

6. Consultant Agreement with HVS for completion of a feasibility study regarding a potential repurposing of the Civic Center to a multi-purpose performance facility.
7. Amended contract with The Bench Press, Ltd. d/b/a Creative Outdoor Advertising of America for transit courtesy benches.
8. Applications for 5-year tax exemptions for improvements made to buildings:
 - a. Bryan and Jacinta Riedinger, 1333 4th Street North.
 - b. Louis and Rebecca Thrash, 3274 Evergreen Road North.
9. Proposal from Johnson Controls, in the amount of \$82,319.00, for an upgrade of the computer controlled HVAC systems in multiple buildings.
10. Site Authorizations for Games of Chance:
 - a. Red River Human Services Foundation at The Fargo Elks.
 - b. Red River Human Services Foundation at The Northern.
 - c. Sharehouse, Inc. at Borrowed Bucks Roadhouse (Amended).
 - d. Jon Greenley Amvets Post #7 at the Amvets.
 - e. Jon Greenley Amvets Post #7 at the Nestor Tavern.
11. Amendment to Service and Usage Agreement between Patron Solutions, L.P. d/b/a New Era Tickets and the City of Fargo, acting on behalf of the Fargodome.
12. Engineering Task Order, in the amount of \$64,350.00, for Wenck Associates, Inc. to complete a preliminary engineering report related to a landfill gas conversion project.
13. Construction Phase Task Order, in the amount of \$7,394,700.00, with AE2S/BV for services associated with Project WA1301.
14. Authorize Aid to Construction Proposal with Cass County Electric, in the amount of \$75,000.00, for utility relocation.
15. Installation of four-way stop controlled intersection at 40th Avenue North and University Drive.
16. Consultant selection of Houston Engineering, Inc. Project FM-15-B0 and Moore Engineering, Inc. for Project FM-15-G0.
17. Bid awards for Project Nos. SR-15-A1 to Adelman Concrete and Excavating in the amount of \$501,830.00 and SW 15-01 to Industrial Builders in the amount of \$403,690.00.
18. Bid advertisement for Project No. SN-15-B.
19. Contracts and bonds for Project Nos. HD-15-A1, PR-15-C1 and TR-15-B1.

20. Bills in the amount of \$3,079,589.12.

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

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

Contract Amendment No. 2 for Improvement District No. 6104 Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating the Committee received a communication from Division Engineer Brenda Derrig related to a contract amendment from Houston Engineering in the amount of \$10,925.44, bringing the total contract amount to \$224,365.02. They said the additional costs covered in the request are related to additional time dedicated to the project due to time extensions.

Commissioner Williams moved Contract Amendment No. 2 in the amount of \$10,925.44 for Improvement District No. 6104 be approved.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 9 and 16, 2015 and protests representing 34 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A1:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 8, 2015, 2015 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$159,601.00
Civil Contracting Services, Inc. Bid:	Thompson, ND \$168,576.50

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 8, 2015 and the bids were found to be as follows:

Ryan Contracting, Inc. Bid:	Shakopee, MN \$460,929.05
Dakota Underground Company, Inc. Bid:	Fargo, ND \$465,232.25
Sellin Brothers, Inc. Bid:	Hawley, MN \$549,745.95
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$637,388.50

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1 Awarded to Ryan Contracting, Inc. in the Amount of \$460,929.05:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 8, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1 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, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1 shows the bid of Ryan Contracting, Inc. of Shakopee, Minnesota, in the sum of \$460,929.05 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 Ryan Contracting, Inc. in the sum of \$460,929.05 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting, Inc. for the sum of \$460,929.05, 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 Williams, Piepkorn, Sobolik and Mahoney voted aye.

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 9 and 16, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 8, 2015 and the bids were found to be as follows:

Ryan Contracting, Inc. Bid:	Shakopee, MN \$909,586.20
Dakota Underground Company, Inc. Bid:	Fargo, ND \$914,801.10
Sellin Brothers, Inc. Bid:	Hawley, MN \$922,284.00
R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,011,562.51
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$1,168,748.00
Quam Construction Company, Inc. Bid:	Willmar, MN \$1,305,682.70

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1 Awarded to Ryan Contracting, Inc. in the Amount of \$909,586.20:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 8, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1 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, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1 shows the bid of Ryan Contracting, Inc. of Shakopee, Minnesota, in the sum of \$909,586.20 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 Ryan Contracting, Inc. in the sum of \$909,586.20 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading and Incidentals Improvement District No. BN-15-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting, Inc. for the sum of \$909,586.20, 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 Williams, Piepkorn, Sobolik and Mahoney voted aye.

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 9 and 16, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1.

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

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 8, 2015 and the bids were found to be as follows:

Dakota Underground Company, Inc. Bid:	Fargo, ND \$1,534,007.45
Shermans LLC Bid:	West Fargo, ND \$1,547,192.35
Ryan Contracting, Inc. Bid:	Shakopee, MN \$1,549,475.33
KPH, Inc. Bid:	Kindred, ND \$1,566,382.60
Quam Construction Bid:	Willmar, MN \$1,593,396.74
Paras Contracting, Inc. Bid:	Fargo, ND \$1,599,445.05
J.R. Ferche, Inc. Bid:	Rice, MN \$1,676,850.12
M.A. Mortenson Company Bid:	Minneapolis, MN \$1,827,640.00
Northern Improvement Company Bid:	Fargo, ND \$2,301,333.15

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1 Awarded to Dakota Underground Company, Inc. in the Amount of \$1,534,007.45:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 8, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1 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, Site Grading, Paving, Street Lights and Incidentals

Improvement District No. BN-15-F1 shows the bid of Dakota Underground Company, Inc. of Fargo, North Dakota, in the sum of \$1,534,007.45 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, Inc. in the sum of \$1,534,007.45 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Paving, Street Lights and Incidentals Improvement District No. BN-15-F1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company, Inc. for the sum of \$1,534,007.45, 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 Williams, Piepkorn, Sobolik and Mahoney voted aye.

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 9 and 16, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 8, 2015 and the bids were found to be as follows:

Dakota Underground Company, Inc. Bid:	Fargo, ND \$1,598,153.70
Master Construction Company, Inc. Bid:	Fargo, ND \$1,653,195.20
Shermans LLC Bid:	West Fargo, ND \$1,680,362.48

Border States Paving, Inc. Bid:	Fargo, ND \$1,863,463.95
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$2,059,361.00
KPH, Inc. Bid:	Kindred, ND \$2,095,375.75

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1 Awarded to Dakota Underground Company, Inc. in the Amount of \$1,598,153.70:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 8, 2015 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1 shows the bid of Dakota Underground Company, Inc. of Fargo, North Dakota, in the sum of \$1,598,153.70 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, Inc. in the sum of \$1,598,153.70 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-C1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company, Inc. for the sum of \$1,598,153.70, 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 Williams, Piepkorn, Sobolik and Mahoney voted aye.

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

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-E1:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-E1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 8, 2015 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$4,438,618.58
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Ryan Contracting Company Bid:	Shakopee, MN \$4,530,143.58
R & R Excavating, Inc. Bid:	Hutchinson, MN \$5,091,946.71
Quam Construction Company, Inc. Bid:	Willmar, MN \$5,955,165.25
R.L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$6,122,962.75

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-E1 Awarded to Dakota Underground Company in the Amount of \$4,438,618.58:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-E1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 8, 2015 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-E1 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 and Incidentals Improvement District No. UN-15-E1 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$4,438,618.58 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 \$4,438,618.58 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-15-E1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$4,438,618.58, 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 Williams, Piepkorn, Sobolik and Mahoney voted aye.

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-15-H (Brandt Crossing):

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

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

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

Seter Parkway South from 32nd Avenue South to 33rd Avenue South.

COMPRISING:

Lot 1, Block 1, Brandt Crossing 1st Addition.

Lot 2, Block 1, Brandt Crossing 5th Addition.

Lot 1, Block 1, Brandt Crossing 7th 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, Paving, Street Lights and Incidentals Improvement District No. BN-15-H in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. BN-15-H:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-15-H 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 \$1,035,000.00.)

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

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

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

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

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

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

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

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

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

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

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

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

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

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

Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B (Various Locations in South Fargo):

Commissioner Williams moved the following action be taken in connection with Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B:

Adopt Resolution Creating Improvement District No. PR-15-B:

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

On 28th Street South from 36th Avenue South to 40th Avenue South.

On 32nd Street South from 32nd Avenue South to 38th Avenue South.

On 36th Avenue South from 25th Street South to 32nd Street South.

On 37th Avenue South from 28th Street South to 37 1/2 Avenue South.

On 37 1/2 Avenue South from 28th Street South to 37th Avenue South.

On 38th Avenue South from 25th Street South to 36th Street South.

On 38 1/2 Avenue South from 200' west of 25th Street South to 38th Avenue South west of 28th Street South.

On 39th Avenue South from 25th Street South to 39 1/2 Avenue South west of 28th Street South.

On 39 1/2 Avenue South from 200' west of 25th Street South to 39th Avenue South west of 28th Street South.

COMPRISING:

Lots 2, 3, and 6, Block 2.

Lots 2, 3, 6, 7, 10, 11 and 14, Block 3.

All in Southwood Park.

Lots 1 through 12, Block 1.

Lots 1 through 20, Block 2.

Lots 1 through 24, Block 3.

Lots 1 through 20, Block 4.

Lots 1 through 12, Block 5.

Lots 1 through 48, Block 6.

Lots 1 through 6, Block 7.

Lots 1 through 30, Block 8.

All in Stonebridge Farms Addition.

Lots 1 through 38, Block 1.

Lots 1 through 32, Block 2.

Lots 1 and 2, Block 3.

Lots 1 and 2, Block 4.

All in Stonebridge Farms 2nd Addition.

Lots 9 through 16, Block 1.

Lots 9 through 33, Block 2.

Lots 1 through 18, Block 3.

All in Stonebridge Farms 3rd Addition.

Lot 1, Block 1.

Lots 1 through 21, Block 2.

Lots 1 through 18, Block 3.

Lots 1 through 19, Block 4.

Lots 1 through 20, Block 5.

All in Stonebridge Farms 4th Addition.

Lots 1 through 4, Block 3, Hunters Prairie 1st Addition.

Lot 1, Block 1.

Lots 1 through 3, Block 2.

Lots 1 through 8, Block 3.

All in Hunters Prairie 2nd Addition.

Lots 1 through 6, Block 1, Stonebridge Twinhomes Addition.

Lot 1, Block 1, Mills' Addition.

Lots 1 through 4, Block 1, Ulteig Addition.

Lot 1, Block 1, Replat of D.S.I. Addition.

Lots 1 through 7, Block 2, Dakota Park Addition.

Lots 1 through 10, Block 1.

Lots 1 through 11, Block 2.

Lots 3 through 6, Block 3.

All in Dakota Park 2nd Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. PR-15-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-15-B in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,243,180.00.)

Order Plans and Specifications for Improvement District No. PR-15-B:

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

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

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

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

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

Adopt Resolution Declaring Asphalt Mill and Overlay and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-B in the City of Fargo, North Dakota, according to the Engineer's Report for this district and

the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed Asphalt Mill and Overlay and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

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

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

Second by Piepkorn. On call of the roll Commissioners Williams, Piepkorn, Sobolik 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-15-B1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Adelman Concrete and Excavating, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-B1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Williams, Piepkorn, Sobolik 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-15-B1 Approved:

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

Ohio Farmers Insurance Company, in the amount of \$119,995.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-B1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Williams, Piepkorn, Sobolik 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-15-C1 Approved:

Commissioner Williams moved approval of the Contract between the City of Fargo and Adelman Concrete and Excavating, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-C1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Williams, Piepkorn, Sobolik 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-15-C1 Approved:

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

Ohio Farmers Insurance Company, in the amount of \$122,389.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-15-C1 in the City of Fargo, North Dakota.

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

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

Annual Status Report of Defined Benefit Pension Funds Received and Filed:

Consulting Actuary Mark Meyer from Van Iwaarden and Associates provided a status update on recently completed actuarial studies and the current funding status of the City's three defined benefit pension funds. He commended the Board for their work three years ago in addressing the pension issues and adopting a policy that is working the way it should; however, he said, the funding status for all three plans has gone down. He said there are changes in reporting requirements, as well as some changes in the actuarial standards of practice. Starting at the end of 2015, he said, new accounting rules under GASB 68 require the entire unfunded pension liability, previously a footnote on the balance sheet, be placed on the books as a true balance sheet liability, thus changing the figure from \$7.3M to \$46.2M for an increase of \$40M. The practical impact of the change is virtually nothing, he said, due to this number having previously been recorded in the footnote. Also, he stated, this number will not impact the City's bond rating. A 7.5% investment return assumption is being used, he said, and a mortality table from 2014 has been adopted, replacing the one being used from 2000.

In response to a question from Commissioner Piepkorn asking if the 7.5% return assumption is too optimistic since last year it was 5.5 to 6%, Mr. Meyer said he believes the return is historically reasonable and forward looking.

Commissioner Piepkorn said it is disappointing that both the employee and City are contributing more and it is still going backward.

Mayor Mahoney said while the growth is slower than wanted, it is on track.

Commissioner Williams moved the update and financial status report for the City's defined pension funds be received and filed.

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

Five-Year Consolidated Plan for Housing and Community Development and 2015 Annual Action Plan for Housing and Community Development Approved:

A Hearing had been set for this day and hour on the draft 2015-2019 Consolidated Plan for Housing and Community Development Activities. The 2015-2019 Consolidated Plan includes an Action Plan for how Community Development resources will be used in fiscal year 2015.

Community Development Administrator Dan Mahli said the Planning and Development Department receives federal funds annually through the US Department of Housing and Urban Development (HUD). He said to receive the Community Development Block Grant (CDBG) and HOME Investment Partnership funding, the City is required to prepare a five-year Consolidated Plan and Annual Action Plan. He shared the draft Consolidated Plan for years 2015-2019 and the 2015 Annual Action Plan. He said under guidance from the Community Development Committee, the findings are the result of consultations with housing and community development partners, public meetings and program history. Upon approval by the Board, he said, the Plans will be forwarded to HUD for final review and approval. He said Fargo expects to have available \$680,000.00 in Community Development Block Grant (CDBG) funds and \$400,000.00 in HOME funds. He said the projects in the 2015 Action Plan include the following activities:

HOUSING:

Housing Rehabilitation-Owner Occupied - \$265,300 to be available for rehabilitation of existing owner-occupied housing units. This includes \$50,000 in CDBG and \$215,300 in HOME funds.

Beyond Shelter, Inc. CHDO Projects - \$150,000 in HOME funds for construction of affordable senior housing at 4835 28th Avenue South.

Special Assessment Assistance - \$15,000 in CDBG funds to assist low income homeowners with annual special assessments.

Fargo Housing & Redevelopment Authority - \$400,000 in CDBG funds for land acquisition to be used for the development of affordable housing.

DOWNTOWN PROJECTS:

\$100,000 in CDBG funds for projects that address slum and blight conditions in downtown Fargo.

PUBLIC SERVICE PROJECTS:

Fargo Homeless Initiatives - \$68,000 in CDBG funds to support Fargo's emergency homeless shelter as well as a police liaison to the homeless population.

Snow Removal Assistance - \$2,000 in CDBG funds to offer snow removal assistance to low income senior households and people with disabilities.

Metro Transportation Initiative - Opportunities Under Transit (OUT) \$2,000 in CDBG funds to provide transportation to low and moderate income participants.

Job Training - \$10,000 in CDBG funds to provide job skills training and development for refugees and low income persons.

Homebuyer/Tenant Education - \$20,000 in CDBG funds to support general and financial education for low income new homebuyers and renters.

FACILITIES/CAPITAL:

Neighborhood Project - \$150,000 in CDBG funds will be used for a community project in a low income neighborhood in Fargo.

TNT Kid's Fitness - \$75,000 in CDBG funds to improve accessibility and accommodations for kids with disabilities.

Fargo Public Schools - Agassiz Playground - \$50,000 in CDBG funds for a playground in the Agassiz neighborhood.

ADMINISTRATION:

\$136,000 in CDBG funds for project development, planning, and administrative costs associated with the delivery of the CDBG program. HOME funds will provide an additional \$34,700 for administration.

Commissioner Sobolik moved the 2015-2019 Consolidated Plan for Housing and Community Development, and the 2015 Annual Action Plan be approved.

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

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

Resolution Adopted Approving a Vacation of Public Utility Easement Located on Lot 3, Block 4, Westrac First Addition (3117 Westrac Drive South):

The Board received a communication from Planning Administrator Nicole Crutchfield stating the Reciprocal Release and Relinquishment of Easement is intended to extinguish a portion of a public utility easement established by Plat (Westrac First Addition) on January 2, 1975. The easement does not contain any utilities, she stated, and is unlikely to be needed in the future.

Commissioner Piepkorn offered the following Resolution and moved its adoption:

WHEREAS, a public utility easement was established as a result of a Plat dated December 10, 1974, and recorded in the Office of the Recorder for Cass County, North Dakota on the 2nd day of January, 1975, as document number 486069, for which a public utility easement was appurtenant to the following described real property:

Lot 3, Block 4, Westrac First Addition to the City of Fargo, Cass County, North Dakota.

WHEREAS, Halle Properties, LLC, is the owner of part of Lot 3, Block 4, Westrac First Addition to the City of Fargo, Cass County, North Dakota subject to the public utility easement for the City of Fargo and part of Lot 5, Block 2, Westrac Second Addition to the City of Fargo, Cass County, North Dakota; and

WHEREAS, Said owner desires the reciprocal release and relinquishment of a portion of said public utility easement in order to more fully utilize their property in a manner free from said encumbrance; and

WHEREAS, The City of Fargo has determined that there are no public utilities currently located or likely to be located within said public utility easement.

NOW, THEREFORE, it is hereby agreed.

1. The City of Fargo, together with Halle Properties, LLC, do hereby mutually and reciprocally release, terminate and relinquish a portion of the public utility easement located on Lot 3, Block 4, Westrac First Addition to the City of Fargo, Cass County, North Dakota wherein said easement was established as a result of a Plat dated December 10, 1974, and recorded in the Office of the Recorder for Cass County, North Dakota on the 2nd day of January, 1975 as document number 486069.

2. The subject of this instrument is that certain real property described as follows:

That part of the existing 10.00 foot wide utility easement situated westerly of and being coincident with the easterly line of Lot 3, Block 4, Westrac First Addition, City of Fargo, Cass County, North Dakota, lying within the following described tract of land:

Those parts of Lot Three, in Block Four, Westrac First Addition and Lot Five, Block Two, Westrac Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the easterly corner common to Lots Four and Five of said Block Two Westrac Second Addition; thence south 45 degrees 23'10" west, along the northerly right-of-way line of Fiechtner Drive for a distance of 145.00 feet to a point which lies 274.31 feet northeasterly of the southerly corner common to lots two and three of said block four of Westrac First Addition; thence north 44 degrees 36'50" west, parallel to the line common to Lots Two and Three of said Block Four, through Lot Five of said Block Two and Lot Three of said Block Four, a distance of 300.00 feet to a point of intersection with the northerly line of Block Four and the southerly right-of-way line of the Burlington Northern Railroad; thence north 45 degrees 23'10" east, along the northerly line of said Block Four and the southerly right-of-way line of said Burlington Northern Railroad, for a distance of 145.00 feet; thence south 44 degrees 36'50" east for a distance of 31.38 feet to a point of intersection with the east line of said Westrac First Addition and the line between Lots Four and Five, of Block Two, Westrac Second Addition; thence continue south 44 degrees 36'50" east, along the line between Lots Four and Five of said Block Two, for a distance of 268.72 feet to the point of beginning.

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

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

Resolution Adopted Approving The Aspens First Addition (5000 Prosperity Way South):

Planning Administrator Nicole Crutchfield said the applicant is seeking approval for a minor subdivision plat, entitled The Aspens First Addition, which is a replat of Lot 22, Block 5, Timber Creek First Addition into one block and 26 lots. She said the property is located at 5000 Prosperity Way and encompasses approximately 6.96 acres. She said the applicant intends to develop a 26-unit attached housing development consisting of six, 4-unit townhome buildings and one 2-unit building arranged around a shared private driveway off of Prosperity Way. It is a unique layout, which includes a cul-de-sac, she stated, and is somewhat complicated for a minor subdivision. She said plans have been reworked over the past six months for issues involving the utilities, easements and access.

In response to a question from Commissioner Piepkorn about whether the Fire Department is satisfied with the plans, Ms. Crutchfield said fire access is included as part of the site plan review process and radiuses and access points meet the fire code.

In response to Commissioner Piepkorn's question about whether it is clear it is a private drive, and understood the City is not responsible for maintenance, Ms. Crutchfield said when you enter the subdivision, it will have the look of a driveway and not a public street.

In response to a question from Commissioner Williams about the storm water runoff, since there is no curb and gutters, City Engineer April Walker said the City will own the sanitary sewer and water line; however, the storm sewer will be private and connect into the City line to the north and benefits from the pond constructed for Timber Creek. She said there is a loop system for water shut offs in the easements the City will control. She said in the developer's agreement, if their pavement is disturbed as part of getting to the City's lines, it is the developer's responsibility to repair the pavement since they chose to have infrastructure under the paving. Efforts were made to keep it out of the pavement as much as possible, she said, with much of it at the edge of the pavement. She said the requirements of the fire code were met in the cul-de-sac for turnaround at the end.

Tyrone Leslie, President of Heritage Homes, said the development blends well in the area and he sees a market for this type home for people downsizing, offering well designed layouts, no steps and high quality.

Commissioner Williams said part of the benefit of being located in the City is the great delivery of services. He said he sees it as a good project; however, he has safety concerns with there being only one access point in and out.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "The Aspens First Addition" containing 26 Lots, 1 Block, and 6.96 acres of land more or less, located at 5000 Prosperity Way South; and

WHEREAS, A Hearing was held March 3, 2015 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on March 30 and April 6, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., April 13, 2015 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "The Aspens First Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

Commissioner Williams voted nay.

The motion was declared carried.

Parcels of Land on Blocks 19, 20 and 21, All of Vacated 5th Street South, 6th Street South and 2nd Avenue South, and All of Vacated Alleys Within Blocks 19-21, Original Townsite Addition and a Portion of the North Half of Section 7, Township 139 North, Range 48 West Rezoned (333 4th Street South; 302, 410 and 450 7th South; and 400 and 502 1st Avenue South):

At a Hearing held on April 7, 2015 the Fargo Planning Commission recommended approval of a change in zoning from SR-2, Single-Dwelling and GC, General Commercial to P/I, Public and Institutional on Blocks 19, 20 and 21, all of vacated 5th Street South, 6th Street South and 2nd Avenue South and all of vacated alleys within Blocks 19-21, Original Townsite Addition and a portion of the North Half of Section 7, Township 139 North, Range 48 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.

Planning Administrator Nicole Crutchfield said the applicant is seeking approval of a zoning map amendment to rezone an area encompassing approximately 38 acres, and contains Island Park and the downtown YMCA. She said in January, the YMCA submitted a building permit application for a proposed addition to the existing YMCA building at 400 1st Avenue South. Upon review, she said, it was found that several zoning related issues would prohibit the addition as proposed. She said the addition would be located over a property line within an easement granted to the YMCA by the Fargo Park District resulting in the building being located within both the GC, General Commercial and the SR-2 Single-Dwelling zoning districts. She said the issue is that a community service use such as the YMCA is not a use permitted by right in the SR-2, Single-Dwelling zoning district, but is a conditional use. To address these zoning issues, she said, it was suggested by staff that all the property be rezoned to Public and Institutional to accommodate the building addition, being the best fit with the existing uses of community service, parks and open space.

President of the Cass-Clay YMCA Paul Finstad said their plan is to expand the swimming pool facilities to the south which will take about a year.

Commissioner Williams 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 Williams, Piepkorn, Sobolik 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 the Original Townsite Addition to the City of Fargo and Part of the North Half of Section 7, Township 139 North, Range 48 West, to the City of Fargo, Cass County, North Dakota:

Commissioner Williams 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 the Original Townsite Addition to the City of Fargo and Part of the North Half of Section 7, Township 139 North, Range 48 West, to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Text Amendment to Section 20-0805 of Article 20-08 of Chapter 20 of the Fargo Municipal Code Relating to the Arts and Culture Commission Approved:

A Hearing had been held by the Fargo Planning Commission on April 7, 2015 for the purpose of considering a request for a text amendment to Section 20-0805 of Article 20-08 of Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to the Arts and Culture Commission and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

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.

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

The Board received a communication from Assistant City Attorney Jason Loos stating the planning Commission unanimously approved a text amendment to the

Land Development Code which amends the Arts and Culture Commission membership and terms. He said the amendment removes a City Commissioner and adds an at-large member and extends the terms of the members six months.

Planning Administrator Nicole Crutchfield stated this is a staff initiated text amendment for minor edits relating to the newly appointed Arts and Culture Commission, specifically to change the membership requirements and to move term expiration dates. She said the original Ordinance had nine members, of which one was to be a current member of the City Commission; however, it is suggested by Commissioner Sobolik and the members to instead have nine citizens. Also, she said, when David Bertolini was appointed as Chair at the first meeting, it was noted his term would end in January of 2016 and they did not want to appoint a Chair for such a short term. She said with most reappointments happening around June, it is proposed the term ending dates be changed from January 1 to June 1, beginning in 2016.

Commissioner Sobolik said a new representative of the DCP will be named at their next meeting to fill a vacancy that resulted from an appointment of a member who is not a resident of Fargo.

Commissioner Sobolik moved the request be approved on the basis the proposed Text Amendment complies with Section 20-0904.E (1-3) of the Land Development Code.

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

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

First Reading of an Ordinance Relating to Section 20-0805 of Article 20-08 of Chapter 20 of the Fargo Municipal Code Relating to Arts and Culture Commission:

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 Relating to Section 20-0805 of Article 20-08 of Chapter 20 of the Fargo Municipal Code Relating to Arts and Culture Commission be placed on first reading.

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

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

Three-year Lease with BOAS Northport Fargo LLC Approved:

Director of Finance Kent Costin said the City Assessor's Office is currently leasing office space at 404 4th Avenue North and has been at that location for twelve years. He said notice was recently received to vacate the space since the building owner will be redeveloping the property as soon as the Assessor's Office is relocated. He said this is a first in a number of chain reaction moves as a result of the Downtown flood control project. A commercial real estate agent has not been able to locate a downtown space that will meet the needs of the City Assessor's Office, he said. A location in the Northport Mall has been identified, he stated, and is currently vacant. He said the terms of the lease will be for a three-year period at a rate of \$8.00 per square foot, along with common area fees of \$2.40 per square foot. It is a large empty space and some fit up costs for additional rentals of portable partitions is being

recommended rather than permanent office walls, as well as some electrical and remodeling, he said. The City Assessor is negotiating a final agreement for the space and details of the fixed cost agreement on the sharing of the fit-up costs will be brought back with the final results of the negotiation. He said the hope is that in two or three years the Assessor's Office would be able to move into the new City Hall.

Commissioner Piepkorn said that building has been vacant for some time and suggested negotiating with the landlord for fit-up costs.

Commissioner Piepkorn moved a three-year lease with BOAS Northport Fargo LLC for the City Assessor's Office relocation, with a rental rate of \$62,400.00 per year, be approved and the City Assessor be authorized to negotiate final fit up costs needed to make the space functional.

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

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

"Yes" Vote on the FM Flood Risk Mitigation District No. 1 Voting Approved:

The Board received a communication from the Finance Committee stating the Cass County Joint Water Resource District is moving through the legal process to establish a special assessment district for future FM Diversion financing. They said as part of this process, property owners within the proposed district are voting on direct benefits, which are the amounts that have been directly allocated to property parcels. He said an indirect benefit has also been assigned and will be voted on by local government units. The need for the special assessment district, they said, is to help obtain the most cost effective borrowing process for the project. An affirmative vote of the Board on both the direct and indirect benefits is requested so those votes may be individually signed as required by law. They said a "yes" vote confirms support for establishing the district and authorizes assessments of up to \$725 million for the project. Sales tax revenues from Fargo and Cass County will be used to pay for future bonded indebtedness, they stated.

Finance Director Kent Costin said there is a tall stack of ballots waiting to be signed and returned. He said the amount of direct benefit votes total \$4,423,470.85, and the indirect votes total \$185,285,581.10. He said as part of establishing this district, the FM Diversion Assessment Committee met over the past two years to identify geographic districts and boundary lines reflective of the amount of flood mitigation risk benefit.

City Administrator Pat Zavoral said initially it was considered to assess almost down to the elevation of a parcel; however, that was too difficult administratively. Rather, he said, parcels of similar elevations were grouped together, based on LiDAR information. Properties south of 52nd Avenue have the highest degree of assessment, he said, with another degree for those north of 52nd up to I-94 and another north of I-94.

Commissioner Williams said he understands it is a back-up assessment and everyone will be in trouble in a 45 foot, 500-year flood. He said he believes more information needs to be shared with the public for their support.

Commissioner Piepkorn said the assessment is unfair. He said it appears the only people that matter in this vote are people that own property and renters have no say. Even if the public were to vote 100% "no" government can trump their vote, he

said, and it is not right to use private property as collateral. He stated he is glad it will be Mayor Mahoney's signature on the ballots for the City of Fargo and not his.

Mr. Zavoral said 50 percent of the community lives in apartments and are not able to vote as property owners, so indirect votes are built into the formula.

In response to a question from Mayor Mahoney about what other options there are to fund a diversion, Mr. Zavoral said sales tax is being used; however, a problem with that is that when selling bonds using sales tax as a backup, sales tax revenue cannot be projected out to increase the size of the bonding issue. In addition, he said, about thirty percent is taken from current sales tax for escrow so bonds can be repaid in the event there is a loss in sales tax. He said to flip that is to have special assessments as a backup. Assessment bonds use sales tax as backup, he said, and sales tax collection has been historically strong, so hopefully it will never have to be special assessed. He said this can be used as a backstop, and more and more funding methods will continue to be looked at as the project moves forward.

In response to a request from Mayor Mahoney for an explanation of certified versus noncertified assessments, Mr. Costin said certified assessments are those billed each year, while noncertified assessments such as these, are essentially levied and deferred indefinitely with sales tax being used for payment. He said Cass County would maintain a database of the assessment amounts. It is important to get funding solidified prior to borrowing large portions of bonded debt to get the project up and running, he said.

Commissioner Sobolik said there was discussion at the last FM Diversion Authority meeting about how the City and Cass County will need to enter an agreement that there will be a vote renewing the sales tax, making it clear there is a commitment to raising sales tax funds to cover the assessment. It is important the public see that the intention is for funding through sales tax, she said. One question she has received, she said, is whether the full assessment would happen if the sales tax were to come up short, for example, 10 percent short. People are concerned they may be assessed at 100 percent of their assessment, she said' however, in that example it would be at 10 percent.

In response to a question from Commissioner Piepkorn about whether a one hundred percent "no" vote from property owners could override "yes" votes by the government entities, City Attorney Erik Johnson said it is his understanding that it would not. When there is a City-wide special assessment, a 60 percent vote is needed, he said; however, this is not a City of Fargo special assessment, nor is it a City-wide assessment. He said this is a special assessment by the Cass County Joint Water Resource District.

Commissioner Sobolik moved a "yes" vote on the FM Flood Risk Mitigation District No. 1 being established by the Cass County Joint Water Resource District be approved and Mayor Timothy Mahoney be the authorized signer on the ballots for the City of Fargo and that the votes be filed no later than April 30, 2015.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Addition of an Incentive/Disincentive and Creation of Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B (NP Avenue):

The Board received a communication from City Engineer April Walker stating the Engineering Department recommends the addition of an incentive/disincentive for Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B. She said the project in question is scheduled for a May 20, 2015 bid opening with a substantial completion date of October 30, 2015 and a final completion date of June 1, 2016. She said staff has evaluated the project and determined that there will be four phases in order to facilitate continued access to properties located along the project. The most critical phase, she stated, will be Phase 2 which will contain underground work as well as paving associated with the mainline traffic movements for approximately 570 center line (CL) lineal feet of the reconstruction portion of the project that has a total CL lineal footage of 1,020. She said this phase is estimated to take 70 working days to complete. It is important to note that this phase does not include complete installation of all facilities, she said, for example, the cycle track will only be reinstalled where necessary to facilitate access to private property and the boulevard areas will not be reinstalled at the end of this phase. The total construction estimate for the project is \$2,020,000.00, she stated, with a total estimated project cost of \$2,527,340.00 with all Engineering and Admin fees. She said Engineering evaluated traffic volumes on this portion of NP and determined the appropriate incentive for completion of phases to be \$1,000/day, with a disincentive for days that extend the estimated working days by phase, in addition to all other applicable liquidated damages associated on the project. It is further recommended, she said, that the incentive be capped at 1% of the total construction cost or \$20,000.00.

Commissioner Piepkorn moved the addition of an incentive/disincentive of \$1,000.00/day, not to exceed 1% of the total construction cost for Improvement District No. BR-15-B be approved.

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

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

Commissioner Piepkorn moved the following action be taken in connection with Water Main Replacement, Street Reconstruction, Streetscape with/Cycle Track and Incidentals Improvement District No. BR-15-B:

Adopt Resolution Creating Improvement District No. BR-15-B:

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

On NP Avenue from University Drive to 10th Street North.

On 1st Avenue North from University Drive to 7th Street.

COMPRISING:

Lots A through G.

All in Tyler & Benton's Subdivision.

Lots 4 through 10, Inclusive, Block 7.

Lots 1 through 3 and 11 through 14, Inclusive, Block 8.

All in Robert's Addition.

Lots 1 through 6, 11 and 12, Inclusive, Block 22.

Lots 5 and 6, Inclusive, Block 23.

Lots 1 through 12, Inclusive, Block 25.

Lots 1 through 12, Inclusive, Block 26.

Lots 1 through 3 and 9 through 12, Inclusive, Block 27.

Lots 1 through 12, Inclusive, Block 38.

Lots 1 through 12, Inclusive, Block 39.

Lots 1 through 12, Inclusive, Block 40.

Lots 1 through 9, Inclusive, Block 41.

Lots 1 and 2, Inclusive, Block 42.

Lots 1 through 5, Inclusive, Block 43.

All in Roberts' Second Addition.

Lot C.

All in Douglas Subdivision.

All railroad land lying in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7, Township 139N, Range 48W bounded on the north by NP Avenue, on the west by University Drive, on the east by 10th Street and on the south by the north railroad tract of the KO line (north of Main Avenue), NP Outlot #1 & railroad right of way.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction, Streetscape W/Cycle Track and Incidentals Improvement District No. BR-15-B in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. BR-15-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BR-15-B in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,648,939.00.)

Order Plans and Specifications for Improvement District No. BR-15-B:

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

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

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

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

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

Adopt Resolution Declaring Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals Improvement District No. BR-15-B in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 26% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction, Streetscape with Cycle Track and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

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

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

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

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

Addition of an Incentive/Disincentive and Creation of Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F Approved (Broadway between 9th and 12th Avenues North and on 19th Avenue North):

The Board received a communication from City Engineer April Walker stating the Engineering Department recommends the addition of an incentive/disincentive for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F. She said the project in question is scheduled for a May 20, 2015 bid opening with a substantial completion date of October 24, 2015 and a final completion date of November 23, 2015. She said staff determined there will essentially be two phases, the most critical phase impacting Broadway. She said this phase will contain underground work as well as paving associated with the mainline traffic movements for approximately 1,640 Center line (CL) Lineal feet of the reconstruction portion of the project that has a total CL lineal footage of 2,820 and this phase is estimated to take 90 working days to complete. The total construction estimate for the project is \$2,920,290.00 with a total estimated project cost of \$3,508,783.00 with all Engineering and Admin fees. She said Engineering evaluated traffic volumes on this portion of Broadway and determined the appropriate incentive for completion of phases to be \$1,000/day with a disincentive for days that extend the estimated days by phase, in addition to all other applicable liquidated damages associated on the project. It is further recommended, she said, that the incentive be capped at 1% of the total construction cost or \$29,000.00.

Commissioner Piepkorn moved the addition of an incentive/disincentive of \$1,000.00/day, not to exceed 1% of the total construction cost for Improvement District No. BR-15-F

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

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

Commissioner Piepkorn moved the following action be taken in connection with Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F:

Adopt Resolution Creating Improvement District No. BR-15-F:

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

On Broadway North from 9th Avenue to 12th Avenue

On 10th Avenue North from Broadway to 4th Street

COMPRISING:

Lots 1 through 22, Block 3.

All in Huntington's Subdivision.

Lots 1 through 13, Block 16.

All in Wilson's Subdivision.

Lot C, Block 15.
Lot A, Block 16.
Lots A through G, Block 17.
All in Auditor's Subdivision.

Lots 1 through 8, Block 1.
All in Montplaisir's Subdivision.

Lots 1 through 12, Block 1.
All in Satterthwaite's Subdivision.

Lots 1 through 12, Block 2.
All in Fleming's Subdivision.

Lots A through H, Block 18.
Lots 1 and 6, Block 18.
All in Marelius Subdivision.

Lots 1 through 10, Block 16.
All in Harwood's 2nd Addition.

Lots 1 through 18, Block 15.
All in Douglas Addition.

Lots 1 through 17, Block 1.
Lots 1 through 13, Block 2.
Lots 1 through 6 and Lot 12, Block 13.
Lots 1 through 6, Block 14.
All in Hector's Addition.

Lots 1 through 12, Block 1.
Lots 1 through 6 and Lot 12, Block 2.
All in Truesdell's 2nd Addition.

Lots 1 through 15, Block 1.
Lots 1 through 7 and Lot 9, Block 2.
All in Yerxa & Franklin's Addition.

Lot 1, Block 6.
All in Dewitt's Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. BR-15-F:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BR-15-F 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 \$3,508,783.00.)

Order Plans and Specifications for Improvement District No. BR-15-F:

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

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

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

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

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

Adopt Resolution Declaring Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Necessary:

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

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

That a portion of said Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 26% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

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

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

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

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

Item No. 31

Item No. 31 (Legislative issues) was omitted.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, April 27, 2015.

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

The time at adjournment was 6:25 o'clock p.m.