BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: May 9, 2016:

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., Monday, May 9, 2016.

The Commissioners present or absent were as shown following:

Present: Gehrig, Piepkorn, Sobolik (via conference call), Williams, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Gehrig moved the Order of the Agenda be approved moving Item Nos. “10” and “23” from the Consent Agenda to the end of the Regular Agenda.

Second by Williams. All the Commissioners present 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 April 25, 2016 be approved as read.

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

Consent Agenda Approved:

Commissioner Gehrig moved the Consent Agenda be approved as follows:

1. Resolution Approving Plat of Veterans Square Addition (Attachment “A”).

2. Amended and Restated Declaration of Restrictive Covenants for Asleson Commercial Second Addition.

3. Release of Special Assessment Deferral Agreement for Western State Bank Property at 52nd Avenue South and 45th Street.

4. Applications filed by James A. Kappenman and Daryl Ann Bates for a five-year tax exemption for improvements made to building at 2518 East Country Club Drive South.

5. Award the contract associated with Article 11-0806 to Bosh Enterprises, Inc.

6. Direct City Attorney to draft ordinances for adoption of the 2015 International Codes.

7. Site Authorizations for Games of Chance:
   (1) Red River Human Services Foundation at The Northern and The Fargo Elks.
   (2) American Gold Gymnastics, Inc. at SideStreet Grille & Pub and The Box.
   (3) ND Association for The Disabled, Inc. at O'Kelly's, Shotgun Sally's Rock N Roll Saloon, Hennessy's Irish Pub and Bulldog Tap.
   (4) Northern Prairie Performing Arts at Old Broadway, Doublewood at Baymont Inn and Suites and Windbreak Lounge.
   (5) Team Maker's Club, Inc. at the Holiday Inn, Frank's Lounge, Lucky's 13 Pub and the Fargodome.

8. Applications for Games of Chance:
   (1) El Zagal Provost Guard for a sports pool from 9/11/16 to 1/1/17.
   (2) El Zagal Provost for a raffle on 7/10/16.
   (3) Sasha Lettow Benefit for a calendar raffle from 5/14/16 to 5/15/16; Public Spirited Resolution.

9. One-year Extension to Agreement with Wenck Associates, Inc. for General Engineering Services at the Fargo landfill.

10. Landfill Task Order with Wenck Associates, Inc. for management and coordination in an amount not to exceed $118,762.00 for Project No. SW 16-01 (moved to the end of the Regular Agenda).

11. Amendment #1 for an increase of $65,000.00 for AE2S Task Order #84 (Project No. WA1501).

12. Amendment #2 for an increase of $32,000.00 for AE2S Task Order #79 (Project No. WA1501).

13. Amendment #4 for an increase of $299,000.00 for AE2S Task Order #52 (Project No. WW1402).

14. Mosquito Control Agreement with Cass County for 2016.

15. Memorandum of Agreement between the State of North Dakota through its North Dakota Department of Emergency Services and the Fargo Fire Department.

16. Award the 2016/2017 highway deicing salt contract to Compass Minerals America, Inc. for $93.34 per ton.

17. Purchase of one chip body from Northern Truck Equipment in the amount of $16,650.00.

18. Purchase one snow plow, box and wing from Northern Truck Equipment in the amount of $89,710.00.

19. Receive and file quarterly report of City investments as of March 31, 2016.

20. Second Addendum to Sewer Agreement and Agreement Regarding Extraterritorial Zoning Jurisdiction and Annexation with the City of Reile's Acres.

21. Memorandum of Offer to Landowner for Permanent and Temporary Easements with James H. and Beverly J. Kroshus for Project No. FM-14-63.

22. License Agreement Amendment with Xcel Energy.

23. Change Order No. 2 for an increase of $120,644.09 for Project No. WW1403 (moved to the end of the Regular Agenda).

24. Bid award in the amount of $61,961.96 to S & S Landscaping Co., Inc. for Project No. TP-16-B1.

25. Contracts and Bonds for Project Nos. SR-16-A1 and TR-16-A1.

26. Bills in the amount of $5,283,014.41.

Second by Williams. On call of the roll Commissioners Gehrig, Williams, 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 and Incidentals Improvement District No. UN-15-J (Various Locations in South Fargo):

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

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

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

On 59th Avenue South from 125' east of 59th Street South to 58th Street South.
On 60th Avenue South from 125' east of 59th Street South to 58th Street South.
On 60th Avenue South between 66th Street South and 68th Street South.
On 63rd Avenue South from Deer Creek Parkway to 58th Street South and connecting cul-de-sacs.
On Smylie Lane South.
On 58th Street South from 59th Avenue South to 63rd Avenue South.
On 61st Street South from 63rd Avenue South for 125' north.

On 62nd Street South from 63rd Avenue South for 130' south.
On 66th Street South from 150' south of 59th Avenue to Deer Creek Parkway.
On 67th Street South from 60th Avenue South to Deer Creek Parkway.
On 68th Street South from 60th Avenue South to Deer Creek Parkway.

COMPRISING:
Lots 1 through 7, 10 through 21, and 29 through 38, Block 1.
Lots 1 through 11, Block 2.
Lots 1 through 9, Block 3.
Lots 1 through 31, Block 4.
Lots 1 through 7, and 12 through 22, Block 5.
Lots 1 through 13, Block 6.
Lots 1 through 14, Block 7.
Lots 1 through 23, Block 9.
Lots 1 through 32, Block 10.
Lots 1 through 123, Block 11.
Lots 1 through 17, Block 12.
Lots 1 through 22, Block 13.
Lots 1 through 26, Block 14.
Lots 1 through 35, Block 15.
Lots 1 through 31, Block 16.
Lots 1 through 89, Block 17.
Lots 1 through 21, Block 18.
Lots 1 through 20, Block 19.
Lots 1 through 40, Block 20.

Lots 1 through 43, Block 21.
Lots 1 through 38, Block 22.
Lots 1 through 31, Block 23.
Lots 1 through 33, Block 24.
All platted in Deer Creek Addition.

Lots 1 through 2, Block.
All platted in Deer Creek Second Addition.

Lots 1 through 3, Block 1.
Lots 1 through 3, Block 2.
All platted in Deer Creek Third Addition.

Lots 1 through 27, Block 1.
Lots 1 through 8, Block 2.
Lot 1, Block 3.
Lots 1 through 2, Block 4.
All platted in Ashwood Fourth Addition.

All of the foregoing 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-J 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-J:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-15-J 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 $1,807,925.00.)

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

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

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

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

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-J in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 4 and 11, 2016 and protests representing less than 4 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m. May 4, 2016 and the bids were found to be as follows:

Dirt Dynamics LLC	Fargo, ND
Bid:	$123,430.00
Opp Construction	Fargo, ND
Bid:	$155,660.00
Dakota Underground Company	Fargo, ND
Bid:	$156,556.00
Adelman Concrete and Excavating, Inc.	West Fargo, ND
Bid:	$157,945.00
All Finish Concrete	West Fargo, ND
Bid:	$158,470.00

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 Awarded to Dirt Dynamics LLC in the Amount of $123,430.00:

Commissioner Gehrig offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 4, 2016 for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 shows the bid of Dirt Dynamics LLC of Fargo, North Dakota, in the sum of $123,430.00 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 Dirt Dynamics LLC in the sum of $123,430.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dirt Dynamics LLC for the sum of

$123,430.00, 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 Gehrig, Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 4 and 11, 2016 and protests representing 33 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 4, 2016 and the bids were found to be as follows:

Dirt Dynamics LLC	Fargo, ND
Bid:	$154,410.50
All Finish Concrete	West Fargo, ND
Bid:	$191,750.00
Adelman Concrete and Excavating, Inc.	West Fargo, ND
Bid:	$191,818.00
Opp Construction	Fargo, ND
Bid:	$192,370.00
Dakota Underground Company	Fargo, ND
Bid:	$204,033.00

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 Awarded to Dirt Dynamics, LLC in the Amount of $154,410.50:

Commissioner Gehrig offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 4, 2016 for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 shows the bid of Dirt Dynamics LLC of Fargo, North Dakota, in the sum of $154,410.50 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 Dirt Dynamics, LLC in the sum of $154,410.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dirt Dynamics LLC for the sum of $154,410.50, 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 Gehrig, Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

<u>No Protests Received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1:</u>

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 4, 11 and 18, 2016 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Gehrig 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-16-C1.

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

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

<u>Bids Received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1:</u>

The bids for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 4, 2016 and the bids were found to be as follows:

Dakota Underground Company	Fargo, ND
Bid:	$2,515,766.99
Ryan Contracting	Shakopee, MN
Bid:	$2,718,069.55
Robert Gibb and Sons, Inc.	Fargo, ND
Bid:	$2,898,295.10
H & S Contracting, Inc.	Moorhead, MN
Bid:	$2,542,405.25

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 Awarded to Dakota Underground Company in the Amount of $2,515,766.99:

Commissioner Gehrig 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-C1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 4, 2016 for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvements Improvement District No. BR-16-C1 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-C1 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of $2,515,766.99 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 Dakota Underground Company in the sum of $2,515,766.99 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-C1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of $2,515,766.99, 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 Gehrig, Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North

Dakota on April 4 and 11, 2016 and protests representing less than 1 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1:

The bids for Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 4, 2016 and the bids were found to be as follows:

Northern Improvement Company	Fargo, ND
Bid:	$1,359,831.65
Aggregate Industries	Moorhead, MN
Bid:	$1,478,865.86
Central Specialties, Inc.	Alexandria, MN
Bid:	$1,493,767.00
Border States Paving, Inc.	Fargo, ND
Bid:	$1,495,430.00

Contract for Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1 Awarded to Northern Improvement Company in the Amount of $1,359,831.65:

Commissioner Gehrig 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 Wear Course and Incidentals Improvement District No. PN-16-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 4, 2016 for Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of $1,359,831.65 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 Northern Improvement Company in the sum of $1,359,831.65 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Wear Course and Incidentals Improvement District No. PN-16-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of $1,359,831.65, 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 Gehrig, Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

Change Order No. 1 for Improvement District No. BR-16-A1 Approved:

Commissioner Gehrig moved approval of Change Order No. 1 for an increase of $12,809.25 for Improvement District No. BR-16-A1.

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

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

Final Balancing Change Order No. 6 for Improvement District No. PN-14-C1 Approved:

Commissioner Gehrig moved approval of Final Balancing Change Order No. 6 for an increase of $104,936.98 for Improvement District No. PN-14-C1.

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

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

Final Balancing Change Order No. 3 for Improvement District No. PR-14-21 Approved:

Commissioner Gehrig moved approval of Final Balancing Change Order No. 3 for an increase of $19,269.41 for Improvement District No. PR-14-21.

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

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

Final Balancing Change Order No. 2 for Improvement District No. SL-14-01 Approved:

Commissioner Gehrig moved approval of Final Balancing Change Order No. 2 for an increase of $2,340.00 for Improvement District No. SL-14-01.

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

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

Addition of an Incentive Clause for Improvement District No. BR-16-E1 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) regarding a recommendation to include an incentive clause for the project on 2nd Street North between Main Avenue and 1st Avenue North. An incentive of $5,000.00 per day is recommended to be included for the intersection of

NP Avenue and 2nd Street, and also an incentive for 2nd Street from NP Avenue to Main Avenue, also at $5,000.00/day is recommended, with the total incentive not to exceed $100,000.00.

Commissioner Gehrig moved the incentive for Improvement District BR-16-E1 be approved as recommended.

Second by Williams. On call of the roll Commissioners Gehrig, Williams, 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, Paving, Street Lights and Incidentals Improvement District No. BN-15-K1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and Northern Improvement Company for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-K1 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Gehrig, Williams, 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, Paving, Street Lights and Incidentals Improvement District No. BN-15-K1 Approved:

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

Western Surety Company, in the amount of $905,909.45, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-K1 in the City of Fargo, North Dakota.

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

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

Contract for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and JDP Electric, Inc. for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A1 Approved:

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

Ohio Farmers Insurance Company, in the amount of $106,570.00, for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A1 in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M1 Approved:

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

Liberty Mutual Insurance Company, in the amount of $735,768.45, for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-M1 in the City of Fargo, North Dakota.

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

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

Contract for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and Adelman Concrete and Excavating, Inc. for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 Approved:

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

Ohio Farmers Insurance Company, in the amount of $424,113.75, for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 in the City of Fargo, North Dakota.

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

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

Contract for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and Fargo Electric Construction, Inc. for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 Approved:

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

United Fire and Casualty Company, in the amount of $898,424.05, for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 in the City of Fargo, North Dakota.

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

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

Contract for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E1 Approved:

Commissioner Gehrig moved approval of the Contract between the City of Fargo and Moorhead Electric, Inc. for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E1 Approved:

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

Western Surety Company, in the amount of $327,653.70, for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E1 in the City of Fargo, North Dakota.

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

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

Presentation on Regional Response:

Fire Chief Steve Dirksen presented an overview on the regional response concept in North Dakota. He said there are annual grants and agreements in place with the Department of Emergency Services (DES) for the Fire Department to maintain equipment and provide technical expertise and trained personnel for emergency responses in the southeast quadrant. Training in five disciplines in emphasized, he said: high angle rescue, confined space, heavy extrication, collapse rescue and trench rescue.

Mike Mitchell Appointed to the Board of Adjustment:

The Board received a communication from Mayor Mahoney stating when the City Commission appointed Russell Ford-Dunker as a regular member of the Board of Adjustment, the Board was left without an alternate member. Staff and citizens have experienced the inability to act on matters before the Board of Adjustment numerous times due to insufficient numbers of members being present, he said, therefore, it is essential that a full contingent of members plus an alternate be appointed to the Board. He said Mike Mitchell has expressed interest in serving as an Alternate member on the Board to fill the vacant alternate member position for a term ending June 30, 2017.

Commissioner Williams moved the appointment of Mike Mitchell as an alternate member of the Board of Adjustment for a term ending June 30, 2017 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.

City Attorney Directed to Draft a Resolution to Add a Cass County Commission Representative to the Renaissance Zone Authority: Invitation to be Extended to Open a Dialogue Regarding Representation from Cass County on the Tax Exempt Review Committee and the School Board on the Renaissance Zone Authority and/or the Tax Exempt Review Committee:

The Board received a communication from Mayor Mahoney stating the Renaissance Zone Authority is comprised of five members from the private sector as well as the Liaison Commissioner to the Planning Department and the Liaison Commissioner to the Finance Department, with the Chair being selected from the five private sector appointments. He said Cass County Commission Chair Mary Scherling requested the City look into the possibility of a Cass County Commissioner serving as a voting member on the Renaissance Zone Authority. His said his recommendation is to have City Attorney Erik Johnson look into the request.

Commissioner Williams moved to direct the City Attorney to create a resolution adding a Cass County Commissioner to the Renaissance Zone Authority and advise the Cass County Commission to select a representative.

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.

Commissioner Gehrig said he would like the same invitation extended to the Fargo School Board for representation on the Renaissance Zone Authority.

Commissioner Williams moved to direct the City Attorney to research changes necessary to add representation from the Fargo School Board to the Renaissance Zone Authority and/or the Tax Exempt Review Committee, and from the Cass County Commission to the Tax Exempt Review Committee; extending the invitation to be involved if they choose.

Second by Gehrig.

Commissioner Piepkorn said the Tax Exempt Review Committee is a separate entity with a different process to add members. He said he would prefer any formal action to create openings be delayed until there is communication to be certain there is interest.

Commissioner Williams said his intention is not to make a decision; it is to open the dialogue and make Cass County and the School Board aware that the City Commission is willing to discuss how they can become involved should they be interested.

Commissioner Sobolik said she agrees it is good to create the opportunity to join if either Cass County or the School Board are interested.

Commissioner Williams asked that he be allowed to revise his motion to extend an invitation to the Cass County Commission and the Fargo School Board to begin a dialogue on whether Cass County would like representation on the Tax Exempt Review Committee, and whether the School Board would like representation on the Renaissance Zone Authority and/or the Tax Exempt Review Committee.

Commissioner Gehrig agreed that his second could count toward the motion as revised. On call of the roll Williams, Gehrig, Sobolik, Piepkorn and Mahoney voted aye.

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

<u>Discussion on the Possibility of a Fargo School Board Representative Serving as a Voting Member of the Metropolitan Council of Government's Policy Board:</u>

Commissioner Williams said the Metro COG Policy Board has a structure on how many representatives each entity has, and this discussion would be to offer one of the seven seats allocated for Fargo to the School Board. He said there have been informal discussions on the makeup of the Board as Metro COG is becoming more multidimensional. The federal government is figuring out that it is not possible for cities to keep building their way out of congestion, he said, and doing more with less makes school placement, the amount of transportation and where people live very important.

Commissioner Piepkorn said while he favors a discussion, he is concerned that this could replace someone currently on the Policy Board. He said the average person does not completely understand the role of Metro COG, which is very influential in planning and setting priorities of road projects throughout the communities. He said the influence will be even more as increased population

triggers more responsibilities and benefits. Fargo currently has the majority of members, he said, which is important.

Mayor Mahoney said it is good to look at the makeup of the Policy Board to be certain the right people are at the table.

Commissioner Gehrig said the city has the staff and resources to keep its members informed on upcoming projects and priorities, which is something the School Board does not have, making it difficult for them to keep up to date on everything. While it is good to talk about it, he said, another reason he does not support it is due to concerns of setting a precedence when other communities see that Fargo appointed a School Board representative.

Commissioner Williams moved an item be added to the Metropolitan Council of Government's Policy Board agenda to discuss allowing entities to appoint representatives from area school districts

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Hearing on a Renewal Plan for Tax Increment Financing District No. 2016-01 Continued to May 23, 2016:

A Hearing had been set for March 14, 2016 on a Renewal Plan for Tax Increment Financing District No. 2016-01.

At the March 14, 2016 meeting, the Hearing was continued to March 28, 2016.

At the March 28, 2016 meeting, the Hearing was continued April 25, 2016.

At the April 25, 2016 meeting, the Hearing was continued to this day and hour; however, Planning staff is requesting the Hearing be continued to May 23, 2016.

Commissioner Piepkorn moved the Hearing be continued to 5:15 o'clock p.m. Monday, May 23, 2016.

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.

Hearing on an Application Filed by Block 9, LLC for Property Tax Exemption Continued to May 23, 2016:

A Hearing had been set for April 25, 2016 on the application filed by Block 9, LLC for a property tax exemption.

At the April 25, 2016 meeting, the Hearing was continued to this day and hour; however, Planning staff has requested that the Hearing be continued to May 23, 2016.

Commissioner Piepkorn moved the Hearing be continued to 5:15 o'clock p.m. Monday, May 23, 2016.

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.

Contract and Scope of Services for the City Center Comprehensive Plan Awarded to Interface Studio:

The Board received a communication from Planning Director Jim Gilmour and Planning Administrator Nicole Crutchfield stating the City issued an RFP for comprehensive city center planning services in December 2015. In February 2016 a selection committee reviewed approximately 18 submittals, they said, and in March interviewed five consulting teams. The five consulting team's proposals ranged in cost from $429,950.00 to $450,000.00, they said and sixteen of the proposals were over $400,000.00. The Selection Committee, they said, recommends awarding the project to Interface Studio due to their robust team, expertise and creative approach in addition to most recently completing the downtown plan for Macon, Georgia and Grand Rapids, Michigan. They said they anticipate the work to span eight months at a cost of $429,110.00. The 2016 Planning Department budget included $330,000.00 for the Plan, they said, and in April the Planning Department sought an additional $100,000.00 for planning services to meet the proposal requested. They said the Finance Committee decided to wait and include the additional $100,000.00 in the 2017 budget since the planning process will span into 2017.

Ms. Crutchfield said there are some unique things included in Interface Studio's presentation, such as the importance of branding the downtown, density of dollars, how placemaking creates community and culture, and how jobs equal talent and real estate. She said perhaps what is most important in this project is building on GO2030, the riverfront plan and other downtown and planning efforts. She said if the contract is awarded, Interface Studio plans to be here the week of July 11, 2016.

Commissioner Williams said Interface Studio is very data driven and incorporates a lot of comparative analysis.

Commissioner Williams moved the contract and scope of services for the City Center Comprehensive Plan be awarded to Interface Studio and to commit $100,000.00 in the 2017 budget to the Plan.

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.

Construction Projects Update:

City Engineer April Walker provided a Power Point presentation outlining current road construction projects and closures. She said she will provide updates throughout the construction season.

Commissioner Piepkorn thanked Ms. Walker for keeping the Board and the community informed.

Landfill Task Order with Wenck Associates, Inc. for Management and Coordination in an Amount Not to Exceed $118,762.00 (Project No. SW 16-01):

Solid Waste Utility Director Terry Ludlum said this task order is with Wenck Associates, Inc. for management, coordination, oversight and documentation of the landfill project. He said this is the first project transitioning from the current landfill to what is called the former landfill. A nine-acre cell area has been identified, he said, and the soil covering the garbage will be removed and that garbage not in a lined cell will be hauled to the current landfill. He said then a liner will be developed for that

nine-acre area and that will become the first full cell in the former landfill. The amount of waste to be moved is just over 100,000 cubic yards or about 2,000 truckloads, he said, and the construction group has agreed to do that transportation at night. Soil within the landfill will be moved during the day and at night they will switch over and haul the old buried waste, he said. There will be some overtime involved, he said, due to requirements that a certified operator be on staff any time anyone hauls into the landfill and also, the State Health Department requires that when old waste is uncovered, a Certified Asbestos Inspector must be there. Also, if hazardous waste is uncovered, that must be handled properly, he said. The project is expected to take approximately 20 weeks, he said; however, hauling the waste may only take three weeks.

Commissioner Gehrig moved the Landfill Task Order from Wenck Associates, Inc. for construction management and coordination of Project No. SW 16-01 in an amount not to exceed $118,762.00 be approved.

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

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

Change Order No. 2 for Project No. WW1403 Approved:

Wastewater Utility Director Jim Hausauer gave an overview and update on the project at the Wastewater Treatment Plant. He said the improvements include equipment replacement and upgrades to existing components and solves many vulnerabilities that exist due to the age and condition of some of the components, as well as offering increased efficiencies.

Commissioner Williams moved Change Order No. 2 from PKG Contracting for an increase of $120,644.09 for Project No. WW1403 be approved.

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.

Commissioner Williams moved that the Board adjourn to 5:00 o’clock p.m., Monday, May 23, 2016.

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

The time at adjournment was 6:05 o’clock p.m.