

2. License Agreement for Emergency Siren on Fargo Park District Property.
3. 2016 CLG grant award from the State Historical Society in the amount of \$4,188.00 (Grant #38-16-141296-27).
4. Interlocal Agreement with Cass County and allocation of the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$49,833.00 as recommended (CFDA #16.738).
5. Submission of grant application for a federal COPS grant funding for eight police officer positions for 2016 (CFDA #16.710).
6. Gaming Site Authorizations:
 - (a) Sharehouse Inc. at Borrowed Buck's Roadhouse, Vista Inn/Alibi's, Rick's Bar and Woody's Bar.
 - (b) West Fargo Hockey Association at Fort Noks.
 - (c) Horse Race North Dakota at Wurst Bier Hall, Sickies Garage – Fargo and Labby's Bar and Grill.
7. Applications for Games of Chance:
 - (a) Kringen Club, Inc. for bingo from 7/1/16 to 6/30/17.
 - (b) United Way of Cass Clay for a raffle on 6/17/16.
8. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) with Eddy and Barbara Berglund for Project No. PN-14-41.
9. Engineering Technician I contract with Michael Monson.
10. 5-year municipal lease for one landfill compactor with Kinetic Leasing in the amount \$145,393.89 per year.
11. Request from Cass Clay Healthy People Initiative to use the skyway to promote Streets Alive! from July 1st to July 11th, from August 19th to August 29th and September 16th to September 26th.
12. Online Agreement with Google for real time bus information which will utilize the Application Program Interface for real time bus tracking with the Transit Department.
13. Contract Amendment No. 1 to the Agreement with KLJ, Inc. for architectural and engineering services at the GTC.
14. Contract Award for consulting architecture services to Foss Architecture and Interiors for Project No. MS-16-G0.
15. Contract Award for consulting public information coordinator services to Flint Communications, Inc. for Project No. MS-16-F0.

16. Payment authorization to Magellan Midstream Partners in the amount of \$259,000.00 for relocation of the pipeline impacted by levee construction (Project No. FM-15-A1).
17. CDBG Downtown project funding to be utilized for façade renovation at 524 7th Street North and demolition of 1208 1st Avenue North.
18. Partner Program Agreement and Subscription Agreement with MySidewalk in the amount of \$18,000.00.
19. Professional Services Agreements with KLJ, Inc. and AE2S, Inc. for Public Works 2016/2017 general engineering and consulting services.
20. Task Order No.3 for an AE2S, Inc. contract for \$75,000.00 for The Fargo Project.
21. Contract and Bond for Project No. TP-16-B1.
22. Bills in the amount of \$10,121,399.84.

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

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

Encroachment Agreement with MJ Investments, LLC Approved:

The Board received a communication from the Public Works Evaluation Committee (PWPEC) regarding an encroachment request at 707 28th Avenue North. They said the Committee heard a request on April 4, 2016; however, the property owner did not support the recommended motion from staff and the Committee was unable to come to a consensus on an appropriate recommendation. The property owner was referred to the Planning Department to seek a waiver of the sidewalks adjacent to his property, they said. Staff is recommending a proposal that expands 7th Street North from 30 feet to 34 feet and 28th Avenue North from 30 feet to 32 feet.

Commissioner Sobolik moved the Encroachment Agreement with MJ Investments, LLC, at 707 28th Avenue North be approved

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

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

Contract Award for Consulting Services to GoodPoint Technology, Inc. Approved (Improvement District No. BR-16-A1):

The Board received a Report of Action from the Consultant Selection Committee stating proposals for the Citywide Pavement Condition Assessment were evaluated by the Selection Committee based on criteria outlined within the RFP. They said following review of the proposals, the Committee ranked the firms and the Committee member tabulated the proposal rankings. Based on the tabulated ranking,

the committee selected GoodPointe Technology, Inc. as the preferred consultant, they said, and recommend the contract be awarded, in the amount of \$153,557.50.

Commissioner Sobolik moved the proposal from GoodPoint Technology, Inc. in the amount of \$153,557.50 for consulting Services be approved.

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

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

Agreement Regarding Special Assessments and Memorandum of Agreement Regarding Special Assessments for Property Located at 1514 64th Avenue South Approved (Improvement District No. PN-14-1):

The Board received a communication from Special Assessment Coordinator Danny Eberhardt recommending approval of a Deferral Agreement with Lori Whisman for property at 1514 64th Avenue South.

Commissioner Sobolik moved the Agreement Regarding Special Assessments and Memorandum of Agreement Regarding Special Assessments with Lori Whisman for property located at 1514 64th Avenue South be approved

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

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

City of Fargo Concurs with the Diversion Authority Bid Award for Flood Mitigation, Water Main Replacement Force Main Construction, Street Reconstruction and Incidentals Improvement District No. FM-14-9:

The Board received a communication from City Engineer April Walker stating bids were opened by the Diversion Authority for Project No. WP 42F.1S on July 17, 2015 and Project No. WP 42F.1N on April 7, 2016 for City of Fargo Improvement District No. FM-14-9, which consists of the 2nd Avenue Floodwall Construction, 1st Avenue North, 4th Avenue North and 2nd Street North Water Main Replacement, Force Main Construction and Street Reconstruction and Incidentals. She said there were four bids and the low bidder for Project No. WP 42F.1S was Industrial Builders, Inc. with bid of \$16,184,905.85. She said the Engineers Estimate for this project was \$18,234,956.20. The low bidder and only bidder for Project No. WP 42F.1N was also Industrial Builders, Inc., she said, with a total bid of \$12,946,669.05. She said the Engineers Estimate for this project was \$13,846,089.50. One protest was received for this district, she said, which amounted to less than one percent.

Commissioner Sobolik moved the City of Fargo concur with the Diversion Authority bid award for Flood Mitigation, Water Main Replacement Force Main Construction, Street Reconstruction and Incidentals Improvement District No. FM-14-9 to Industrial Builders, Inc. in the amount of \$16,184,905.85 and \$12,946,669.05.

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

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

Amended Engineer’s Report for Improvement District No. FM-14-9:

The Board received an Amended Engineer’s Report from City Engineer April Walker stating this work is in conjunction with the FM Diversion Authority Project Nos. WP 42F.1N and WP 42F.1S. She said the City of Fargo Flood Mitigation, Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No.FM-14-9 is for the relocation of 2nd Street North from 1st Avenue North to the railroad underpass (approximately 5th Avenue North) to facilitate and construct a concrete floodwall along the Red River. In addition, she said, this project relocates and replaces existing water main, sanitary sewer, storm sewer and street lighting and the City will be taking advantage of the opportunity to install a new sanitary sewer force main concurrent with this project. She said the Diversion Authority (DA) will be paying for all costs related to replacement, reconstruction or relocation of City infrastructure that is necessary due to the proposed flood mitigation project that is part of the FM Metro Diversion Projects. The costs included within this Amended Engineer’s Report are only for items that are the City’s responsibility and not authorized within the DA Project Nos. WP 42F.1N and WP 42F.1S.

Commissioner Sobolik moved the Amended Engineer’s Report for Improvement District No. FM-14-9, in the amount of \$4,168,162.00 for Project No. WP 42F.1S and \$1,366,274.00 for Project No. WP 42F.1N, be approved.

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 Including Base Bid Plus Alternate – 15th Street:

The bids for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 1, 2016 and the bids were found to be as follows:

Dakota Underground Company	Fargo, ND
Base Bid:	\$2,717,165.92
Alternate – 15th Street Bid:	<u>\$ 153,275.85</u>
	\$2,870,441.77
Ryan Contracting Company	Shakopee, MN
Base Bid:	\$2,905,894.61
Alternate – 15th Street Bid:	<u>\$ 159,267.83</u>
	\$3,065,162.44
Northern Improvement Company	Fargo, ND
Base Bid:	\$2,965,673.02
Alternate – 15th Street Bid:	<u>\$ 153,558.55</u>
	\$3,119,231.57

H & S Contracting, Inc.	Moorhead, MN
Base Bid:	\$3,024,999.55
Alternate – 15th Street Bid:	<u>\$ 146,801.47</u>
	\$3,171,801.02

Quam Construction Company, Inc.	Willmar, MN
Base Bid:	\$3,195,484.10
Alternate – 15th Street Bid:	<u>\$ 167,811.00</u>
	\$3,363,295.10

Strata Corporation	Grand Forks, ND
Base Bid:	\$3,445,546.05
Alternate – 15th Street Bid:	<u>\$ 184,726.32</u>
	\$3,630,272.37

Contract for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 Including Base Bid Plus Alternate – 15th Street Awarded to Dakota Underground Company in the Amount of \$2,870,441.77:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 1, 2016 for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$2,870,441.77 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 \$2,870,441.77 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District No. PN-14-41 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$2,870,441.77, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Bids Rejected for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District PN-14-41 Alternate - 14th Street:

The Board received a communication from City Engineer April Walker stating property owners had the option to protest the paving improvements to the cul-de-sacs on a street by street basis and two separate cul-de-sacs were listed as alternative bid items. She said protest letters from 3 out of the 4 property owners were received for Alternate - 14th Street and the recommendation is to decline the bids associated with the container labeled Alternate - 14th Street.

Commissioner Sobolik moved the bids for Sanitary Sewer, Water Main, Storm Sewer, P.C. Concrete Paving, Street Lights and Incidentals Improvement District PN-14-41 Alternate - 14th Street be rejected.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G (17th Street and 18th Street in Eagle Valley Addition):

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G:

Adopt Resolution Creating Improvement District No. BN-16-G:

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

17th Street South from 73rd Avenue South to 75th Avenue South
 18th Street South from 73rd Avenue South to 75th Avenue South
 75th Avenue South from 17th Street South to 19th Street South

COMPRISING:

Lots 1 through 24, Block 1.
 Lots 1 through 32, Block 2.
 Lots 1 through 36, Block 3.
 Lots 1 through 38, Block 4.
 Lots 1 through 20, Block 5.
 Lot 1, Block 6.
 Lots 1 and 2, Block 7.

All platted in Eagle Valley Addition.

Lot 22, Block 3.
 All platted in Eagle Pointe Second Addition.

Lot 16, Block 1.
 All platted in Eagle Pointe Third 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, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G 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-16-G:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-16-G in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,461,523.00.)

Order Plans and Specifications for Improvement District No. BN-16-G:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-16-G 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-16-G 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, Site Grading, Concrete Curb and Gutter, Asphalt Pavement 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, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-16-G 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, Site Grading, Concrete Curb and Gutter, Asphalt Pavement 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-16-G:

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

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

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

Street Lighting and Incidentals Improvement District No. SL-16-A (University Drive to Broadway and BNSF Railway Prosper Subdivision to 12th Avenue North):

Commissioner Sobolik moved the following action be taken in connection with Street Lighting and Incidentals Improvement District No. SL-16-A:

Adopt Resolution Creating Improvement District No. SL-16-A:

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

From University Drive to Broadway and BNSF Railway Prosper Subdivision to 12th Avenue North.

COMPRISING:

All lots and blocks, platted and unplatted land within the location noted above.

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

NOW, THEREFORE, BE IT RESOLVED, That Street Lighting and Incidentals Improvement District No. SL-16-A 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. SL-16-A:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. SL-16-A 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 \$1,386,650.34.)

Order Plans and Specifications for Improvement District No. SL-16-A:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. SL-16-A 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. SL-16-A 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 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 Street Lighting and Incidentals Improvement District No. SL-16-A 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 Street Lighting 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. SL-16-A:

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

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

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

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

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Dirt Dynamics, LLC for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 Approved:

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

RLI Insurance Company, in the amount of \$123,430.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-A1 in the City of Fargo, North Dakota.

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

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

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

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Dirt Dynamics, LLC for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 in the City of Fargo, North Dakota.

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

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

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 Approved:

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

RLI Insurance Company, in the amount of \$154,410.50, for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-C1 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for Water Main Replacement, Force

Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 Approved:

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

United Fire and Casualty Company, in the amount of \$2,515,766.99, for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-C1 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement and Incidentals Improvement District No. UR-16-A1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Robert Gibb and Sons, Inc. for Water Main Replacement and Incidentals Improvement District No. UR-16-A1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement and Incidentals Improvement District No. UR-16-A1 Approved:

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

The Guarantee Company of North America USA, in the amount of \$750,590.00, for Water Main Replacement and Incidentals Improvement District No. UR-16-A1 in the City of Fargo, North Dakota.

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

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

Resolution Adopted Authorizing the Issuance of Refunding Improvement Refunding Bonds, Series 2016B (Attachment "B"):

Commissioner Williams moved the Resolution entitled "Resolution Authorizing the Issuance of Refunding Improvement Refunding Bonds, Series 2016B Approving Certain Actions, Awarding the Sale thereof, providing for the Transfer of the Warrants Related Thereto, Prescribing the Terms and Covenants Thereof, and Creating a Fund

for the Payment Thereof" and referred to as Attachment "B", be adopted and attached hereto.

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

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

Appointment of Michael Redlinger as Assistant City Administrator Approved:

Commissioner Sobolik said thirty-three applications were received and of those the Committee chose to interview five individuals. She said after a grueling interview process the Committee made a conditional offer to Mike Redlinger.

Commissioner Piepkorn said all five candidates were outstanding and it was a very tough decision to make. He said Mr. Redlinger is going to be a great fit for the City and already has some great ideas.

Commissioner Sobolik moved the recommendation to appoint Michael Redlinger as Assistant City Administrator be approved.

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

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

Metro Flood Diversion Project Joint Powers Agreement and the Project Partnership Agreement with the United States Army Corps of Engineers Approved:

The Board received a communication from City Attorney Erik Johnson stating at the last regular City Commission Meeting, the Board received and filed the proposed Joint Powers Agreement (JPA) and the Project Partnership Agreement with the United States Army Corps of Engineers. He said one member of the original limited Joint Powers entity for the Diversion Project was the Minnesota Buffalo Red River Watershed District and they have opted to not be a participating member of the Joint Powers Agreement. He said in order to accommodate this change, Moorhead's City Attorney John Shockley, drafter of this JPA, has inserted some technical revisions that allow the Diversion Authority to have five, rather than six, member entities. The revisions also require an assignment of rights and obligations from the Diversion Authority to the revised Diversion Authority formalized by the new JPA, he said. Other revisions include an adjustment to the language that addresses how project property in Minnesota might be owned or held by the City of Moorhead, Clay County, the Metro Flood Diversion Authority and/or a sub-joint powers entity created by the City of Moorhead and Clay County, he said, which adds maximum flexibility regarding the issue of land acquisition. He said the City of Moorhead has also been assigned the Diversion Board member position that would have gone to the Buffalo Red River Watershed District. He said the Proposed Project Partnership Agreement is included with no change from the draft presented at the last regular City Commission meeting.

Commissioner Piepkorn said with the different entities, their financial commitment requirement is make a best effort at raising money. The State of Minnesota's cap is \$100 million, the State of North Dakota's cap is \$450 million and the Federal Government's cap is at \$479 million. Everyone is capped except the City

of Fargo and Cass County; therefore, the City of Fargo and Cass County are currently liable for \$1.171 billion, which, he said, is a huge concern to him.

John Shockley, City of Moorhead attorney, said the financial plan that was released about a week and a half ago details how the financing of the project will be made multi-generational. He said under the plan with the extension of the sales tax at its existing rate, there would not be a need to rely upon special assessments or an increase in the tax rate; therefore, simply extending the taxes out you can make it a multi-generational project.

Aaron Snyder, US Army Corps of Engineers, said the Corps has had many discussions with the Office of Management and Budget and the entire Administration about the amount that the federal government could support at this time and that is where the \$450 million comes from. Congress can always choose to add more money in the future if things change, he said, but the commitment of the federal government is the \$450 million for construction plus inflation.

Commissioner Williams moved the Joint Powers Agreement for the Metro Flood Diversion Project and the Project Partnership Agreement be approved as presented.

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.

Parcels of Land in Harwood's Third Addition Rezoned (810 and 812 11th Street North):

At a Hearing held on May 3, 2016 the Fargo Planning Commission recommended approval of a change in zoning from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential on Lot 6, Block 9, Harwood's 3rd Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

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

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Harwood's 3rd Addition, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Harwood's 3rd Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Certain Parcels of Land Lying in Section 13, Township 138 North, Range 49 West Rezoned (8306 River View Road):

At a Hearing held on May 3, 2016 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-0, Single- Dwelling Residential on part of Section 13, Township 138 North, Range 49 West.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

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

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

Commissioner Williams voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Section 13, Township 138 North, Range 49 West, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Section 13, Township 138 North, Range 49 West, Fargo, Cass County, North Dakota be placed on first reading.

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

Commissioner Williams voted nay.

The motion was declared carried.

Parcels of Land in West Acres Business Park 4th Addition Rezoned (4243 19th Avenue South):

At a Hearing held on May 3, 2016 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to P/I, Public and Institutional on Lot 1, Block 3, West Acres Business Park 4th Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

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

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in West Acres Business Park 4th Addition, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in West Acres Business Park 4th Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

Renewal Plan for District No. 2016-02 Approved (Redevelopment of the Riverfront Area in Downtown Fargo):

A Hearing had been set for this day and hour to review a Renewal Plan for District No. 2016-02 for redevelopment of the riverfront area in downtown Fargo.

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

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

The Board received a communication from Planning Director Jim Gilmour stating the Plan designates the riverfront area as appropriate for redevelopment and provides a general plan for redevelopment. Unlike most plans, he said, this plan does not create a Tax Increment Financing District at this time. He said adoption of this

Plan will allow the City to move forward with the sale of general obligation bonds for the new City Hall, which is a component of this Renewal Plan.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

1. That one or more slum or blighted areas, or areas consisting of industrial or commercial property, or a combination of those areas of properties, exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment, or a combination thereof, of the area contained within the Renewal Plan for District No. 2016-02, is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo and will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the development area by private enterprise.
3. That there are properties within the area contained within the Renewal Plan with deteriorated conditions, and other conditions existing that discourage redevelopment. The Renewal Area, as defined in the Renewal Plan, is blighted due to the presence of these properties and conditions have substantially impaired the growth of the City; and have slowed the provision of appropriate redevelopment in this area. As a result, the Board of City Commissioners finds that a blighted condition exists in the said area.
4. That there are no persons living in residential buildings who will be displaced by the redevelopment.
5. That the area designated as the Renewal Plan for District No. 2016-02 is appropriate for a development project.
6. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for District No. 2016-02 requires the powers and authority granted in Chapter 40-58 NDCC.
7. That the Renewal Plan for District No. 2016-02 is hereby officially adopted by the Board.

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

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

Chad Peterson Appointed to the Renaissance Zone Authority:

The Board received a communication from Mayor Mahoney stating at the last City Commission meeting the board adopted a Resolution adding a Cass County Commission Representative to the Renaissance Zone Authority. Cass County, he

said, is recommending Cass County Commissioner Chad Peterson to serve as the County's representative on that Board.

Commissioner Piepkorn moved Chad Peterson be appointed as the Cass County Representative to the Renaissance Zone Authority for a three-year term ending June 30, 2019.

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

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

Bids for the City Hall Project Accepted:

The Board received a communication from Chair of the City Hall Building Committee Melissa Sobolik stating on March 30, 2015, construction bids for the original design of a new City Hall were rejected by the City Commission. The reason for the bid rejection was a combined low bid total of \$31,148,713.00 which exceeded the architect's estimate of \$26,500,000.00, she said. At the time of bid rejection, she said, the City Commission instructed staff to look into the possibility of a redesign of City Hall in an effort to reduce costs. She said subsequently, a redesign and rebid of City Hall was approved on November 23, 2015, with a goal of reducing the cost to \$22,000,000.00. Competitive bids for a redesigned City Hall were opened on May 26th, she said with the architect's estimate for the redesigned City Hall being \$23,000,000.00. She said low bidders were as follows:

Olaf Anderson (General Contractor) -- \$16,330,000

Robert Gibb & Sons (Mechanical Contractor) -- \$3,447,000

Sun Electric (Electrical Contractor) -- \$2,532,000

She said the redesign and rebidding effort reduced the base bid cost by \$8,839,713.00.

Bruce Furness, former mayor of Fargo, said about fifteen years ago the City went through a similar study, came up with a cost; however, the City could never come up with the money. He said a new City Hall is definitely something that is needed.

Commissioner Williams said he is not a fan of the design; however, it will be much better than what is currently there.

Commissioner Sobolik moved the bids for the proposed City Hall be accepted as presented.

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

Commissioner Williams voted nay.

The motion was declared carried.

Bids Received for Centennial Hall Demolition Project No. BP-00-26:

The bids for Centennial Hall Demolition Improvement District No. BP-00-26 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 18, 2016 and the bids were found to be as follows:

Rachel Contracting
Bid:

St. Michael, MN
\$676,553.50

Hough, Inc. Bid:	Detroit Lakes, MN \$778,541.90
Landwehr Construction, Inc. Bid:	St. Cloud, MN \$813,506.00
Reiner Contracting, Inc. Bid:	Hutchinson, MN \$823,774.90
Veit and Company, Inc. Bid:	Rogers, MN \$919,400.00

Contract for Centennial Hall Demolition Project No. BP-00-26 Awarded to Rachel Contracting in the Amount of \$676,553.50:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Centennial Hall Demolition Project No. BP-00-26; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 18, 2016 for Centennial Hall Demolition Project No. BP-00-26 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Centennial Hall Demolition Project No. BP-00-26 shows the bid of Rachel Contracting of St. Michael, Minnesota, in the sum of \$676,553.50 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 Rachel Contracting in the sum of \$676,553.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Centennial Hall Demolition Project No. BP-00-26 in the City of Fargo, North Dakota, be and the same is hereby awarded to Rachel Contracting for the sum of \$676,553.50, 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams, Gehrig and Mahoney voted aye.

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

Communication from the City Attorney Received and Filed:

The Board received a communication from City Attorney Erik Johnson stating the City gave City Administrator Bruce Grubb direction regarding the negotiations with Don and Mary Kinzler. As a result, he said, the Kinzlers and the City of Fargo have formed an agreement that allows the City to use the Kinzler land for construction of a flood levee and allows the Kinzlers to sever their home from the land and move the structure to a new lot. He said after the Executive Session on May 31st, the Kinzlers signed a formal offer and delivered it to the city, the city then accepted the offer by

acting upon it and by acquiring the replacement land upon which the Kinzlers intend to move their home to.

Commissioner Piepkorn said in the buyouts before now the City used the assessed value plus 110%; however, the precedence that will be set due to this buy-out will be what every individual will want. He said he feels that this acquisition is insane and the City will be paying for this for future generations.

Commissioner Williams said this is the last piece of critical flood protection in the Rose Creek area. He said this property is different than any of the other buyouts in town and is a unique case. The appraised value was given to the Commission incorrectly, he said, and should have read \$440,000.00.

Commissioner Sobolik moved the communication from the City Attorney be received and filed.

Second by Williams.

Commissioner Gehrig said he feels that since the deal has been made that the recording of the Executive Session should be released to the public.

Commissioner Gehrig moved the motion be amended to include the recordings of the Executive Sessions be released to the public.

Second by Piepkorn. On call of the roll on the motion to amend, Commissioners Gehrig and Piepkorn voted aye.

Commissioners Sobolik, Williams and Mahoney voted nay.

The motion died for a lack of a majority.

On call of the roll on the original motion, Commissioners Sobolik, Williams and Mahoney voted aye.

Commissioners Piepkorn and Gehrig voted nay.

The motion was declared carried.

At 6:07 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Mahoney presiding.

Agreement for Entry and Construction with Mid America Steel, Inc. Approved:

City Attorney Erik Johnson said what is presented to the Commission tonight is a right of entry agreement, which is a variation on the kind of agreement that the Diversion Authority has sought to get onto people's properties and in this case, start construction. He said conversations with Mid America started about three years ago and City Administrator Bruce Grubb has been actively speaking with the people from Mid America. He said this agreement outlines the terms of the move, as well as the relocation details of a new facility which will include the construction of a replacement facility. The relocation will not happen immediately, he said, possibly in the next year or two, due to the fact that they need to identify a replacement site.

Commissioner Piepkorn said in the agreement it indicates that environmental conditions shall be the responsibility of the City's. He said this site has been an industry site for over a hundred years and there could be potential liabilities, in the millions, as the City has no idea what is under the ground at that location.

In response to a question from Commissioner Gehrig as to the value of the company, Lee Holschuh, President of Mid America Steel, said there are multiple ways

to value a company and by using the multiples of earnings method, the value of the company would be between \$40 and \$80 million.

Commissioner Gehrig said this seems to be more of a replacement cost than a value cost which raises a lot of red flags.

Mr. Holschuh said there is no guarantee that the company will be more profitable in a new location. He said the company is taking on more than \$20 million in debt and the company is currently debt free, and the entire business model is changing based on this transaction.

Commissioner Williams moved the Agreement for Entry and Construction with Mid America Steel, Inc. be approved.

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

Commissioners Piepkorn and Gehrig voted nay.

The motion was declared carried.

Update on Great Rides Fargo:

Director of Operations for Great Rides Fargo Sara Watson Curry said Great Rides community building tool is bicycles. At NDSU, she said, the campus cannot keep up with the high demand for bike racks and says it really exciting to be part of the success. She said she is thrilled that Fargo continues to develop to be a community where residents and visitors can choose to move how they please.

Preferred Alternative for 4th Street Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating they reviewed a communication from Traffic Engineer Jeremy Gorden regarding the preferred alternative from the ongoing 4th Street Corridor Study. They said the study team has been meeting with interested parties, holding public meetings and taken input since 2012 and is now ready to recommend the following configuration of 4th Street:

13th Avenue South to 6th Avenue South: This section of roadway will remain with the existing lane configuration with no on-street parking along the corridor. The roadway will remain two lanes.

5th Street South will be used as the designated bike corridor. The shared bike/vehicle lanes will be incorporated on 5th Street South, similar to the existing lanes located south of 13th Avenue South.

6th Avenue South to 2nd Street South: 4th Street would remain a three lane section with a center left-turn lane. The traffic analysis indicated that the southbound right-turn lane at 6th Avenue South is not required. Removing the southbound right-turn lane will help improve intersection sight distance for the eastbound approach.

The intersection with 2nd Street South will remain a traffic signal. The entrance to the YMCA will be modified to reduce the overall width. This reduction in width will help improve pedestrian crossing distance and provide better delineation for the entrance/exit lanes.

Bike traffic will use the off-street bike path located in Island Park. The City is planning a future bike path to the west into the park from the 2nd Street South intersection and will connect to existing bike trails.

2nd Street South to 1st Avenue South: 4th Street will be reduced from existing four-lane section to a three lane section with on-street bike lanes and parallel parking along the east side of 4th Street.

1st Avenue South to Main Avenue: 4th Street, north of 1st Avenue South, provides a southbound right-turn lane, a southbound through lane and a southbound left-turn lane. A pedestrian refuge island will be provided on the north leg of the intersection of 1st Avenue South. The northbound approach at Main Avenue will provide a single through lane, left-turn lane and a right-turn lane. An on-street bike lane will be provided in the northbound direction but the southbound bike lane will be a shared bike/vehicle lane to 1st Avenue South.

Main Avenue to Railroad Tracks: The southbound approach will accommodate a left-turn lane, through lane and a shared through/right-turn lane. On-street bike lanes will be provided on both sides of the roadway. Parallel parking stalls can be provided directly north of Main Avenue along the east side of 4th Street.

Railroad Tracks to 1st Avenue North: 4th Street will be converted from the existing four lane section to a three-lane section with on-street bike lanes and on-street parking along the east side. The raised median located north of the railroad tracks will need to be removed and reconstructed to the east. By relocating the median, two southbound lanes can be added to provide additional southbound vehicle queue storage at the railroad tracks and accommodate a southbound on-street bike lane. The east curb line will need to be moved to the east to provide for the northbound through lane and on-street bike lane.

Commissioner Williams moved the preferred alternative for 4th Street be approved as presented.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Construction Projects Update:

Traffic Engineer Jeremy Gorden provided a Power Point presentation outlining construction projects, progress and closures.

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, June 20, 2016.

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

The time at adjournment was 6:59 o'clock p.m.