

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: February 1, 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, February 1, 2016.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Gehrig moved the Order of the Agenda be approved moving Item No. "11" from the Consent Agenda to the end of the Regular Agenda and moving Item No. "18" to the beginning of the Regular Agenda.

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

Minutes Approved:

Commissioner Piepkorn moved that the Minutes of the Regular Meeting of the Board held on January 19, 2016 be approved as read.

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

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

1. Pledged securities as of December 31, 2015.
2. 2nd reading, waive reading and final adoption of Ordinances Rezoning Certain Parcels of Land Lying in the following Additions; 1st reading, 1/19/16:
 - a. Rezoning Certain Parcels of Land Lying in Island Park Addition, Fargo, Cass County, North Dakota.
 - b. Rezoning Certain Parcels of Land Lying in Amity South at Cottagewood First Addition to the City of Fargo, Cass County, North Dakota.
3. Tax exemptions for improvements made to buildings:
 - a. Jeffery and Tamara Conant, 162 Prairiewood Drive South (3-year).
 - b. Kevin and Melanie Pappe, 2959 Southgate Drive South (3-year).
 - c. James and Sandra Roers, 4420 Carrie Rose Lane South (3-year).
 - d. Barbara Ness, 1901 19th Street South (3-year).
 - e. Brian and Sandra Korbel, 801 Park Drive South (5-year).
 - f. Kathryn Ulmer, 1253 11 1/2 Street North (5-year).

4. Amended Site Authorization for Northern Prairie Performing Arts at the Windbreak Lounge.
5. Applications for Games of Chance:
 - a. Washington School PTA for a raffle on 4/8/16.
 - b. Benefit for Tom Hinkley for a raffle on 3/13/16; Public Spirited Resolution.
 - c. St. John Paul II Catholic Schools for a raffle on 4/30/16.
 - d. Fargo Babe Ruth for a calendar raffle from 6/15/16 to 7/6/16.
 - e. The Outdoor Adventure Foundation for a raffle on 3/19/16.
 - f. Fargo Ice Show – Red River Valley Figure Skating Club for a raffle on 3/13/16.
 - g. Altrusa International Foundation of Fargo ND, Inc. for a raffle on 3/5/16.
6. Vendors for booster pumps, selected electrical equipment and water quality instrumentation for the two West Fargo pump stations in the amount of \$257,850.00.
7. Permanent Floodwall Easement with Cass County Joint Water Resource District for the Metro Flood Diversion Project.
8. Placement of an overhead power pole in the public right of way with the condition that the utility company will be responsible to relocate it at their expense in the future should it conflict with City infrastructure.
9. Contract Amendment No. 2 for Houston Engineering in the amount of \$98,250.00 for Project No. FM-15-B0.
10. Bills in the amount of \$9,830,121.27.

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

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

Addition of an Incentive/Disincentive for Improvement District No. PR-14-01:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating, in keeping with a commitment to make recommendations regarding incentives/disincentives for projects that impact arterial roadways, staff is recommending that an incentive/disincentive be included for Improvement District No. PR-14-01, which is a Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals project. The project has been broken into 5 phases, they said, with the most critical phase determined to be the portion that impacts 42nd Street (Phase 5). They said staff recommends a \$10,000.00/day incentive with a disincentive of \$5,000.00/day with an incentive cap of \$100,000.00 for Phase 5, and a \$10,000.00/day incentive with a \$5,000.00/day disincentive with an incentive cap of \$400,000.00 for the entire project.

Commissioner Sobolik moved the incentive/disincentive for Improvement District No. PR-14-01 be approved as recommended.

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

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

Reimbursement to the Fargodome for Sprinkler Repairs Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the irrigation system for the Fargodome property was damaged during the construction of the 19th Avenue North project. They said the area impacted is the southern boulevard along 19th Avenue North from University to 16th Street and the Fargodome is seeking reimbursement in the amount of \$14,612.11 for the sprinkler repairs.

Commissioner Sobolik moved the reimbursement of \$14,612.11 to the Fargodome for sprinkler repairs associated with Improvement District No. PR-14-21 be approved.

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

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

Final Balancing Change Order No. 1 for Improvement District No. UN-14-51 Approved:

Commissioner Sobolik moved approval of Final Balancing Change Order No. 1 for an increase of \$6,501.74 for Improvement District No. UN-14-51.

Second by Gehrig. On call of the roll Commissioners Sobolik, Gehrig, Piepkorn, Williams 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-B (Various Locations in North Fargo):

Commissioner Sobolik moved the following action be taken in connection with Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B:

Adopt Resolution Creating Improvement District No. BR-16-B:

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

On Broadway North from 19th Avenue to 25th Avenue.

On 25th Avenue North from Broadway to 8th Street.

On 8th Street North from 25th Avenue to 28th Avenue.

On Broadway North from 25th Avenue to 32nd Avenue (street lights only).

COMPRISING:

Lots 1 through 34, Block 1.

Lots 1 through 34, Block 2.

All in Halland Newman 1st Addition.

Lots 1 through 28, Block 1.
Lots 1 through 28, Block 2.
Lots 1 through 14, Block 3.
All in Peter Sway 1st Addition.

Lots 1 through 18, Block 1.
Lots 1 through 18, Block 2.
Lots 1 through 9, Block 3.
All in Peter Sway 2nd Addition.

Lots 1 through 8, Block 1.
Lots 1 through 8, Block 2.
Lots 1 through 4, Block 3.
Lots 1 through 11, Block 4.
Block 5.
All in Peter Sway 3rd Addition.

Lots 1 through 10, Block 2.
Lots 1 through 24, Block 3.
Lots 1 through 17, Block 4.
All in Minnie Hector Smith Addition.

Lots 1 through 17, Block 2.
Lots 1 through 34, Block 4.
Lots 1 through 17, Block 6.
All in Louise S Newman Addition.

Lots 1 through 17, Block 2.
Lots 1 through 20, Block 4.
Lots 1 through 6, Block 6.
Lots 1 through 3, Block 8.
All in Oral A Holm Addition.

Lots 1 through 4, Block 1.
Lots 1 through 32, Block 4.
Lots 1 through 37, Block 7.
Lots 1 through 31, Block 8.
All in Edgewood 1st Addition.

Lots 1 & 2, Block 1.
All in Sunrise Addition.

All unplatted land between Broadway North and 3rd Street North and 25th Avenue North and 28th Avenue North.

Lots 1 through 16, Block 1.
Lots 1 through 16, Block 2.
Lots 1 through 7, Block 3.
Block 4.
Lots 1 through 20, Block 5.
Block 6.
All in Laurence Yunker 1st Addition.

Lots 1 through 16, Block 1.
Lots 1 through 16, Block 2.
Lots 1 through 8, Block 3.
Lots 1 through 16, Block 5.
Lots 1 through 16, Block 6.
Lots 1 through 8, Block 7.
All in Knollbrook Addition.

Lots 1 through 20, Block 1.
Lots 1 through 10, Block 2.
Part of Block 5, beg at ne cor of 5, then s 00 deg 45 min 32 sec e alg e ln of 5 for a dist of 202.50 ft, then s 89 deg 45 min 32 sec w for a dist of 160 ft, then n 00 deg 45 min 32 sec w for a dist of 202.50 ft to a pt on n ln of 5, then n 89 deg 14 min 52 sec e for a dist of 160 ft to pt of beg.
Part of Block 5 & part of Block 3, comm at ne cor of 5, then s 00 deg 45 min 32 sec e alg e ln of 5 for a dist of 202.50 ft to pt of beg, then cont s 00 deg 45 min 32 sec e alg e ln of 5 for a dist of 202.51 ft to se cor of 5, then s 89 deg 14 min 28 sec w alg sly ln of 5 for a dist of 39.12 ft to pt of tangential curve to left, radius 160 ft, then alg sd curve on sly ln of 3 for an arc length of 124.76 ft, central angle 44 deg 40 min 39 sec to pt of tangency, then s 44 deg 33 min 49 sec w alg sly ln of 3 for a dist of 11.79 ft, then n 00 deg 45 min 32 sec w, para to & 160 ft s 89 deg 14 min 52 sec w of e ln of 5 for a dist of 257.04 ft, then n 89 deg 14 min 52 sec e for a dist of 160 ft to pt of beg
All in Edgewood 2nd Addition.

Lots 1 through 4, Block 1.
Lots 6 through 8, Block 1.
All in Trollwood Addition.

Lots 5A and 5B, Block 1.
All in Trollwood Land Two Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B 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. BR-16-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BR-16-B 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 \$5,150,965.00.)

Order Plans and Specifications for Improvement District No. BR-16-B:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BR-16-B 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. BR-16-B 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 Water Main Replacement, Force Main Construction, Street Reconstruction 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 Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B 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 Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 46% 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 Water Main Replacement, Force Main Construction, Street Reconstruction 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.

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

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

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

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

Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B (North Side of 40th Avenue South Between Drain 27 Bridge and 18th Street South):

Commissioner Sobolik moved the following action be taken in connection with Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B:

Adopt Resolution Creating Improvement District No. SN-16-B:

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

Along the north side of 40th Avenue South between the bridge at Drain 27 (near 32nd Street) and 18th Street South.

COMPRISING:

Lots 1 through 12, Inclusive, Block 1.
Lots 1 through 20, Inclusive, Block 2.
Lots 1 through 24, Inclusive, Block 3.
Lots 1 through 20, Inclusive, Block 4.
Lots 1 through 12, Inclusive, Block 5.
Lots 1 through 48, Inclusive, Block 6.
Lots 1 through 6, Inclusive, Block 7.
Lots 1 through 30, Inclusive, Block 8.
All in Stonebridge Farms Addition.

Lots 1 through 38, Inclusive, Block 1.
Lots 1 through 32, Inclusive, Block 2.
Lots 1 through 2, Inclusive, Block 3.
Lots 1 through 2, Inclusive, Block 4.
All in Stonebridge Farms 2nd Addition.

Lots 1 through 16, Inclusive, Block 1.
Lots 1 through 33, Inclusive, Block 2.
Lots 1 through 18, Inclusive, Block 3.
All in Stonebridge Farms 3rd Addition.

Lots 1 through 6, Inclusive, Block 1.
All in Stonebridge Twinhomes Addition.

Lots 1 through 3, Inclusive, Block 1.
All in Centennial Addition.

Lots 1 through 13, Block 1.
All in Copperfield Addition.

Lots 1 through 4, Block 1.
All in Johnson Farm Addition.

Lots 1 through 33, Inclusive, Block 1.
Lots 1 through 10, Inclusive, Block 2.
All in Oakcreek Addition.

Lots 1 through 8, Inclusive, Block 2.
Lots 9 through 60, Inclusive, Block 3.
Lots 1 through 20, Inclusive, Block 4.
All in Timberline Addition.

Lots 1 through 21, Block 1.
Lots 1 through 12, Block 2.
All in Gates of Madison Square Addition.

Lot 1, Block 1.
All in New Prairie Addition.

Lots 1 through 7, Inclusive, Block 2.
Lots 1 through 17, Inclusive, Block 3.
Lots 1 through 15, Inclusive, Block 4.
Lots 1 through 24, Inclusive, Block 5.
Lots 1 through 9 and Lots 11 through 14, Block 6.
Lots 1 through 12, Inclusive, Block 7.
Lots 1 through 33, Inclusive, Block 10.
Lots 1 through 26, Inclusive, Block 11.
Lots 1 through 24, Inclusive, Block 12.
Lots 1 through 21, Inclusive, Block 13.
Lots 1 through 22, Inclusive, Block 14.
Lots 1 through 7, Inclusive, Block 15.
All in Prairie Crossing Addition.

Lots 11 through 18, Block 2.
All in Rose Creek 1st Addition.

Lots 1 through 12, Block 1.
Lots 1 through 6, Inclusive, Block 2.

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

Lots 1 through 24, Lot 2 Replat of 14 Block 5, Lot 3 Replat of 14 Block 5,
Inclusive, Block 1.

Lots 1 through 14, Inclusive, Block 2.

Lots 1 through 7, Inclusive, Block 3.

Lots 1 through 6, Inclusive, Block 4.

Lots 1 through 13, Inclusive, Block 5.

All in Rose Creek 3rd Addition.

Lots 1 through 19, Inclusive, Block 1.

All in Summit Chase Addition.

All of the unplatted land in the NE $\frac{1}{4}$ of Section 35, Township 139N, Range 49W.

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

NOW, THEREFORE, BE IT RESOLVED, That Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B 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. SN-16-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. SN-16-B 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 \$487,245.32.)

Order Plans and Specifications for Improvement District No. SN-16-B:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. SN-16-B 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. SN-16-B 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 Bridge Modifications, Shared Use Path, Street Lighting 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 Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B 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 Bridge Modifications, Shared Use Path, Street Lighting 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.

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

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

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. UN-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 60, Block 2.
Lots 1 through 8, Block 3.
Lots 1 through 8, Block 4.
Lots 1 and 2, Block 5.
Valley View Fourth Addition.

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

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

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UN-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 \$1,624,175.00.)

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

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

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

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

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

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

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

Purchase Agreements for Land Along Main Avenue and 32nd Avenue South for Operating Water Booster Pump Stations and Interconnections with the West Fargo Water System Approved:

The Board received a communication from Interim City Administrator Bruce Grubb stating booster stations are necessary to supply water to the City of West Fargo. He said on July 20, 2015, the Board approved a Water Service Agreement with West Fargo in which the City of Fargo agreed to install booster pump stations to facilitate the interconnection of the Fargo and West Fargo water systems. He said the two cities have set a goal of June 1, 2016 to have the pump stations and interconnections installed to the point of being functionally complete. It is important that the West Fargo water distribution system operates at a higher pressure than Fargo's, he said, and as such, it is necessary to install booster pump stations at certain points of connection. He said the booster pump stations would boost water pressure to enable West Fargo to continue operating at its current pressure and keep its water towers full. Two preferred sites were identified for the location of the booster stations, he said; one at Main Avenue and a second location at 32nd Avenue South. The long term strategy would involve a third connection point at 52nd Avenue South, he said.

In response to a question from Commissioner Sobolik regarding the price difference for the land acquisitions, Interim City Administrator Bruce Grubb said the 32nd Avenue property owner was the first the City contacted. The owner of the property offered to sell the land to the City for what they paid for it, he said and since West Fargo had an easement on the land it did not hold the value that the property on Main Avenue did.

Commissioner Gehrig moved the Purchase Agreements for land along Main Avenue and 32nd Avenue South for the purpose of constructing, owning and operating water booster pump stations and interconnections with the West Fargo water system be approved.

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

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

Appropriate Staff and the City Attorney Directed to Work with the Block 9 Partnership on a Major Mixed-Use Development on the US Bank Block in Downtown Fargo:

The Board received a communication from Planning Director Jim Gilmour stating the Block 9 Partnership would like to make a presentation on a major mixed-use development to be located on the US Bank block in downtown Fargo. He said the development would require a public-private partnership for the development of a plaza, infrastructure, skyway connections and parking.

Mike Allmendinger, Kilbourne Group, said the Kilbourne Group is very excited to share publically that they have partners identified for the Block 9 project, which includes RDO who would be moving their headquarters to this building, in addition to being the co-developer of the entire Block 9 project. TMI Hospitality will be a partner in the hotel, as well as being a manager in the project, he said. He said this project will have a number of different uses including: retail, office space, hotel and residential condos. Mr. Allmendinger provided a Power Point presentation which included an overview of the project's direction and scope as they see it today, in

addition to what the next steps should be in the public/private partnership with the City.

Joe Delli Santi, TMI Hospitality, said TMI will occupy four floors, eight through eleven, of the sixteen story building. He said they are targeting something a little different with this hotel as it will be a bit more boutique in nature, similar to the Hotel Donaldson.

Commissioner Gehrig said his biggest concern with this project is the use of public dollars.

Commissioner Sobolik moved appropriate staff and the City Attorney be directed to work together on a public-private partnership, to include a renewal plan and a Tax Increment Financing District.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Application Filed by EZ-Spot-UR, Inc. for Payment in Lieu of Tax Exemption (PILOT) Approved:

A Hearing had been set for this day and hour on an application filed by EZ-Spot-UR, Inc. for payment in lieu of property tax exemption for expansion of their operation to a new location at 803 25th Street North where the applicant manufactures skid steer and heavy equipment attachments.

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

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

Commissioner Piepkorn moved that the application filed by EZ-Spot-UR, Inc. for a 5-year payment in lieu of tax exemption in the amount of \$3,710.00 per year pursuant to Chapter 40-57.1, NDCC be approved.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Application to Transfer the Alcoholic Beverage License from D'Vine Inc. d/b/a D'Vine to Dakota Food Group, Inc. d/b/a Rosey's Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "W" Alcoholic Beverage License for D'Vine Inc. d/b/a/ D'Vine to a Class "FARZ" for Dakota Food Group, Inc. d/b/a Rosey's at 212 Broadway, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

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

Application Filed by Five C's Inc. d/b/a Hi Ho for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Five C's Inc. d/b/a Hi Ho for a Class "I" Alcoholic Beverage License at 3051 25th Street South, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

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

Application Filed by Romo's, LLC d/b/a Romo's Deli & Catering for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Romo's, LLC d/b/a Romo's Deli & Catering for a Class "H" Alcoholic Beverage License at 118 North Broadway, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

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

Application Filed by Romo's, LLC d/b/a Romo's Tacos for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Romo's, LLC d/b/a Romo's Tacos for a Class "H" Alcoholic Beverage License at 3402 13th Avenue South, Suite H, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

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

Dr. Christopher Anderson Appointed to the Board of Health:

The Board received a communication from Mayor Mahoney stating the term of Dr. Richard Rohla on the Board of Health expired December 31, 2013 and Dr. Rohla did not wish to be reappointed. He said it has been difficult to find another physician willing to serve; however, Dr. Christopher Anderson has indicated an interest and he is recommending that Dr. Christopher Anderson be appointed to the Board of Health for the remainder of the vacant term ending December 31, 2016.

Commissioner Williams moved Dr. Christopher Anderson be appointed to the Board of Health for the remainder of the vacant term ending December 31, 2016.

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.

Appointments to the Downtown Plan Selection Committee Approved:

The Board received a communication from Commissioner Sobolik stating proposals will be coming soon for the development of a new Downtown Plan and a group is needed to review the proposals and make a recommendation to the City Commission on which proposals would best meet the needs of Fargo. She said she is recommending the following for the selection committee:

Melissa Sobolik, City Commissioner
Mike Williams, City Commissioner
Bruce Grubb, Interim City Administrator
Nicole Crutchfield, Planning Administrator
Jan Ulferts Stewart, Planning Commission Chair

She said when the planning process starts, it will be important to create a larger steering committee to assist with the planning process, guide the development of the plan and provide reports on the plan development.

Commissioner Sobolik moved the appointments be approved as outlined above.

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

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

Addition of an Incentive/Disincentive for Improvement District No. BR-16-B:

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating in keeping with a commitment to make recommendations regarding incentives/disincentives for projects that impact arterial roadways, staff is recommending that an incentive/disincentive be included for Improvement District No. BR-16-B. They said staff is recommending a \$1,000.00/day incentive and a \$1,000.00/day disincentive for the portion north of 19th Avenue and

\$2,000.00/day incentive and a \$2,000.00/day disincentive for the intersection of Broadway and 19th Avenue North.

City Engineer April Walker said in 2014 there was discussion with the Commission after the 19th Avenue North construction project regarding the fact that the City had not included any incentives or disincentives on that project. She said they were asked by the Commission at that time to look at adding incentives or disincentives any time an arterial roadway is impacted. She said this request is just in keeping with that practice.

Commissioner Gehrig said this has been budgeted for this year.

Ms. Walker said Commissioner Gehrig is correct and if that money is not used this year it can be released and used next year for projects.

Commissioner Gehrig moved the addition of an incentive/disincentive of \$1,000/day for the portion of Broadway that is north of 19th Avenue, not to exceed 1% of the total construction cost for Improvement District No. BR-16-B and the addition of an incentive/disincentive of \$2,000/day for the intersection of Broadway and 19th Avenue North be approved.

Second by Piepkorn. On call of the roll Commissioners Gehrig, Piepkorn, Sobolik, Williams 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., Tuesday, February 16, 2016.

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

The time at adjournment was 5:46 o'clock p.m.