

- b. John and Judith Cooper, 1143 Broadway North.
 - c. Kristi Hudson, 718 27th Street North.
 - d. Dwight Leidholm, 3113 11th Avenue North.
7. Deferral Agreement with Rocking Horse Farm, LLC for Improvement District Nos. UN-15-E1 and PN-15-E and any additional districts.
 8. Commercial Triple Net Lease with Heartland Trust Company, Trustee of the Megan Bergseth Naas Irrevocable Trust for lease of a building for Public Works and possibly other departments at a yearly cost of \$259,800.00 for the first 5 years and \$285,000.00 per year thereafter.
 9. Receive and file communication from Scot Kelsh appealing the decision of the Civil Service Commission and set a date for a hearing.
 10. Proposal from RJ Energy Solutions to conduct municipal building energy assessments at the former Fargo Cass Public Health Building and Fire Station #4 at a cost of \$8,800.00.
 11. Site Authorization for Prairie Public Broadcasting, Inc. at Dempsey's.
 12. Applications for Games of Chance:
 - a. NDSU Judging Club for a raffle on 5/4/16.
 - b. Sanford Health Organization for raffle boards and a raffle on 4/23/16.
 - c. Fargo Lions Club for a raffle on 4/22/16.
 - d. Farm Rescue for a raffle on 10/29/16.
 13. Purchase of one Landfill Compactor from Butler Cat for \$624,370.00 with a 4-year annual lease payment of \$142,771.22.
 14. Proposal from Houston Engineering for design of Centennial Hall demolition and site restoration in the amount of \$49,868.00 using City Hall Construction funds.
 15. Contracts and bonds for Project No. FM-15-A1.
 16. Bills in the amount of \$4,085,659.86.

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

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

Cost Share Agreement with the North Dakota State Water Commission for the Christine and Hickson Dam Safety Improvements Project Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the committee reviewed a memorandum from Project Engineer Nathan Boerboom regarding the Cost Share Agreement with the North

Dakota State Water Commission for their total contribution of \$229,230.00 for the Christine and Hickson Dam Safety Improvements project.

Commissioner Williams moved the cost share agreement with the North Dakota State Water Commission for the Christine and Hickson Dam Safety Improvements Project in the amount of \$229,230.00 be approved.

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

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

Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 8 and 15, 2016 and protests representing 6.3% for Broadway street lights, 3.6% for local street lights on 8th Street, 3.6% for traffic signals and 1% for mill and overlay of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved the protests be received and filed and declared insufficient.

Second by Gehrig. On call of the roll Commissioners Williams, Gehrig, Sobolik, Piepkorn 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-16-B1:

The bids for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 9, 2016 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$3,826,646.30
Robert Gibb and Sons, Inc. Bid:	Fargo, ND \$4,283,585.80
Dakota Underground Company Bid:	Fargo, ND \$4,327,675.93
Ryan Contracting Bid:	Shakopee, MN \$4,500,864.60

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 Awarded to Master Construction Company, Inc. in the Amount of \$3,826,646.30:

Commissioner Williams 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-16-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 9, 2016 for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 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-16-B1 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$3,826,646.30 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 \$3,826,646.30 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-16-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$3,826,646.30, 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 Gehrig. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Gehrig, Sobolik, Piepkorn and Mahoney voted aye.

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

Change Order No. 5 for Improvement District No. PN-14-C1 Approved:

Commissioner Williams moved approval of Change Order No. 5 for an increase of \$50,000.00 for Improvement District No. PN-14-C1.

Second by Gehrig. On call of the roll Commissioners Williams, Gehrig, Sobolik, Piepkorn 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-N1 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$26,850.00 for Improvement District No. UN-15-N1.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-K (On 38th Street South between 40th Street South and 17th Avenue South):

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

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

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

38th Street South from 40th Street South to 17th Avenue South.
40th Street South from 465' south of 19th Avenue South to 38th Street South.

COMPRISING:

Lot 2, Block 1.
T Sloan Addition.

Lots 1 and 2, Block 1.
West Acres First Subdivision.

Lots 1, Block 1.
AAA North Dakota Addition.

Lots 1 through 5, Block 5.
Lots 9 through 12, Block 5.
Lots 18 through 20, Block 5.
Lots 5 and 10, Block 6.
West Acres Fourth 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, Paving, Street Lights and Incidentals Improvement District No. BN-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. BN-15-K:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-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 \$1,554,468.06.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-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. BN-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.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-K in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

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

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

Direct City Auditor's Office to Call for Bids for Improvement District No. BN-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. BN-15-K in the City of Fargo, North Dakota.

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

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

Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M (56th Street South from 36th Avenue to 37th Avenue South; Cordova Loop South, Valley View Drive South):

Commissioner Williams moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M:

Adopt Resolution Creating Improvement District No. PN-15-M:

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

56th Street South from 36th Avenue South to 37th Avenue South.
Cordova Loop South.
Valley View Drive South.

COMPRISING:

Lots 1 through 10, Block 1.
Lots 1 through 10, Block 2.
Lots 26 through 60, Block 2.
Lots 1 through 8, Block 3.
Lots 1 and 2, Block 5.
Valley View Fourth Addition.

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

Request Report and Estimate of Cost from the City Engineer for Improvement District No. PN-15-M:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-15-M 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 \$1,218,486.93.)

Order Plans and Specifications for Improvement District No. PN-15-M:

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

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

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

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

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

Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M in the City of Fargo, North Dakota, be and the same is hereby created.

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

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

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

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

Asphalt Mill and Overlay and Incidentals Improvement District No. PR-16-C (Various Locations in South Fargo):

Commissioner Williams moved the following action be taken in connection with Asphalt Mill and Overlay and Incidentals Improvement District No. PR-16-C:

Adopt Resolution Creating Improvement District No. PR-16-C:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PR-16-C in the City of Fargo, North Dakota, be created

On 42nd Street South from 13th Avenue South to 19th Avenue South.

LOCATION (Section 2):

On Prairiewood Drive South.

On Prairiewood Xing south of 20th Avenue South.

On 20th Avenue South from 25th Street South to Prairiewood Drive South.

On Birch Lane South from Prairiewood Drive South to 32nd Street South.

On 32nd Street South from 17th Avenue South to Prairiewood Drive South.

LOCATION (Section 3):

On 27th Street South from 3rd Avenue South to 5th Avenue South.

On Leahy Avenue South from 5th Avenue South to 27th Street South.

On Page Drive South from 13th Avenue South to Fiechtner Drive South.

On Westrac Drive South from Interstate Blvd to 13th Avenue South.

On Nodak Drive South from 13th Avenue South to Fiechtner Drive South.

On Fiechtner Drive South from 13th Avenue South to 5th Avenue South.

On 34th Street South from Westrac Drive South to Interstate Blvd.

On Interstate Blvd from 36th Street South to Westrac Drive South.

LOCATION (Section 4):

On 15th Street South from 32nd Avenue South to 35th Avenue South.

On 15th Street South from 37 1/2 Avenue South to 40th Avenue South.

On 33rd Avenue South from 15th Street South to 17th Street South.

On 34th Avenue South from 15th Street South to 17th Street South.

On 34 1/2 Avenue South from 15th Street South to 17th Street South.

On 40th Avenue South from 15th Street South to 17th Street South.

LOCATION (Section 5):

On Victoria Rose Drive South.

On Victoria Rose Lane South.

On Centennial Rose Drive South.

On Sterling Rose Lane South.

On the Rose Creek Drive South cul de sacs.

LOCATION (Section 6):

On 7th Street North from 1/2 way between 15th Avenue North and 16th Avenue North to 17th Avenue North.

On 8th Street North from 1/2 way between 15th Avenue North and 16th Avenue North to 17th Avenue North.

On 16th Avenue North from Broadway North to 9th Street North.

COMPRISING (Section 1):

Lots 1 through 20, Block 1, West Acres Mall Addition.

Lots 1 through 8, Block 1.
Lots 1 through 7, Block 2.
Lots 1 through 3, Block 3.
All in West Acres 2nd Addition.

Block 4, West Acres 3rd Addition.

Lots 5 & 6, Block 1.
Lots 1 through 12, Block 3.
Lots 1 through 10, Block 4.
Lots 1 through 5, Block 5.
Lots 9 through 15, Block 5.
Lots 18 through 20, Block 5.
Lots 1 through 10, Block 6.
Lots 1 through 10, Block 7.
Lots 1 through 5, Block 8.
All in West Acres 4th Addition.

Lots 1 & 2, Block 1, West Acres 1st Subdivision.

Lot 3, Block 1, West Acres Business Park 2nd Addition.

Lots 1 through 3, Block 1, West Acres Business Park 4th Addition.

Lot 1, Block 1, Pinehurst 1st Addition.

Lots 1 & 2, Block 1, AAA North Dakota Addition.

Lot 1, Block 1, Crop Growers Subdivision.

Lot 1, Block 1, West Acres Business Park 8th Addition.

Lot 1, Block 1, West Acres Business Park 9th Addition.

Lot 1, Block 1, Staybridge Addition.

Lots 1 through 3, Block 1, Isaak-Dosch Addition.

Lots 1 & 5, Block 1, Capital Square Addition.

Lots 1 through 3, Block 1, Capital Square 2nd Addition.

Lots 1 through 6, Block 1.
Lots 1 through 14, Block 6.
Lots 1 through 5, Block 7.
Lots 14 through 18, Block 7.
All in Rabanus Addition.

Lots 1 through 7, Block 1, Dakota View Estates.

Lots 2 through 4, Block A, Dakota View Estates 2nd Addition.

Lots 1 through 3, Block 1, Ekman Addition.

Lots 1 & 2, Block 1, Safari Addition.

COMPRISING (Section 2):

Lot 1, Block 2, S & W 2nd Addition.

Lots 1 through 15, Block 1.

Lots 4 through 29, Block 2.

Lot 1, Block 3.

Lots 1 through 28, Block 4.

Lots 1 through 14, Block 6.

Lots 1 through 16, Block 7.

Lot 1, Block 8.

Lots 1 through 16, Block 9.

Lots 1 through 18, Block 11.

Lot 1, Block 12.

Lots 1 through 14, Block 13.

Lots 1 through 34, Block 14.

Lots 1 through 27, Block 15.

Lot 1, Block 16.

Lots 1 through 43, Block 17.

Lot 1, Block 18.

Lots 1 through 12, Block 19.

Lots A, B, C, D, E, F, G and H.

All in Prairiewood Addition.

Lots 30 through 34, Block 2, Ames Addition.

Lots 1 through 25, Block 1, Replat of Lot 3 and the south 85' of Lot 2, Block 3, Dakota Land Addition.

COMPRISING (Section 3):

Lots 1 through 3, Block 1.

Lot 1, Block 2.

All in Tennesfos Addition.

Lots 1 through 3, Block 1.

Lots 1 through 6, Block 2.

Block 3.

Lot 2, Block 5.

All in Tennesfos' 1st Subdivision.

Lots 1 through 4, Block 1.
Lots 1 through 5, Block 2.
Lots 1 through 10, Block 3.
Lots 1 through 7, Block 4.
Lot 1, Block 5.
All in Westrac Second Addition.

Lot 1, Block 1, Nortech Addition.

Lots 1 through 3, Block 1, Sisters of Mary Addition.

Lots 6 & 7, Block A.
Lot 9, Block B.
All in Morton's Subdivision.

Lots 1 through 4, Block 1.
Lots 1 through 9, Block 2.
Lots 1 & 2, Block 3.
Lots 1 through 3, Block 4.
Lots 1, 3, 4, 7 & 8, Block 5.
All in Westrac 1st Addition.

Lot 1, Block 1, AJ's Addition.

Lots 1 & 2, Block 1.
Lots 1 through 3, Block 2.
Lot 1, Block 3.
Lots 1 through 12, Block 4.
All in Interstate Park Addition.

Lots 1 through 5, Block 1, Boehm Addition.

Lots 1 & 2, Block 1, Holtan 1st Addition.

Lot 1, Block 1, Lexi Addition.

Lot 1, Block 1, Hooters Fargo Addition.

Lot 1, Block 1, Helenske's 1st Addition.

Unplatted land in SW 1/4 of Section 11, Township 139, Range 49.

COMPRISING (Section 4):
Lots 1 through 17, Block 17.
Lot 6, Block 2.
Lots 1 & 2, Block 3.
All in Schultz & Williams Addition.

Lots 1 & 2, Block 1, Hornbacher's 1st Addition.
Lot 1, Block 1, Southgate Raquet Club Addition.

Lots 5 through 12, Block 1.
Lots 1 through 4, Block 2.
Lots 1 through 12, Block 2A.
Lots 1 through 12, Block 3A.
Lots 12 through 19, Block 3B.
Lots 1 through 25, Block 4A.
Lots 1 through 8, Block 6.
Lots 4 through 64, Block 9.
Lots 1 through 16, Block 10.
Lots 1 through 14, Block 11.
Lot 1, Block 12.
Lots 6 through 26, Block 14.
All in Ruby Dell Schnell Addition.

Lots 1 through 6, Block 1.
Lots 1 through 26, Block 2.
All in Rosewood Park.

COMPRISING (Section 5):
Lots 11 through 19, Block 1.
Lots 4 through 18, Block 2.
All in Rose Creek 1st Addition.

Lots 1 through 12, Block 1.
Lots 1 through 6, Block 2.
Lots 1 through 13, Block 3.
All in Rose Creek 2nd Addition.

Lots 1 through 24, Block 1.
Lots 1 through 14, Block 2.
Lots 1 through 7, Block 3.
Lots 1 through 6, Block 4.
Lots 1 through 13, Block 5.
All in Rose Creek 3rd Addition.

COMPRISING (Section 6):
Lots 7 through 18, Block 1.
Lots 7 through 18, Block 2.
Lots 7 through 18, Block 3.
Lots 1 through 11, Block 12.
Lots 14 through 24, Block 12.
Lots 1 through 11, Block 13.
Lots 14 through 24, Block 13.
Lots 1 through 11, Block 14.
Lots 14 through 24, Block 14.

All in Chandler's Broadway Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Asphalt Mill and Overlay and Incidentals Improvement District No. PR-16-C in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost from the City Engineer for Improvement District No. PR-16-C:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-16-C 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 \$4,396,468.30.)

Order Plans and Specifications for Improvement District No. PR-16-C:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PR-16-C in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PR-16-C:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-16-C in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. PR-16-C in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Asphalt Mill and Overlay and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Asphalt Mill and Overlay and Incidentals Improvement District No. PR-16-C in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Asphalt Mill and Overlay and Incidentals improvement is to be paid from Sales Tax and approximately 51% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

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

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

Direct City Auditor's Office to Call for Bids for Improvement District No. PR-16-C:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-16-C in the City of Fargo, North Dakota.

Second by Gehrig. On call of the roll Commissioners Williams, Gehrig, Sobolik, Piepkorn 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-15-M1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and H & S Contracting, Inc. for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-M1 in the City of Fargo, North Dakota.

Second by Gehrig. On call of the roll Commissioners Williams, Gehrig, Sobolik, Piepkorn 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-15-M1 Approved:

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

The Guarantee Company of North America USA, in the amount of \$846,687.20, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-M1 in the City of Fargo, North Dakota.

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

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

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

Commissioner Williams moved the cost reimbursement request for FM Diversion Flood Project costs in the amount of \$2,752,283.00 be approved.

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.

Southwest Metro Transportation Plan Adopted:

The Board received a communication from Metro COG Community and Transportation Analyst Adam Altenburg and SRF Consulting Group, Inc. Principal – Planning Cindy Gray stating the cities of Fargo and Horace, and Cass County, in collaboration with the Fargo-Moorhead Metropolitan Council of Governments (Metro COG), are wrapping up efforts on the Southwest Metro Transportation Plan. They said the long-range planning document will guide transportation improvement needs and land use in the area immediately south of 52nd Avenue over the course of the next 25 years and beyond. In addition, this plan will allow member jurisdictions to better preserve right of way, connectivity and roadway frontages while giving consideration to bicycle and pedestrian features and transit needs as development occurs in the area.

Adam Altenburg said since 2014 Metro COG has been working with the cities of Fargo, Horace and Cass County on this plan which will help to determine road rate priorities and improvements as the metro area begins to develop and fill in south of 52nd Avenue South. He said this process has involved the updating of the land use plan for the study area within Fargo and Horace, as well as the development of tiered growth areas to better determine some of the roadway improvements that will be needed and when they will be needed. He said this process has involved several public input opportunities as well as regular updates to the policy board at Metro COG.

Cindy Gray said when this project was kicked off by looking at the roadway system needs south of 52nd Avenue it was realized that an updated land use plan was needed in order for Metro COG to take into account the appropriate plans for the area. She said Horace does not have an adopted future land use plan and did not adopt this plan; however, it got the City of Horace talking about future land use and to the point where they were comfortable with future traffic projections based on the land use plan presented. She said the most notable improvements in this area are a 64th Avenue overpass of I-29; the widening of 52nd Avenue to the west of 45th Street which now tapers down to a two-lane roadway out to County Road 17; and the initial three lane construction of 45th Street South and the extension of 38th Street south of Walmart as a four lane roadway and then a three lane south of 64th Avenue. She said the recommendation in this first tier of growth is not to widen 25th Street due to the excess capacity on roadways like University Drive that traffic can be rerouted to. The estimated cost of tier one improvements, she said, are \$99 million. She said moving on to tier two improvements, the most significant improvement would be the 76th Avenue interchange with I-29 at a cost of \$158 million in 2030 dollars, and tier three has a cost of \$282 million in 2040 dollars which includes the widening of 52nd Avenue bridge over the Red River.

In response to a question from Commissioner Piepkorn regarding the potential of 76th Avenue having a bridge across to Minnesota, Ms. Gray said they looked at that as a separate scenario due to the fact that it is controversial. She said they did look at it from the standpoint that it would be an expressway type of corridor with very limited access and presumable with higher speeds along that corridor.

Commissioner Piepkorn offered the following Resolution and moved its adoption:

WHEREAS, The City Commission is the duly elected governing body for the City of Fargo and is responsible for the planning and development of a safe and functional transportation system; and

WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG), as the metropolitan planning organization designated by the Governors of North Dakota and Minnesota to maintain the metropolitan area's transportation planning process in accordance with federal regulations, has completed the Southwest Metropolitan Transportation Plan, which is a vital piece of this planning process; and

WHEREAS, The Southwest Metro Transportation Plan provides a comprehensive, coordinated program of projects and strategies that will improve the regional transportation system in the Fargo-Moorhead metropolitan region as the southern growth area continues to urbanize; and

WHEREAS, The contents herein are consistent with those of the Long Range Transportation Plan, Metro 2040; and

WHEREAS, The planning process was guided by the Study Review Committee (SRC) and the Metro COG Transportation Technical Committee (TTC), composed of a wide cross-section of local multi-modal technical experts including engineers, planners, transit administrators, and state and federal transportation officials; and

WHEREAS, Public and private organizations representing numerous transportation interests, as well as groups and individuals from socially disadvantaged populations were invited, encouraged, and involved in this Plan's preparation in full compliance with Metro COG's Public Participation Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners of the City of Fargo does hereby adopt the Southwest Metro Transportation Plan and agrees to use it as a tool to implement metropolitan transportation goals and objectives, which will complement overall development of the metropolitan transportation system.

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

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

Application Filed by Acquisition, LLC for Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by Acquisition, LLC for payment in lieu of property tax exemption for construction of a new apartment project located at 1023 1st Avenue South.

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

Steven Stremick, speaking on behalf of Swish Properties, LLC, said he feels that this creates an unfair advantage when the City subsidizes other rental properties with tax breaks. He said he sees this happening consistently and it creates an unfair rental comparison. He said if he did not have to pay taxes for 10 years on his properties he would have the ability to offer cheaper rent as well.

Commissioner Piepkorn moved that the application filed by Acquisition, LLC for a 100% property tax exemption for years one through five and a 75% property tax

exemption for years six through ten for the construction of a new apartment project at 1023 1st Avenue South pursuant to Chapter 40-57.1, NDCC be approved.

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

Commissioners Gehrig and Williams voted nay.

The motion was declared carried.

Hearing on a Renewal Plan for Tax Increment Financing District No. 2016-01
Continued to March 28, 2016:

This was the time and date set for a hearing on a Renewal Plan for Tax Increment Financing District No. 2016-01; however, Planning staff has requested that the Hearing be continued to March 28, 2016.

Commissioner Sobolik moved the Hearing be continued to 5:15 o'clock p.m. Monday, March 28, 2016.

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.

Request for Tax Increment Financing for a Project on the 1100 block of 14th Street
North Died for a Lack of a Majority:

The Board received a communication from Planning Director Jim Gilmour stating the Planning and Development Department received a request for Tax Increment Financing (TIF) for a proposed project to be located on 14th Street, south of 12th Avenue North. He said a credit union and three houses are on the four properties, and the proposed project would be the redevelopment of the site and construction of a building with up to 72 apartment units with the new building valued at \$7 million. The TIF request is for \$400,000.00, he said, and zoning of these properties is Limited Commercial, Multi-Family Residential and Single-Family Residential. The developer, he said, is requesting a zoning change and a Planned Unit Development to allow for the project. He said this is a controversial zoning change and is scheduled for a continued hearing at the April Planning Commission meeting. If a Renewal Plan is prepared at this time, he said, it could be considered at the same time as the zoning application reaches City Commission.

Steve Iverson said, on behalf of APM, this application is a proactive move presuming at some point in time a Resolution will be adopted on the PUD and the zoning component of this proposed project by NDSU. He said they would like to close the gap and potentially act on the final rezoning and all other Planning Commission related items along with this potential financial component. He said First Community Credit Union that will be the anchor business of this project would like to get started on this project sooner rather than later.

Commissioner Piepkorn said this is a common sense project due to the fact that students could live within walking distance of the school, which would be more efficient for them. He said he knows the neighborhood wants to keep it the same; however, it would be a huge energy saver if students could eliminate the need to have cars by walking to school.

Judy Wong, 1121 North 14th Street, said the neighborhood is not against the development, they are against the way the development is being handled. She said this project proposal has consisted of a web of deception from the very beginning.

Will Shure, 1121 North 14th Street and Ken Enockson, 2102 8th Street North, spoke in opposition of the proposed project.

Commissioner Piepkorn moved appropriate staff be directed to submit the proposal to the City's financial advisors for review, to prepare a renewal plan and draft a development agreement for the redevelopment of property on the 1100 block of 14th Street North.

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

Commissioners Williams, Sobolik and Gehrig voted nay.

The motion died for a lack of a majority.

Board of Equalization to Meet at 7:30 a.m. on Tuesday, April 12, 2016:

Commissioner Sobolik moved the Board of Equalization meet at 7:30 o'clock a.m. on Tuesday, April 12, 2016.

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

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

Appointments to the Fargo Dome Authority:

The Board received a communication from Mayor Mahoney recommending that Troy Goergen be reappointed and Mike Ellingson be appointed to the Fargo Dome Authority to represent NDSU.

Commissioner Piepkorn moved to approve the reappointment of Troy Goergen and the appointment of Mike Ellingson to the Fargo Dome Authority for four-year terms ending April 1, 2020.

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.

Appointment of Kember Anderson to the Position of Executive Assistant to the City Commission Approved:

The Board received a communication from Mayor Mahoney stating 49 applications for Executive Assistant to the City Commission were reviewed and evaluated by a committee consisting of the Mayor, City Administrator and a Human Resources Generalist. He said the Committee selected five of the applicants for follow-up interviews which were conducted on March 1 and 3, 2016. Based on a quantified scoring system, the preferred applicant is Kember Anderson, he said, and the Committee recommends the City Commission approve the appointment of Kember Anderson to fill the position of Executive Assistant effective on March 21, 2016.

Commissioner Sobolik moved to approve the appointment of Kember Anderson to the position of Executive Assistant to the City Commissioner effective March 21, 2016.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Gehrig, Piepkorn 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, March 28, 2016.

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

The time at adjournment was 6:00 o'clock p.m.