking paid for in part by the City.

Commissioner Williams said in response to Mr. Peterson's questions that the ramp will be structured so that the businesses that will be using the ramp will pay for the use. After 60 days, he said, it would come back to the Commission for approval and bonds could be marketed for \$10,300,000.00. He said statistics show that the parking fee revenues and the funds that will be generated from the new ramp will fund this project. He said no money will come from the general fund for this first pro forma. He said the City anticipated having to build a ramp so there is money in the parking

reserve fund for these purposes. He said the number of ramps will be dependent upon how development occurs. He said the Island Park Ramp is being used in the south end of Downtown at about 130% capacity. He said with the NDSU Campus, residents living and working downtown and the influx of businesses located in Downtown, the parking facilities that the City has are at 100% occupancy. He said the reason it would not go to a public vote is due to the fact that there will be no increase in taxes because it is a self-funding project. He said the structures will be constructed incrementally; however, there may be two constructed at one time depending on how much development there is around the ramp.

Joe Burgum, 514 10th Avenue South, said he is very excited to see this moving forward. He said the potential development increase from one ramp is massive and will really impact downtown Fargo's tax base. He stated he does not feel that the 4th and Broadway Avenue sites are good sites and feels that when using taxpayer dollars it is important to find a great site.

Rich Peterson, resident of Fargo, said he is against the parking ramps. He said he does not see the need for them and feels that it is a lot of money and ultimately if the plan does not work, the taxpayers will have to pay for the structures. He said he is suggesting that the Commission slow down, think about this plan and quit spending money all the time.

Commissioner Gehrig said there are still a lot of questions yet to be answered. He said he feels that the Commission needs to take a step back and shelve this until the true cost is calculated.

Commissioner Piepkorn said this has not been a rash decision and there are a lot of great ideas with these proposals. He said he is a fiscal conservative and if there is going to be businesses in a downtown, there needs to be dedicated parking for their employees.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, Certain areas within the City are in need of development in order to prevent further deterioration and to preserve property values; and

WHEREAS, The Board of City Commissioners desires to avail itself of the power and authority granted by Chapter 40-58 NDCC.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners as follows:

1. That one or more slum or blighted areas or areas consisting of industrial or commercial property, or a combination of those areas of properties exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment or a combination thereof, of the area contained within the Renewal Plan for Tax Increment Financing District No. 2015-02 is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo.
3. That the area designated as the Renewal Plan for Tax Increment Financing District No. 2015-02 is underdeveloped and is appropriate for a development or renewal project.
4. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for Tax Increment Financing District No. 2015-02 requires the powers and authority granted in Chapter 40-58 NDCC.

5. That the Renewal Plan for Tax Increment Financing District No. 2015-02 is officially adopted by the Board.
6. That Developer's Agreements be prepared in regard to the Tax Increment exemption.
7. That the appropriate staff be directed to request the county auditor and treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof and that the county auditor and treasurer shall do so in accordance with this section.

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

Commissioner Gehrig voted nay.

Absent and not voting: Commissioner Sobolik.

The Resolution was adopted.

Renewal Plan for Tax Increment Financing District No. 2015-03 Approved (624 and 625 2nd Avenue North and 217, 223 and 229 Roberts Street North):

A Hearing had been set for this day and hour to review a Renewal Plan for Tax Increment Financing District No. 2015-03 for property at 624 and 625 2nd Avenue North and 217, 223 and 229 Roberts Street North to include a parking structure for approximately 400 vehicles, main floor commercial spaces, offices and housing.

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

The Board received a communication from Planning Director Jim Gilmour stating this plan is one that the Planning and Development Department has completed work on and is appropriate for redevelopment in downtown. He said the Planning Commission has reviewed the renewal plans and determined that they are consistent with the GO2030 Comprehensive Plan for Fargo.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, Certain areas within the City are in need of development in order to prevent further deterioration and to preserve property values; and

WHEREAS, The Board of City Commissioners desires to avail itself of the power and authority granted by Chapter 40-58 NDCC.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners as follows:

1. That one or more slum or blighted areas or areas consisting of industrial or commercial property, or a combination of those areas of properties exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment or a combination thereof, of the area contained within the Renewal Plan for Tax Increment Financing District No. 2015-03 is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo.
3. That the area designated as the Renewal Plan for Tax Increment Financing District No. 2015-03 is underdeveloped and is appropriate for a development or renewal project.
4. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for Tax Increment Financing

District No. 2015-03 requires the powers and authority granted in Chapter 40-58 NDCC.

5. That the Renewal Plan for Tax Increment Financing District No. 2015-03 is officially adopted by the Board.
6. That Developer's Agreements be prepared in regard to the Tax Increment exemption.
7. That the appropriate staff be directed to request the county auditor and treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof and that the county auditor and treasurer shall do so in accordance with this section.

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

Commissioner Gehrig voted nay.

Absent and not voting: Commissioner Sobolik.

The Resolution was adopted.

Resolution Adopted Authorizing the Issuance of General Obligation Bonds up to \$10,300,000.00 for Parking Facilities:

The Board received a communication from the Finance Committee stating they recommend the issuance of up to \$10,300,000.00 of General Obligation Development Bonds for the construction of parking facilities. They said the two locations currently being considered are in the Downtown area and interest rates are anticipated to remain favorable for the rest of this year. They said the proceedings will be published in the Forum and citizens will have the opportunity to protest the issuance of general obligation bonds if property owners with at least 5% of the City's current assessed valuation protest. The revenue repayment source of funds for this bond issue will be parking revenues generated by the Parking Authority and tax increment captured during the development process, they stated.

Commissioner Williams moved the Resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Development Bonds by the City of Fargo, North Dakota and Related Actions" and referred to as Attachment "A", be adopted and attached hereto.

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

Commissioner Gehrig voted nay.

Absent and not voting: Commissioner Sobolik.

The Resolution was adopted.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, September 28, 2015.

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

The time at adjournment was 5:59 o'clock p.m.