

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

May 11, 2015:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, May 11, 2015.

The Commissioners present or absent were as shown following:

Present: Sobolik, Williams, Piepkorn, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Sobolik moved the Order of the Agenda be approved.

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

Oath of Office Administered to Mayor Mahoney and Commissioner Gehrig:

Municipal Judge Steve Dawson administered the Oath of Office to Mayor Timothy Mahoney and Commissioner Anthony Gehrig.

Commissioner Sobolik introduced the drum group the "Buffalo River Singers", who played the Native American Honor Song.

Minutes Approved:

Commissioner Williams moved that the Minutes of the Regular Meeting of the Board held on April 27, 2015 and the Special Meeting held May 5, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Williams moved the Consent Agenda be approved as follows:

1. Approve and accept the results of the City Canvassing Board for the April 28, 2015 special election and declare Tim Mahoney as Mayor and Tony Gehrig as City Commissioner.
2. Memorandum regarding the recent adoption of the amendment to the Home Rule Charter removing the resignation requirement for mayoral candidates.
3. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in 42nd Street Addition, Fargo, Cass County, North Dakota; 1st reading 4/27/15.

4. Receive and file Ordinance Amending Section 25-1506 of Article 25-15, of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages (authorizing on-sale single serve beer and wine to guests or patrons of the hotel under certain conditions).
5. Receive and file Year to Date - Budget to Actual Report for April 2015.
6. Resolution Authorizing Officers to make Deposits and Withdrawals and approve the Designated Depositories (Attachment "A").
7. Purchase of Service Agreement for Community Service Chaplaincy Training (CFDA #93.991).
8. Health Department budget adjustment and Grant Award from the North Dakota Tobacco Prevention and Control Executive Committee in the amount of \$11,026.67 (Contract #G13-86A).
9. Fire Department Training MOU with the Cass County Joint Water Resource District.
10. Acceptance of the 2015 Certified Local Government Agreement, in the amount of \$10,000.00, from the State Historical Society of North Dakota for expansion of the Northside Builders National Register District (Grant Number 38-15-131233-27).
11. Neighborhood Stabilization Program partnership with the Fargo Public Schools for the construction of a single-family home at 1406 16 1/2 Street South.
12. Neighborhood Stabilization Program partnership with Lake Agassiz Habitat for Humanity for the construction of a single-family home at 922 10th Street North.
13. Agreement with United Fire and Casualty and Master Construction, Inc. for Flood Risk Projects 5944, 5949 and 5949-3.
14. Purchase of home at 1518 South River Road through the flood buyout program.
15. Application filed by Cray and Jean Eppler for a five-year tax exemption for improvements made to a building at 1202 6th Street South.
16. Site Authorizations for Games of Chance:
 - a. Plains Art Museum at the Blue Wolf Casino, Big Top Bingo and King Pin Casino.
 - b. Prairie Public Broadcasting, Inc. at Dempsey's and Tailgators.
 - c. North Dakota Association for the Disabled, Inc. at Hennessy's Irish Pub, the Bulldog Tap, Shotgun Sally's Rock N Roll Saloon, O'Kelly's.

17. Applications for Games of Chance:
 - a. ShareHouse Foundation for a raffle on 8/25/15.
 - b. El Zagal Shrine Provost Guard for a sports pool from 9/14/15 to 1/3/16.
 - c. Steve Weidner FM Junior Tour for a calendar raffle from 7/1/15 to 6/30/16.
 - d. Patrick Arbach Benefit for a raffle on 5/29/15; Public Spirited Resolution.
 - e. Tri-City Storm Soccer Club for a raffle on 6/28/15; Public Spirited Resolution.
 - f. Fargo Moorhead Symphony Orchestra for a raffle on 6/3/15.
18. Mosquito Control Agreement with Cass County for 2015.
19. Sole Source purchase of a debris body for a Model 2100 Vector from Sanitation Products in the amount of \$72,599.49.
20. Purchase of two 40-foot hybrid buses from New Flyer Industries of America in the amount of \$647,869.15 each.
21. Purchase Agreement - Temporary Easement with Riverview Condominium for Project No. FM-14-03.
22. Access Agreement - Soil Borings with the Park District for Project No. FM-15-B1.
23. Access Agreement - Soil Borings with the Park District for Project No. FM-15-G1.
24. Change Order No. 3, in the amount of \$31,284.50 for Project No. FM-14-61.
25. Bid award for Project No. FM-14-03 to Industrial Contract Services, Inc. in the amount of \$3,203,188.05.
26. Contract and bond for Project Nos. FM-14-62 and SR-15-A1.
27. Bills in the amount of \$3,968,320.82.

Second by Sobolik. On call of the roll Commissioners Williams, Sobolik (abstained from voting on Item No. 16a), Piepkorn and Mahoney voted aye.

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

Change Order No. 1 for Improvement District No. UN-15-G1 Approved:

Commissioner Williams moved approval of Change Order No. 1 for an increase of \$33,428.80 for Improvement District No. UN-15-G1.

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

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

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 23 and 30, 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, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1.

Second by Sobolik. On call of the roll Commissioners Williams, Sobolik, Piepkorn 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, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 6, 2015 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$843,440.70
Sellin Brothers, Inc. Bid:	Hawley, MN \$988,058.75
Ryan Contracting, Inc. Bid:	Shakopee, MN \$995,691.50
Griffin Construction Company, Inc. Bid:	Chatfield, MN \$1,070,154.45
H & S Contracting, Inc. Bid:	Moorhead, MN \$1,092,625.00
R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,119,803.15
J.R. Ferche Inc. Bid:	Rice, MN \$1,222,858.45
Dakota Underground Company Bid:	Fargo, ND \$1,300,362.90

North Country Contracting	Moorhead, MN
Bid:	\$1,399,374.50

Robert Gibb & Sons, Inc.	Fargo, ND
Bid:	\$1,476,806.60

Contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 Awarded to Master Construction Company, Inc. in the Amount of \$843,440.70:

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 Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 6, 2015 for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-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, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$843,440.70 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 Master Construction Company, Inc. in the sum of \$843,440.70 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Paving and Incidentals Improvement District No. BN-15-E1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$843,440.70, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-A1:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 6, 2015 and the bids were found to be as follows:

Master Construction Company, Inc.	Fargo, ND
Bid:	\$1,067,375.80

Border States Paving, Inc. Bid:	Fargo, ND \$1,301,636.38
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$1,385,343.00
Ryan Contracting Company Bid:	Shakopee, MN \$1,393,408.10
Dakota Underground Company, Inc. Bid:	Fargo, ND \$1,599,602.35

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-A1 Awarded to Master Construction Company, Inc. in the Amount of \$1,067,375.80:

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-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 6, 2015 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-15-A1 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-A1 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$1,067,375.80 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 \$1,067,375.80 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-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$1,067,375.80, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

Bids Received for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21:

The bids for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 6, 2015 and the bids were found to be as follows:

R & R Excavating, Inc. Bid:	Hutchinson, MN \$1,203,835.18
Dakota Underground Company Bid:	Fargo, ND \$1,235,127.36
Key Contracting, Inc. Bid:	Fargo, ND \$1,286,618.96
Industrial Contract Services, Inc. Bid:	Fargo, ND \$1,569,714.00

Contract for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 Awarded to R & R Excavating, Inc. in the Amount of \$1,203,835.18:

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 Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 6, 2015 for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 shows the bid of R & R Excavating, Inc. of Hutchinson, Minnesota, in the sum of \$1,203,835.18 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 R & R Excavating, Inc. in the sum of \$1,203,835.18 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 in the City of Fargo, North Dakota, be and the same is hereby awarded to R & R Excavating, Inc. for the sum of \$1,203,835.18, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

No Protests Received for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 in the City of Fargo, North Dakota, was duly published in the official

newspaper for the City of Fargo, North Dakota on April 6 and 13, 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 P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1.

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

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

Bids Received for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1:

The bids for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 6, 2015 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$3,994,740.91
Northern Improvement Company Bid:	Fargo, ND \$4,327,579.45
Master Construction Company Bid:	Fargo, ND \$4,807,116.00

Contract for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 Awarded to Dakota Underground Company in the Amount of \$3,994,740.91:

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 P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 6, 2015 for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$3,994,740.91 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 \$3,994,740.91 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Pavement, Traffic Signals, Street Lighting and Incidentals Improvement District No. PN-15-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota

Underground Company for the sum of \$3,994,740.91, 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 Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Piepkorn and Mahoney voted aye.

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

No Protests Received for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1:

The Statutory Resolution of Necessity for the construction of Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on April 6 and 13, 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 Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1.

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

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

Bids Received for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1:

The bids for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 6, 2015 and the bids were found to be as follows:

Northern Improvement Company Bid:	Fargo, ND \$1,197,359.65
Central Specialties Inc. Bid:	Alexandria, MN \$1,246,541.58
Aggregate Industries NCR Bid:	Moorhead, MN \$1,304,996.85
Border States Paving, Inc. Bid:	Fargo, ND \$1,352,066.00

Contract for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 Awarded to Northern Improvement Company in the Amount of \$1,197,359.65:

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 Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 6, 2015 for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$1,197,359.65 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Northern Improvement Company in the sum of \$1,197,359.65 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of \$1,197,359.65, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Sobolik. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Sobolik, Piepkorn 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-14-51:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-51 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., May 6, 2015 and the bids were found to be as follows:

Sherman's, LLC Bid:	West Fargo, ND \$614,988.50
R & R Excavating, Inc. Bid:	Hutchinson, MN \$741,750.73
Master Construction Company, Inc. Bid:	Fargo, ND \$763,617.00
Sellin Brothers, Inc. Bid:	Hawley, MN \$815,990.00
Ryan Contracting, Inc. Bid:	Shakopee, MN \$828,810.18
J.R. Ferche, Inc. Bid:	Rice, MN \$906,567.00

Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$909,804.50
Dakota Underground Company, Inc. Bid:	Fargo, ND \$997,711.50
North Country Contracting Bid:	Moorhead, MN \$1,162,616.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-51 Awarded to Sherman's, LLC in the Amount of \$614,988.50:

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-14-51; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received May 6, 2015 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. UN-14-51 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-14-51 shows the bid of Sherman's, LLC of West Fargo, North Dakota, in the sum of \$614,988.50 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Sherman's, LLC in the sum of \$614,988.50 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-14-51 in the City of Fargo, North Dakota, be and the same is hereby awarded to Sherman's, LLC for the sum of \$614,988.50, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

P.C. Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L (The Pines at the District):

Commissioner Williams moved the following action be taken in connection with P.C. Concrete Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L:

Adopt Resolution Creating Improvement District No. PN-15-L:

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

On 53rd Avenue South between 44th Street South and 43rd Street South.
On 54th Avenue South between 43rd Street South and 44th Street South.
On 56th Avenue South between 43rd Street South and 44th Street South.
On 44th Street South between 53rd Avenue South and 56th Avenue South.
On 56th Avenue South between Pine Parkway South and 38th Street South.
On 38th Street South between 55th Avenue South and 100' south of 58th Avenue South.

COMPRISING

Lot 1, Block 1.

Lots 1 and 2, Inclusive, Block 2.

Lot 1, Block 3.

Lots 1 through 20, Inclusive, Block 5.

Lots 1 through 12, Inclusive, Block 6.

Lot 1, Block 7.

Lot 1, Block 8.

Lots 1 through 8, Inclusive, Block 9.

Lots 1 through 50, Inclusive, Block 10.

Lots 1 through 15, Inclusive, Block 11.

Lots 1 through 19, Inclusive, Block 12.

Lots 1 through 8, Inclusive, Block 13.

Lots 1 through 9, Inclusive, Block 14.

Lot 1, Block 15.

All platted in The Pines at the District Addition.

Lot 1, Block 1.

All platted in The Pines at the District 2nd Addition.

Lots 1 and 2, Inclusive, Block 1.

All platted in The Pines at the District 3rd Addition.

Lots 1 and 2, Inclusive, Block 1.

Lots 1 through 3, Inclusive, Block 5.

Lot 1, Block 6.

All platted in The District of Fargo Addition.

Lots 1 and 2, Inclusive, Block 1.

Lots 1 and 2, Inclusive, Block 2.

All platted in The District of Fargo 2nd Addition.

Lot 1, Block 1.

Lot 1, Block 2.

All platted in Maplewood Estates 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 Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L 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. PN-15-L:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-15-L 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 \$2,640,174.00.)

Order Plans and Specifications for Improvement District No. PN-15-L:

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PN-15-L 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. PN-15-L 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 Paving, 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 Paving, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. PN-15-L 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 Paving, Concrete Curb and Gutter, Asphalt Pavement 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. PN-15-L:

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

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

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

Communicator of Achievement Award Presented to Karena Carlson:

Mayor Mahoney presented the Communicator of Achievement Award to Communications Manager Karena Carlson. Ms. Carlson is the recipient of the Communicator of Achievement (COA) Award, he stated, which is the highest honor the North Dakota Professional Communicators (NDPC) can bestow upon one of its members. The COA award is presented annually to a member of the NDPC and the National Federation of Press Women (NFPW) who has distinguished him or herself within and beyond their profession, he said, and as NDPC's honoree, Ms. Carlson advances to the national NFPW competition.

Ordinance Amending Section 25-0401 and Enacting Section 25-0410 of Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire to be Placed on First Reading at the Next Regular Meeting of the Board:

Assistant City Attorney Jason Loos said the State of North Dakota recently passed a law to regulate Transportation Network Companies (TNC) such as Uber and Lyft. He said the Board discussed an Ordinance separating these types of companies from traditional taxi companies; however, now the State regulates them and actually prohibits city regulations. Cities are allowed to make it illegal for these companies to operate without a valid state license, he said, and the amendment to the Ordinance is to include that requirement. He said the insurance of the TNC is required to provide coverage when the driver is actively looking for a fare or when they have a fare in their vehicle.

Commissioner Williams moved the Ordinance Amending Section 25-0401 and Enacting Section 25-0410 of Article 25-04 of Chapter 25 of the Fargo Municipal Code Relating to Vehicles for Hire be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

Ordinance Amending Section 8-1006 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Time-Limited Parking Zones to be Placed on First Reading at the Next Regular Meeting of the Board:

The Board received a communication from Planner Joe Nigg stating the City owns and operates eight surface parking lots and three structured parking facilities which equates to approximately 2,000 off-street spaces. He said six of the eleven facilities are gate controlled; however, only the Island Park Ramp and the GTC Garage have 24/7 access control. Over the years parking enforcement within the lots has been handled with a "warning" citation issued by Parking Services, he said; however, this approach rarely served its purpose as illegal parkers quickly learned that there was no resulting penalty even after numerous warnings. City Code allows parking ticket issuance for on-street violations, he said; however, a code amendment is needed for enforcement within off-street facilities. He said the ability to write tickets in off-street lots will be a significant system improvement and will increase the efficiency and effectiveness of facility management.

Commissioner Williams moved the Ordinance Amending Section 8-1006 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Time-Limited Parking Zones be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

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

State Water Commission Cost Reimbursement Request for FM Diversion Flood Project Costs Approved:

Finance Director Kent Costin said the expenditures listed in the reimbursement request are for \$612,361.00. He said these expenditures are for the 2nd Street floodwall and the 2nd Street North pump station.

Commissioner Piepkorn moved the cost reimbursement request to the State Water Commission for FM Diversion Flood Project costs in the amount of \$612,361.00 be approved.

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

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

Resolution Adopted Authorizing a Loan from US Bank National Association to the City of Fargo, North Dakota for the FM Diversion Project:

Finance Director Kent Costin said the FM Diversion Authority Finance Committee and the City Finance Committee have reviewed a loan offer from US Bank. He said last year US Bank was determined to have the best proposal and at that time Cass County borrowed \$50M in funds for the diversion project, which are being expended in the current fiscal year. The City agreed to borrow \$50M in funds this year, he stated, and the recommendation is to proceed with the loan from US Bank. He said this is a two-year loan with a very low interest loan of less than 1%, to be paid back by sales tax. The hope is, he said, that in two years the notes will be

converted to long term financing brought forward with federal assistance and other finance partners.

Commissioner Piepkorn moved the Resolution entitled "Resolution Authorizing a Loan from U.S. Bank National Association to the City of Fargo, North Dakota" and referred to as Attachment "B", be adopted and attached hereto.

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

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

Presentation of the 2014 Fire Department Statistics:

Fire Chief Steve Dirksen shared a PowerPoint presentation of the 2014 Fargo Fire Department Statistical Information Annual Report for the Department of Fire and Emergency Services. He detailed historical changes, major accomplishments in 2014 and activities expected in 2015, which includes an accreditation site visit.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, May 26, 2015.

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

The time at adjournment was 5:45 o'clock p.m.