

- f. Fire Department budget adjustment in the amount of \$15,000.00 and grant from the North Dakota Department of Homeland Security for Cass/Fargo Emergency Management for Confined Space Rescue Training (CFDA #97.067).
- g. North Dakota Department of Transportation grants in the amount of \$62,500.00 in Job Access Reverse Commute funds (Contract #38121418A) and \$10,250.00 in New Freedom funds (Contract #38121419A).
- h. Changes to the Transit procurement policies.
- i. Applications for 5-year tax exemptions for improvements made to buildings:
 - (1) David and Paula Weiler, 1518 8th Avenue South.
 - (2) Julie Bowsher and Sean Burt, 815 6th Street South.
- j. Change Order #2 for an increase of \$10,522.00 for Project No. WW1103.
- k. Policy Nos. 400-002 Tobacco-Free Workplace and 500-013 Legislative Service Leave with enforcement of 400-002 deferred until July 1, 2013.
- l. Resolution and Loan Agreement for the issuance of \$51,375,000.00 in bonds to the North Dakota Public Finance Authority (Attachment "A").
- m. Site Authorizations for Red River Human Services Foundation at the Fargo Elks and The Northern.
- n. Applications for Games of Chance:
 - (1) Fargo Babe Ruth League, Inc. for a calendar raffle from 6/4/13 to 6/26/13.
 - (2) Fargo Babe Ruth for a raffle on 5/4/13.
 - (3) NDSU Delta Upsilon for a raffle on 4/21/13.
 - (4) El Zagal Patrol for a raffle on 5/16/13.
 - (5) Red River Valley Woodcarvers for a raffle on 4/21/13; Public Spirited Resolution.
 - (6) Lincoln Elementary PTA for bingo and a raffle on 4/19/13.
 - (7) NDSU Kappa Alpha Theta for a raffle on 4/15/13.
- o. Purchase of one rear load refuse packer from Sanitation Products for \$62,150.00.
- p. Sale of one aerial platform ladder truck to Grandin Fire Protection District Unit 826 for \$13,500.00.
- q. Purchase Agreement – Permanent Easements for Burton and Renay Rutter (Project No. 5958-03).
- r. Purchase Agreement – Permanent Easements for Larkin Properties, LLP (Project No. 6032).

- s. Bid award for Project No. 6189 to Roadway Services, Inc. in the amount of \$45,684.32.
- t. Final Balancing Change Order No. 1 for an increase of \$3,552.50 for Project No. 5992.
- u. Contract and bond for Project SW 13-01.
- v. Bills in the amount of \$3,300,525.74.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 11 and 18, 2013 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978.

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

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

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 13, 2013 and the bids were found to be as follows:

Aggregate Industries Bid:	Moorhead, MN \$168,606.87
Border States Paving, Inc. Bid:	Fargo, ND \$179,217.04
Northern Improvement Company Bid:	Fargo, ND \$181,332.04
Central Specialties, Inc. Bid:	Alexandria, MN \$186,100.25

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 Awarded to Aggregate Industries in the Amount of \$168,606.87:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 13, 2013 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$168,606.87 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 Aggregate Industries in the sum of \$168,606.87 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$168,606.87, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

Street Rehabilitation and Incidentals Improvement District No. 5996: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Street Rehabilitation and Incidentals Improvement District No. 5996 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on January 28, February 4 and 11, 2013 and protests representing 8.21 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for Street Rehabilitation and Incidentals Improvement District No. 5996:

The bids for Street Rehabilitation and Incidentals Improvement District No. 5996 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 13, 2013 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$1,173,311.00
Strata Corporation Bid:	Grand Forks, ND \$1,194,060.42
Opp Construction Company Bid:	Fargo, ND \$1,326,374.15
Dakota Underground Company Bid:	Fargo, ND \$1,414,112.34

Contract for Street Rehabilitation and Incidentals Improvement District No. 5996 Awarded to Master Construction Company, Inc. in the Amount of \$1,173,311.00:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Street Rehabilitation and Incidentals Improvement District No. 5996; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 13, 2013 for Street Rehabilitation and Incidentals Improvement District No. 5996 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Street Rehabilitation and Incidentals Improvement District No. 5996 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$1,173,311.00 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 Master Construction Company, Inc. in the sum of \$1,173,311.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Street Rehabilitation and Incidentals Improvement District No. 5996 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$1,173,311.00, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

No Protests Received for Seal Coat and Incidentals Improvement District No. 6181:
The Statutory Resolution of Necessity for the construction of Seal Coat and

Incidentals Improvement District No. 6181 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 11 and 18, 2013 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Seal Coat and Incidentals Improvement District No. 6181.

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

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

Bids Received for Seal Coat and Incidentals Improvement District No. 6181:

The bids for Seal Coat and Incidentals Improvement District No. 6181 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 13, 2013 and the bids were found to be as follows:

Asphalt Surface Technologies Corporation	St. Cloud, MN
Bid:	\$695,195.85

Contract for Seal Coat and Incidentals Improvement District No. 6181 Awarded to Asphalt Surface Technologies Corporation in the Amount of \$695,195.85:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Seal Coat and Incidentals Improvement District No. 6181; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 13, 2013 for Seal Coat and Incidentals Improvement District No. 6181 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Seal Coat and Incidentals Improvement District No. 6181 shows the bid of Asphalt Surface Technologies Corporation of St. Cloud, Minnesota, in the sum of \$695,195.85 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 Asphalt Surface Technologies Corporation in the sum of \$695,195.85 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Seal Coat and Incidentals Improvement District No. 6181 in the City of Fargo, North Dakota, be and the same is hereby awarded to Asphalt Surface Technologies Corporation for the sum of \$695,195.85, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

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

Mill & Overlay and Incidentals Improvement District No. 6183 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Mill & Overlay and Incidentals Improvement District No. 6183:

Adopt Resolution Creating Improvement District No. 6183:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6183 in the City of Fargo, North Dakota, be created

LOCATION (SECTION 1):

On 23rd Street South from 13th Avenue South to Demores Drive South.

On Demores Drive South from 23rd Street South to 25th Street South.

On North Flickertail Drive South from 25th Street South to South Flickertail Drive South.

On 16th Avenue South from 23rd Street South to 25th Street South.

On South Flickertail Drive South from North Flickertail Drive South to 25th Street South.

On Flickertail Circle South east of 23rd Street South.

On Prairie Lane South from 495' south of 17th Avenue South to 23rd Street South.

On 23rd Street South from 17th Avenue South to 20 ½ Avenue South.

On Park Boulevard South from 17th Avenue South to 20 ½ Avenue South.

On 19th Street South from 18th Avenue South to 20th Avenue South.

On 18th Street South from 18th Avenue South to 20th Avenue South.

On 18th Avenue South from 17th Street South to 306' west of 23rd Street South.

On 20 ½ Avenue South from 23rd Street South to Park Boulevard South.

LOCATION (SECTION 2):

On 26th Street South from 23rd Avenue South to 25th Avenue South.

On 27th Street South from 251' north of 26th Avenue South to 32nd Avenue South.

On 32nd Street South from 26th Avenue South to 32nd Avenue South.

On 33rd Street South from 303' north of 28th Avenue South to 32nd Avenue South.

On Parkview Drive South from Parkview Circle South to 33rd Street South.

On Parkview Lane South from 28th Avenue South to 400' south of 28th Avenue South.

On 23rd Avenue South from 25th Street South to 26th Avenue South.

On 24th Avenue South from 26th Street South to 32nd Street South.

On 25th Avenue South from 25th Street South to 32nd Street South.

On 26th Avenue South from 25th Street South to 27th Street South.

On 28th Avenue South from 27th Street South to 32nd Street South including cul de sacs.

On 28th Avenue South from 33rd Street South to Parkview Drive South.

On South Bay Drive from 27th Street South to 30th Avenue South.

On 30th Avenue South from 25th Street South to 27th Street South.

LOCATION (SECTION 3):

On 15th Street South from 35th Avenue South to 37 ½ Avenue South.
On 18th Street South from 32nd Avenue South to 602' south of 35th Avenue South.
On 19th Street South from 33rd Avenue South to 435' south of 33rd Avenue South.
On 19th Street South from 35th Avenue South to 478' north of 35th Avenue South.
On 19th Street South from 35th Avenue South to 520' south of 35th Avenue South.
On 20th Street South from 32nd Avenue South to 740' south of 35th Avenue South.
On 21st Street South from 33rd Avenue South to 804' south of 35th Avenue South.
On 22nd Street South from 32nd Avenue South to 832' south of 35th Avenue South.
On 33rd Avenue South from 18th Street South to 25th Street South.
On 34th Avenue South from 22nd Street South to 25th Street South.
On 34 ½ Avenue South from 22nd Street South to 25th Street South.
On 35th Avenue South from University Drive South to 28th Street South.
On 37th Avenue South from University Drive South to 15th Street South.

LOCATION (SECTION 4):

On 11th Street South from 26th Avenue South to 30th Avenue South.
On 30th Avenue South from 11th Street South to 12th Street South.

COMPRISING (SECTION 1):

Lot 3, Block 3, Jeffries Office Park Addition.
Lots 1 through 9, Block 2A.
Lots 11 through 27, Block 2B.
All in Replat of Lot 14, Block 1, and all of Block 2; Southview Villages Addition.

Lots 5 through 22, Block 3.
Lots 1 through 11, Block 4.
All in Replat of Blocks 3 and 4, Southview Villages Addition.

Lots 1 through 8, Block 5A.
Lots 1 through 10, Block 5B.
Lots 12 through 16, Block 5C.
All in Replat of Block 5, Southview Villages Addition.

Lot 1, Block 1.
Lots 17 through 27, Block 6.
Lots 1 through 11, Block 7.
Lots 1 through 34, Block 8.
Lots 1 through 14, Block 9.
Lots 1 through 15, Block 10.
Lots 1 through 30, Block 11.
Lots 1 through 26, Block 12.

All in Southview Villages Addition.

Lots 1 through 11, Block 6B.

Lots 1 through 5, Block 7A.

All in Replat of Southview Villages Addition.

Lots 28 through 30, Block 6A.

Lot 36, Block 12A.

Lot 6, Block 13A.

Lots 1 through 17, Block 14A.

All in Replat of Part of Lot 16, Block 6, Part of Lot 19, Block 12, Lot 2 and a part of Lot 1, Block 13 and dedication to street of a part of Lot 26, Block 12, Southview Villages Addition.

Lots 1 through 16, Block 1, Sunshine Village 1st Addition.

Lots 1 through 16, Block 2.

Lots 1 through 17, Block 3.

All in Harold A. Johnson Addition.

Lots 1 through 3, Block 2, Fargo South Addition.

COMPRISING (SECTION 2):

Lots 1 through 3, Block 1, Charlies 3rd Addition.

Lot 1, Block 1, Charlies 2nd Addition.

Lots 1 through 7, Block 1, Parkview 1st Addition.

Lots 1 through 13, Block 1.

Lots 1 through 14, Block 2.

All in Westlake 1st Addition.

Lots 1 through 12, Block 1.

Lots 1 through 27, Block 2.

Lot 30, Block 2.

All in Westlake 2nd Addition.

Lot 1, Block 6, Bluemont Lakes 3rd Addition.

Lot 2, Block 1A, Replat of Lot 1, Block 1 of Bluemont Lakes 1st Addition.

Lots 1 through 13, Block 1.

Lots 1 through 12, Block 2.

All in Westlake 4th Addition.

Lots 1 through 11, Block 1.

Lots 1 through 8, Block 2.

All in Grove Addition.

Lots A through N, Block 1, Replat of Lot 1, Block 9, Bluemont Lakes 4th Addition.

Lots 18 and 19, Block 2, Westlake 5th Addition.

Lots 1 through 13, Block 1.
Lot 16, Block 1.
All in Bluemont Park 2nd Addition.

Lots A through G, Block 1, Terry Lake 3rd Addition.

Lots 83 through 94, Block 2.
Lots 1 through 14, Block 3.
All in Bluemont Lakes 1st Addition.

Lots 1 through 13, Block 4.
Lot 1, Block 5.
All in Bluemont Lakes 2nd Addition.

Lot 1, Block 1, Bluemont Lakes 8th Addition.

Lots 1 through 11, Block 19.
Lots 1 through 7, Block 20.
All in Bluemont Lakes 9th Addition.

Lots 1 and 2, Block 1, First Center South 1st Addition.

Lots 1 through 7, Block 1, First Center South Addition.

Lot 1, Block 1, First Center South 2nd Addition.

Lots 1 through 12, Block 1.
Lot 1, Block 2.
All in Bluemont Park 1st Addition.

Lots 1 through 15, Block 1.
Lots 1 through 6, Block 2.
All in Bluemont Park 3rd Addition.

Lot 1, Block 1, Bluemont Park 4th Addition.

Lot 1, Block 1.
Lots 4 through 15, Block 2.
All in Bluemont Park 5th Addition.

Lots 1 through 6, Block 1, Westlake Townhomes 3rd Addition.

Lots 1 and 2, Block 1, Montplaisir Rentals Subdivision.

Lots 1 through 5, Block 1, Tharaldson Subdivision.

Lots 1 through 5, Block 1, Regstad Subdivision.

Lots 11 and 12, Block 1.

Lot 1, Block 3.

All in Wheatland 2nd Addition.

Lots 1 through 3, Block 1, White Bear Park 1st Addition.

Lots 1 through 3, Block 1.

Lots 1 through 4, Block 2.

Lot 14, Block 2.

All in Bluemont Park 7th Addition.

Lots 1 through 14, Block 1.

Lots 1 through 4, Block 2.

Lots 1 through 6, Block 3.

All in Westlake 7th Addition.

Lots 1 through 4, Block 1.

Lots 1 through 30, Block 2.

Lot 32, Block 2.

Lots 1 through 27, Block 3.

All in Parkview South 2nd Addition.

Lots 1 through 8, Block 2.

Lots 1 through 10, Block 3.

Lots 1 through 20, Block 4.

All in Parkview South 4th Addition.

Unplatted land in south half of Section 23, Township 139, Range 49.

COMPRISING (SECTION 3):

Lots 1 through 8, Block 1.

Lots 2 through 11, Block 2.

All in Mehl First Addition.

Lots 1 and 2, Block 1, Hetland Addition.

Lot 1, Block 1.

Lots 1 through 25, Block 2.

Lots 1 through 25, Block 3.

Lots 1 through 21, Block 4.

Lots 1 through 9, Block 5.

Lots 1 through 11, Block 6.

All in South Pointe 1st Addition.

Lots 1 through 4, Block 1.
Lots 1 through 4, Block 2.
Lots 1 through 24, Block 3.
Lots 1 through 22, Block 4.
Lots 1 through 11, Block 5.
Lots 1 through 11, Block 6.
All in South Pointe 2nd Addition.

Lot 1, Block 1.
Lots 1 through 14, Block 2.
Lots 1 through 26, Block 3.
Lots 1 through 13, Block 4.
Lots 1 through 8, Block 5.
Lots 1 through 20, Block 6.
Lots 1 through 18, Block 7.
Lots 1 through 9, Block 8.
All in South Pointe 3rd Addition.

Lots 1 through 20, Block 1.
Lots 1 through 20, Block 2.
Lots 1 through 20, Block 3.
All in South Pointe 4th Addition.

Lot 1, Block 1.
Lots 1 and 2, Block 2.
All in S & W 4th Addition.

Lots 1 through 3, Block 1, Cinema 70 Addition.

Lots 1 through 3, Block 1, Courts Plus Addition.

Lot 1, Block 1, Southgate Racquet Club Addition.

Lots 19 through 25, Block 4.
Lots 1 through 9, Block 5.
Lots 10 through 13, Block 6.
Lots 29 through 34, Block 6.
Lots 7 through 18, Block 7.
Lots 1 through 18, Block 8.
Lots 1 through 12, Block 9.
Lot 1, Block 12.
Lots 4 through 13, Block 13.
Lots 1 through 4, Block 14.
All in Ruby Dell Schnell Addition.

Lots 12 through 18, Block 4A.
Lots 10 through 20, Block 5A.
Lots 14 through 33, Block 6A.
Lots 1 through 7, Block 7A.

All in Replat of Lots 12 through 21, Block 3; Lots 1 through 18, Block 4; Lots 10 through 18, Block 5; Lots 14 through 28, Block 6; Lots 1 through 6, Block 7 of Ruby Dell Schnell Addition.

COMPRISING (SECTION 4):

Lots 1 through 4.

Lots 60 through 81.

Lots 126 through 143.

All in Southwood Addition.

Lots 2 and 3, Block 1, Presentation Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Mill & Overlay and Incidentals Improvement District No. 6183 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. 6183:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6183 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 \$3,320,000.00.)

Order Plans and Specifications for Improvement District No. 6183:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6183 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6183:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6183 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. 6183 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 Mill & Overlay and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Mill & Overlay and Incidentals Improvement District No. 6183 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 Mill & Overlay and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 6183:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6183 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6165 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6165:

Adopt Resolution Creating Improvement District No. 6165:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6165 in the City of Fargo, North Dakota, be created

On 23rd Avenue South from 45th Street South to Veterans Boulevard

On 51st Street South from 23rd Avenue South intersection to Amber Valley Parkway South.

COMPRISING:

Lot 1, Block 1

Lot 1, Block 2

All in Agassiz Crossing 5th Addition

Lot 1, Block 1

Lot 1, Block 2

Lot 1, Block 3

All in Agassiz Crossing 4th Addition

Lots 1 and 2, Block 1
All in Agassiz Crossing 2nd Addition

Lot 1, Block 2
Lot 1, Block 3
All in Agassiz Crossing 1st Addition

Lots 1 and 2, Block 1
All in Hom 1st Addition

Lots 1 through 3, Block 1
All in Westpointe 1st Addition

Lots 1 through 3, Block 1
All in Amber Valley 1st Addition

Lots 1 and 2, Block 1
All in Amber Valley 2nd Addition

Lots 1 and 2, Block 1
All in Robust Addition

Lot 3, Block 1
All in Midwest Behavioral Healthcare 1st Addition

Lots 1 through 8, Block 1
All in Amber Valley 3rd Addition

Lots 1 through 3, Block 1
All in Pracs Addition

Lot 1, Block 1
All in Pracs 2nd Addition

Lots 1 and 2, Block 1
All in C&G Addition

Lots 1 through 3, Block 1
Lot 1, Block 4
All in Amber Valley 6th Addition

Lots 1 through 4, Block 1
Lots 1 through 4, Block 2
All in Amber Valley West 1st Addition

Lots 1 through 3, Block 1
All in Amber Valley West 2nd Addition

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6165 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. 6165:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6165 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 \$1,903,000.00.)

Order Plans and Specifications for Improvement District No. 6165:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6165 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6165:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6165 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. 6165 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 P.C. Concrete Pavement, 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 P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 6165 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 P.C. Concrete Pavement, 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. 6165:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6165 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker 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. 6202 (Eagle Pointe Addition):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6202:

Adopt Resolution Creating Improvement District No. 6202:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6202 in the City of Fargo, North Dakota, be created

14th Street South from approximately the 7400 block to 75th Avenue South
15th Street South from approximately the 7400 block to 75th Avenue South
Eagle Pointe Drive South between 73rd Avenue South and 76th Avenue South
75th Avenue South between 14th Street South and Eagle Pointe Drive South

COMPRISING:

Lots 7 through 12, Block 2
Lots 20 through 38, Block 3
Lots 1 through 12, inclusive, Block 4
Lots 1 through 14 and 20 through 29, Block 5
Lots 5 through 25, Block 6
Lots 1 through 7, inclusive, Block 7
All in Eagle Pointe 1st Addition
Lots 1 through 10, inclusive, Block 1
Lots 9 through 17, Block 4
All in MGB Addition

All unplatted land in the Southeast 1/4 of Section 12, Township 138, Range 49. The unplatted land is bounded on the north by the 73rd Avenue South right-of-way, on the east by Eagle Pointe Drive South right-of-way, and on the south by the 76th Avenue South right-of-way.

All of the foregoing land lying 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. 6202 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. 6202:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6202 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 \$1,900,000.00.)

Order Plans and Specifications for Improvement District No. 6202:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6202 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6202:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6202 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. 6202 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. 6202:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6202 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 Approved:

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

Western National Mutual Insurance Company, in the amount of \$686,669.20, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6174 in the City of Fargo, North Dakota.

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

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

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 Approved:

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

Western National Mutual Insurance Company, in the amount of \$793,339.70, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6179 in the City of Fargo, North Dakota.

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

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

Appointments to the City Hall-Auditorium Commission:

The Board received a communication from Mayor Walaker recommending that Wally Lueck and Chuck Carney be reappointed to the City Hall-Auditorium Commission.

Commissioner Wimmer moved Wally Lueck and Chuck Carney be reappointed to the City Hall-Auditoruim Commission for three-year terms ending January 1, 2016.

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

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

Appointments to the Fargo Dome Authority:

The Board received a communication from Mayor Walaker recommending that Ryn Pitts and David Suppes be reappointed to the Fargo Dome Authority.

Commissioner Wimmer moved Ryn Pitts and David Suppes be reappointed to the Fargo Dome Authority for four-year terms ending April 1, 2017.

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

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

Roger Gilbertson Reappointed to the Renaissance Zone Authority:

The Board received a communication from Mayor Walaker recommending that Roger Gilbertson be reappointed to the Renaissance Zone Authority.

Commissioner Wimmer moved Roger Gilbertson be reappointed to the Renaissance Zone Authority for a three-year term ending January 1, 2016.

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

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

Don Kilander Reappointed to the Airport Authority:

The Board received a communication from Mayor Walaker recommending that Don Kilander be reappointed to the Airport Authority.

Commissioner Wimmer moved Don Kilander be reappointed to the Airport Authority for a five-year term ending April 1, 2018.

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

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

Communication from the Bridge Company Received and Filed: Appropriate Staff Directed to Research Issues Related to the Bridge Agreement:

The Board received a communication from Clifford "Kip" Moore, President of the Bridge Company stating recent articles in The Forum concerning the Bridge Agreement and discussions within the Moorhead City Council about buying the 12th Avenue North toll bridge prompted him to remind the cities that a request was made for a five-year extension of the term of the Bridge Agreement. He said that extension was approved in 2011 by the Fargo City Commission; however, the Moorhead City Council tabled the request at that time. The Bridge Agreement, he stated, requires the cities to pay the remaining debt, as well as other costs, including maintenance and repairs. The original funding documents authorized the payment of a management fee, he said, which has accrued and remains unpaid. In addition, he said, the Bridge Agreement grants the Bridge Company an extension for the days the operation of the bridge was prohibited by Acts of God, among other reasons as well as flooding, which has closed the bridge for over 235 days in the 25 years it has been here. He said should the Moorhead City Council choose to grant the five-year extension as requested, at the end of the extended term "the Company shall donate the bridge to the cities free and clear from any liens..." Mr. Moore stated he wrote the letter to both cities to treat both cities fairly. He stated the bridge has been inspected and those records are on file and he is not aware of any major repairs needed. He said he believes the cost of the bridge to be about \$500,000.00. He said he does not feel Fargo owes the five percent administration fee, which came from Moorhead's

sale of municipal bonds that helped finance the bridge. He said he hopes the issues can be resolved, although he understands the Moorhead City Council made a motion last week to file a lawsuit over a buyout.

City Administrator Pat Zavoral said Moorhead City Administrator Mike Redlinger has requested a meeting. He said some of the issues are regarding the amount owed to the Bridge Company, delinquent taxes owed to Cass and Clay counties, whether the management fee is eligible for reimbursement, and current inspections on the bridge. He said he believes some under-deck conduit work referenced in a previous inspection may not have been addressed yet. The 12th Avenue North Bridge has been added to the bridge inspection process, he said, with it now being Moorhead's turn to get all of the bridges inspected. He said he would suggest the two Mayors be included in a meeting of staff to discuss the issues.

Commissioner Wimmer moved the communication from the Bridge Company be received and filed, and appropriate staff be directed to meet with Moorhead representatives, including the Mayors of both cities, to research the issues with the Bridge Company and report back to the Board with the findings.

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

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

Renaissance Zone Project for Prairie Petals FM, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Prairie Petals FM, LLC at 210 Broadway North, Suite 104.

No written protest or objection to the Project 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 Project.

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone". She said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". She stated the Renaissance Zone Authority felt that lease projects such as the application from Prairie Petals FM, LLC would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. She said staff review found the applicant has met the aforementioned requirements. She said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Wimmer moved the Renaissance Zone application filed by Prairie Petals FM, LLC for a project located at 210 Broadway North, Suite 104 be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for SMD Broadway, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for SMD Broadway, LLC at 102 Broadway North, Suite 104.

No written protest or objection to the Project 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 Project.

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone". She said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". She stated the Renaissance Zone Authority felt that lease projects such as the application from SMD Broadway, LLC would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. She said staff review found the applicant has met the aforementioned requirements. She said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Wimmer moved the Renaissance Zone application filed by SMD Broadway, LLC for a project located at 102 Broadway North, Suite 104 be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for JLLG Enterprises, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for JLLG Enterprises, LLC at 102 Broadway North, Suite 102.

No written protest or objection to the Project 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 Project.

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Project application presented by JLLG Enterprises, LLC meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Ms. Crutchfield recommended that the project be approved.

Commissioner Wimmer moved the Renaissance Zone application filed by JLLG Enterprises, LLC for a project located at 102 Broadway North, Suite 102 be

approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for JLLG Enterprises, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for JLLG Enterprises, LLC at 102 Broadway North, Suite 101.

No written protest or objection to the Project 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 Project.

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Renaissance Zone Project application presented by JLLG Enterprises, LLC meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Ms. Crutchfield recommended that the project be approved.

Commissioner Wimmer moved the Renaissance Zone application filed by JLLG Enterprises, LLC for a project located at 102 Broadway North, Suite 101 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renewal Plan for Tax Increment Financing District No. 2013-01 and Developer Agreement Approved:

A Hearing had been set for this day and hour to review a Renewal Plan for Tax Increment Financing District No. 2013-01 which consists of a plan to redevelop the old McDonalds site on Broadway in North Fargo. The plan area, he said, is located at 3202 Broadway.

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 Finance Committee has reviewed the request and financial advisor report, and recommends approval of the Renewal Plan and a Developer Agreement providing up to \$187,950.00 in assistance. He said the assistance includes \$8,950.00 to be paid to the City of Fargo for administrative costs.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

1. That one or more slum or blighted areas or areas consisting of industrial or commercial property, or a combination of those areas of properties exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment or a combination thereof, of the area contained within the Development Plan for Tax Increment Financing District No. 2013-01 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 is a building within the area contained within the Development Plan with deteriorated conditions, and other soil conditions existing that discourage redevelopment. The Renewal Area, as defined in the Development Plan, is blighted due to the presence of this building and these deteriorated conditions have substantially impaired the growth of the City, and have slowed the provision of appropriate housing 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 residential buildings within the plan area so no persons will be displaced by the redevelopment.
5. That the area designated as the Development Plan for Tax Increment Financing District No. 2013-01 is appropriate for a development project.
6. That such development, rehabilitation, conservation or redevelopment of the area contained in the Development Plan for Tax Increment Financing District No. 2013-01 requires the powers and authority granted in Chapter 40-58 NDCC.
7. That the Development Plan for Tax Increment Financing District No. 2013-01 is hereby officially adopted by the Board.
8. That a Developer Agreement be prepared in regard to the Tax Increment Financing.
9. That the appropriate staff be directed to request the County Auditor and Treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof, and that the County Auditor and Treasurer shall do so in accordance with this section.

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

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

Legislative Update:

City Administrator Pat Zavoral said staff will update the Board on bills currently in the legislature.

Director of Finance Kent Costin reviewed some of the taxation and budget bills. He said requiring voter approval of 60 percent for building authority projects could result in expenses of \$50-60,000.00 to conduct each special election. There may be an amendment to the bills that are proposing mill levy caps that would change the limit from three to six percent, he said.

City Attorney Erik Johnson said he will testify before a Judiciary Committee on HB1025 regarding legislation that could open cities up to greater liability in flood fighting efforts.

Chief of Police Keith Ternes said he does not support changes in firearms regulations being proposed for concealed weapons and enforcement of federal firearms laws.

Library Director Tim Dirks asked the Board to go on record favoring the reinstatement of funds that were originally in the Governor's budget for the State Library. He said it included an increase in aid to libraries and renovation/repair grants for municipalities. Fargo is a part of the Online Dakota Information Network, which would benefit, he said, along with other libraries across the state.

Commissioner Wimmer moved the Board support recommendations of staff to support the reinstatement of library funding in the Governor's budget.

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

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

Flood Update: Appropriate Staff Directed to Prepare an RFP for Demolition and Removal of Buyout Homes:

City Administrator Pat Zavoral said last week the National Weather Service raised the flooding prediction from a 73% chance of going over 33 feet to an 88% chance, with a 5% chance of it going to 38 feet. He said the next updated forecast will be released March 21st and staff would like to discuss options for homes in two neighborhoods impacted by flooding.

City Engineer April Walker said the auction scheduled for today was cancelled due to bad weather, which provides an opportunity to review whether there is something else that can be done with those seven homes. Five of the homes are in Oak Creek and two are on Harwood Drive, she said, with the Oak Creek area representing a significant portion of the sandbag count for this year's flood fight. The possibility of removing the buyout houses prior to flooding has been discussed, she said, and would allow levees being placed in the footprint of the homes, potentially reducing sandbag counts by 25,000 bags. She said staff suggests moving ahead with an RFP to find a contractor to demolish and remove those homes prior to flooding and would provide Habitat for Humanity the opportunity to salvage the homes prior to demolition. She said the homes in question are likely not movable because of the tree impact in the neighborhood. The City Forester determined the maximum width to be 27 feet without the removal of a large number of boulevard trees, she said, and these are large homes. Because the homes are not likely to be movable, she said, salvage value was really what was being looked at in the auction process. Ms. Walker said there are several homes with occupancy agreements that allow a property owner to rent the house back from the City after the buyout. Due to the possibility of flooding, she said, those renters have been reminded of the language

within the agreement that states the City has the right to clear the property on short notice if need be.

Director of Engineering Mark Bittner said the auctioning and moving of buyout homes is a very good program. He said there may be an opportunity to look at the houses individually to consider alternative placement of levees. The goal, he said, is to provide the necessary protection. He said he concurs with the recommendation of staff to proceed with an RFP, while also looking at the homes individually to see if other options exist.

Commissioner Wimmer said he is hesitant to approve tearing down the homes on such short notice.

In response to a question from Commissioner Sobolik about whether the RFP is only for the five homes in Oak Creek, Ms. Walker said currently the RFP would be for only those five homes. She said the two homes on Harwood Drive have an emergency levee behind them and could be added to the next round of auctions. She said there are a of couple homes that may be vacated and could be added to the contract. In response to the latest flood outlook, she said, 23 letters were sent to property owners where a high likelihood exists that sandbags will need to be placed, offering them a buyout ahead of schedule. The agreement includes a short timeline to move, she said, and one property owner has accepted the conditions.

Commissioner Mahoney suggested staff be directed to prepare an RFP for the demolition and removal of the five buyout homes the City owns in Oak Creek.

Mr. Zavoral said staff could go ahead and prepare the RFP and not implement it until directed to.

Commissioner Mahoney moved staff be directed to prepare an RFP for the demolition and removal of the buyout homes, and come back to the Commission in two weeks for further discussion.

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

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

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, April 1, 2013.

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

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