

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

June 8, 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, June 8, 2015.

The Commissioners present or absent were as shown following:

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

Absent: None.

Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Sobolik moved the Order of the Agenda be approved moving Item Nos. "7", "11" and "27-2" from the Consent Agenda to the end of the Regular Agenda and adding an Executive Session at the end of the meeting.

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

Minutes Approved:

Commissioner Sobolik moved that the Minutes of the Regular Meeting of the Board held on May 26, 2015 be approved as read.

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

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

1. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 5/26/15:
 - a. 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.
 - b. 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 circumstances).
 - c. Amending Section 8-1025 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Commission.
 - d. Amending Section 8-1006 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Time-Limited Parking Zones.
 - e. Enacting Section 8-1006.2 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to the Regulation of Parking Zones in Publicly Operated Parking Lots.

- f. Amending Section 20-0402.N of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Telecommunication Support Structures.
2. Receive and file an Ordinance Amending Section 23-0211 of Article 23-02 of Chapter 23 of the Fargo Municipal Code Relating to the Electrical Code.
3. Award bids for signage for the Fargo Cass Public Health building to Advanced Engraving, Inc. in the amount of \$9,487.50 and Indigo Signworks, Inc. in the amount of \$12,802.00.
4. Change Order No. G-10, for an increase of \$8,178.86, for the Fargo Cass Public Health Remodeling Project.
5. Grant Award Agreement with the North Dakota Department of Health for the Public Water Supply Supervision Program (CFDA #66.605).
6. University of North Dakota Community Faculty Contract for medical student training for the 2015-2016 school year.
7. Submission of grant application for a federal COPS grant funding for four police officer positions for 2015 (CFDA #16.710) (moved to the Regular Agenda).
8. List price of Neighborhood Stabilization Program property at 1301 16 1/2 Street South as \$169,000.00.
9. Receive and file Year to Date - Budget to Actual Report for May 2015.
10. Resolution Approving Plat of Timber Creek Fourth Addition (Attachment "A").
11. "Sidewalk Insights" (MindMixer) contract (moved to the Regular Agenda).
12. Earthwork Services Contract for The Fargo Project in the amount of \$45,478.00.
13. Site Authorizations for Games of Chance:
 - a. Sts. Anne & Joachim Catholic Church at the Church.
 - b. Horse Race North Dakota at Sickies Garage, Labby's Bar & Grill and the Wurst Bier Hall.
14. Applications for Games of Chance:
 - a. United Way of Cass-Clay for a raffle on 6/19/15.
 - b. Kringen Club, Inc. for bingo from 7/1/15 to 6/30/16.
 - c. Fargo Lions Club for sports pools from 9/14/15 to 12/28/15.
 - d. Ronald McDonald House Charities of the Red River Valley for a raffle on 7/14/15.
 - e. FM AM Rotary for sports pools from 9/14/15 to 2/7/16.

- f. Villa Nazareth dba CHI Friendship for a raffle on 11/6/15.
 - g. The Arts Partnership for a raffle on 11/21/15.
15. Purchase of one or more truck chassis from the North Dakota State Equipment Contract #TC 378 for the base price of \$78,545.00.
 16. Purchase of one aerial lift from ABM Equipment for \$92,945.00.
 17. Award of 2015/2016 highway deicing salt to Compass Minerals America, Inc. for \$94.69 per ton.
 18. Contract Agreement with Greystone Construction, Inc. for purchase of a fabric membrane salt storage facility for \$420,966.00.
 19. Amendment of the Street and Utility Easement for 18th Street North within the NDSU Campus.
 20. Memorandum of Offer to Landowner for a temporary easement from TIC Investments, LLP for Project No. BR-15-B1.
 21. Purchase Agreement - Temporary Easement from Majestic Oaks Condominium II for Project No. FM-14-03.
 22. Agreement - Permanent and Temporary Easement from Patrick and Rhonda Grenyo for Project No. FM-14-11.
 23. Purchase Agreement - Warranty Deed with Iyad Alkhouri for Project No. FM-14-41.
 24. Agreement - Land Exchange and Temporary Easement from Brett Potas for Project No. FM-14-12.
 25. Contract Amendment No. 2, for an increase of \$159,635.00, for Project No. FM-14-61.
 26. Change Order No. 1, for an increase of \$75,392.94, and time extension to 7/29/15 for Project No. FM-14-02.
 27. Bid awards for Project Nos. FM-14-12 to H & S Contracting, Inc. in the amount of \$331,972.26, and WW1403, Phase 1 (moved to the Regular Agenda).
 28. Bid advertisement for Project No. TM-15-B.
 29. Contract and bond for Project No. FM-14-03, Phase 3.
 30. Bills in the amount \$4,877,120.07.

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

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

Change Order No. 1 for Improvement District No. BN-14-31 Approved:

Commissioner Sobolik moved approval of Change Order No. 1 for an increase of \$42,011.24 for Improvement District No. BN-14-31.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 4 and 11, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1.

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

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

Bids Received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1:

The bids for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 3, 2015 and the bids were found to be as follows:

Northern Improvement Company Bid:	Fargo, ND \$362,393.70
Border States Paving, Inc. Bid:	Fargo, ND \$384,262.40
Central Specialties, Inc. Bid:	Alexandria, MN \$425,641.05
Aggregate Industries Bid:	Moorhead, MN \$504,578.45

Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 Awarded to Northern Improvement Company in the Amount of \$362,393.70:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 3, 2015 for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$362,393.70 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 Northern Improvement Company in the sum of \$362,393.70 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-H1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement Company for the sum of \$362,393.70, 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 Sobolik, Piepkorn, Williams, Gehrig and Mahoney voted aye.

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

No Protests Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1:

The Statutory Resolution of Necessity for the construction of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 4 and 11, 2015 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1.

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

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

Bids Received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1:

The bids for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 3, 2015 and the bids were found to be as follows:

Border States Paving, Inc Bid:	Fargo, ND \$477,907.58
Northern Improvement Company Bid:	Fargo, ND \$479,843.15
Central Specialties, Inc. Bid:	Alexandria, MN \$533,043.25

Contract for Asphalt Mill and Overlay and Incidentals Improvement District No. APR-15-A1 Awarded to Border States Paving, Inc. in the Amount of \$477,907.58:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 3, 2015 for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 shows the bid of Border States Paving, Inc. of Fargo, North Dakota, in the sum of \$477,907.58 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 Border States Paving, Inc. in the sum of \$477,907.58 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Mill and Overlay and Incidentals Improvement District No. PR-15-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Border States Paving, Inc. for the sum of \$477,907.58, 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 Sobolik, Piepkorn, Williams, Gehrig 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, Site Grading and Incidentals Improvement District No. BN-15-G (Eagle Valley Addition):

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

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

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

On 19th Street South from 75th Avenue South to 76th Avenue South.

On 20th Street South from 73rd Avenue South to 75th Avenue South.

On 21st Street South from 73rd Avenue South to 75th Avenue South.

On 75th Avenue South from 19th Street South to 21st Street South.

COMPRISING:

Lots 1 through 24, Inclusive, Block 1.

Lots 1 through 32, Inclusive, Block 2.

Lots 1 through 36, Inclusive, Block 3.

Lots 1 through 36, Inclusive, Block 4.

Lots 1 through 19, Inclusive, Block 5.

All platted within Eagle Valley 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, Site Grading and Incidentals Improvement District No. BN-15-G in the City of Fargo, North Dakota, be and the same is hereby created.

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

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-15-G in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$3,721,547.21.)

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

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

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

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

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

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

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

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights, Site Grading 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-G:

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

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

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

Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L (Crofton Coves 1st Addition):

The Board received a communication from the Public Works Projects Evaluation Committee (PWPEC) stating all paving within the Crofton Coves development was previously approved; however, the Developer is requesting a portion of the paving project be delayed. They said the Committee recommends

approval of the removal of 21st Street between 64th and 67th Avenues South from the paving project.

Commissioner Sobolik moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-15-L:

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

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

On 65th Avenue South from 500' west of 21st Street to 19th Street South.

On Crofton Lane South from 67th Avenue South to 700' north.

On 19th Street South from 64th Avenue to 65th Avenue South.

On 21st Street South from 64th Avenue to 67th Avenue South.

COMPRISING

Lots 1 through 9, Block 2.

Lot 1, Block 3.

Lots 1 through 23 and 37 through 53, Block 4.

Lot 1, Block 5.

Lots 13 through 16, Block 6.

All platted in Crofton Coves First Addition.

Lot 1, Block 1, Crofton Coves First Addition to be platted as Lots 1 through 28, Block 1, Crofton Coves Second Addition.

Lots 1 & 2, Block 1, Cass Rural Water Addition.

All the unplatted land in the NW quarter of Section 12, T138N, R49W.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-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. BN-15-L:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BN-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 \$2,381,900.00.)

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

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

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

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BN-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. BN-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 Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. BN-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 Sanitary Sewer, Water Main, Storm Sewer, Site Grading, Concrete Curb and Gutter, Asphalt Pavement and Incidentals must be in writing and must be filed with the City Auditor's Office within 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-L:

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-L in the City of Fargo, North Dakota.

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

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

Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A (Prairie Farms, Maple Valley and Woodhurst Additions):

Commissioner Sobolik moved the following action be taken in connection with Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A:

Adopt Resolution Creating Improvement District No. NN-15-A:

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

South from 52nd Avenue South
East of I-29 Right-of-Way
North of 64th Avenue South
West of Drain No. 53

COMPRISING

All land lying in Prairie Farms Addition, Maple Valley Addition and Woodhurst Additions.

All unplatted land in Section 2, Township 138 N, Range 49 W, lying west of Cass County Drain No. 53.

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

NOW, THEREFORE, BE IT RESOLVED, That Storm Sewer Lift Station and Incidentals Improvement District No. NN-15-A in the City of Fargo, North Dakota, be and the same is hereby created.

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

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. NN-15-A in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,137,979.50.)

Order Plans and Specifications for Improvement District No. NN-15-A:

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

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

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

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

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

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

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

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

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

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Robert Gibb & Sons, Inc. for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 Approved:

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

The Guarantee Company of North America, in the amount of \$3,209,387.60, for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-15-F1 in the City of Fargo, North Dakota.

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

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

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

Commissioner Sobolik moved approval of the Contract between the City of Fargo and R & R Excavating, Inc. for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 in the City of Fargo, North Dakota.

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

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

Contract Bond for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 Approved:

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

Western Surety Company, in the amount of \$1,203,835.18, for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-21 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Northern Improvement Company for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 Approved:

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

Western Surety Company, in the amount of \$1,197,359.65, for Asphalt Wear Course and Incidentals Improvement District No. PN-15-C1 in the City of Fargo, North Dakota.

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

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

Pro Patria Award Presented to the Fargo Fire Department:

John Carlson of the Employer Support of the Guard and Reserve (ESGR) said the Pro Patria Award recognizes an employer that has demonstrated the greatest

support to Guard and Reserve employees. He said it is the highest level award that may be bestowed by the State ESGR Committee.

Bob Walton presented the award to Fire Chief Steve Dirksen, who accepted the award on behalf of the Fargo Fire Department and stated the Guard and Reserve employees provide a great service to the community. He said these employees mean a lot to the Department and it is an honor to be able to support them as an employer.

Selection Process for a Police Chief and Appointments to the Selection Committee Approved:

The Board received a communication from Mayor Mahoney suggesting the process of hiring a Police Chief should begin this summer after the 2016 budget hearings. He said while Chief David Todd has done an excellent job in allowing the transition from the previous administration to run smoothly, he feels it is important to move forward in solidifying the position and selecting a permanent Police Chief. He said his proposal for the Selection Committee members are as follows:

- Commissioner Dave Piepkorn and Mayor Tim Mahoney
- Assistant City Administrator Bruce Grubb
- Two police officers – a rank and file member, and a supervisor
- Two citizens

He said the police officers will be nominated by the members of the department and the citizens will be drawn from a list of names to be provided to him by City Commissioners.

Director of Human Resources Jill Minette said all openings are posted on the City's website and with Job Service, and those at a Grade 12 or higher are posted in The Forum as the official newspaper. At the level of a Chief of Police recruiting would be at a national level, she said, as well as more targeted recruiting unique to the position, such as the National Association of Chiefs of Police.

In response to a question from Commissioner Piepkorn about the timeframe, Ms. Minette said positions at this level are posted for 30 to 60 days, then likely a couple weeks will be allowed for the Committee to review the applications and plan for the selection process itself.

Mayor Mahoney asked the Commissioners to let him know within two weeks if they have nominations for the two citizens to serve on the Selection Committee.

Commissioner Piepkorn moved the process for selection of a Police Chief and the creation of the Selection Committee be approved as outlined above.

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

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

2015 Cost of Living Adjustment for City Employees Approved:

The Board received a communication from the Budget Development Team stating there have been discussions about a cost of living adjustment since the City has been granting them mid-year for the past several years. They said there has been some discussion as to why the process was moved to a mid-year timeframe in lieu of the beginning of the year, and it was determined that due to the fact that the employee wages represent the largest share of the City's operating budget, it was logical to know how the economic environment was performing as the decision was

made. They recommended a 1% cost of living adjustment effective July 6, 2015, which coincides with the City's pay period cycle.

Director of Human Resources Jill Minette said the health insurance renewal effective July 1, 2015 includes a premium increase of over 15%. She shared information on the impact this would have at various levels and stated a Grade 12 employee with family health insurance would see an approximate \$5.61 decrease in pay after the premium increase, and with a 1% COLA.

Finance Director Kent Costin said a watchful eye is kept on the Consumer Price Index (CPI), which is used when making this decision. He said the CPI is actually at a slight negative this year, largely due to lower fuel prices. The budget impact of a 1% COLA is about \$627,000.00 with a general fund impact of \$500,000.00, he said, and with a 1.5% COLA the estimate is \$940,000.00, with a \$750,000.00 general fund impact. The budget team is working on revenue projections, he said; however, all the information is not known. He said an early view of the budget indicates 1% or 1.5% could be done, depending on the budget priorities.

In response to a question from Mayor Mahoney about the Finance Committee discussions about waiting until January, Mr. Costin said the change to mid-year cost of living adjustments was made in 2012 largely due to changes in revenue sources. Often these factors are not known until after budget approval, he said, and the budget team wants to work with as valid and current data as possible thus preferring mid-year adjustments.

Commissioner Piepkorn said he favors the mid-year COLA. He said in the past when it was delayed, the employees were unintentionally given the perception they were put last in line.

Commissioner Tony Gehrig suggested a COLA of 1.25%, slightly above the 1%, which would still help with the rising health insurance premium costs.

Commissioner Sobolik said the COLA increase is not being given just to cover the health care premium increase. She said it is the one time per year increase solely seen as a cost of living increase, which just happens to coincide with this year's health insurance costs going up.

In response to a question from Commissioner Piepkorn about the impact of the reclassification process currently underway, Ms. Minette said that data is still being compiled and will then be reviewed by the Position Evaluation Committee (PEC). She said employees are also eligible for step increases each year on their anniversary date, based on where they are at within their pay scale.

Commissioner Williams said while fuel and other costs are unpredictable, the impact to the general fund would be about \$620,000.00 instead of \$500,000.00. He said if the employees continue to work on being more efficient, he is comfortable with a 1.25% COLA.

Commissioner Gehrig said the insurance premium increase is steady for a two-year period and perhaps the COLA could be reevaluated if the increase is too much or not enough.

Mayor Mahoney said the goal, theoretically, is to implement the COLA for a year.

Commissioner Piepkorn moved a 1.25% cost of living adjustment for all full-time and part-time benefitted employees effective July 6, 2015 be approved.

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

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

Renewal Plan for Tax Increment Financing District No. 2015-01 and Developer Agreement Approved (710 Lofts, LLC):

A Hearing had been set for this day and hour to review a Renewal Plan for Tax Increment Financing District No. 2015-01 for demolition of an existing building at 707 Tenth Street North and construction of a 16-unit apartment building.

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

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

The Board received a communication from Planning Director Jim Gilmour stating the Finance Committee has reviewed the request and financial advisor's report, and recommends approval of the Renewal Plan and a Developer Agreement providing up to \$283,184.00 in assistance. He said the assistance includes \$13,485.00 to be paid to the City of Fargo for administrative costs:

Commissioner Williams moved adoption of the following Resolution and that the Developer Agreement with 710 Lofts, LLC provide up to \$283,184.00 of Tax Increment Financing:

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

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

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

1. That one or more slum or blighted areas, or areas consisting of industrial or commercial property, or a combination of those areas of properties, exist in the City of Fargo.
2. That the development, rehabilitation, conservation or redevelopment, or a combination thereof, of the area contained within the Renewal Plan for Tax Increment Financing District No. 2015-01, is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Fargo and will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the rehabilitation or redevelopment of the development area by private enterprise.
3. That there are buildings within the area contained within the Renewal Plan with deteriorated conditions, and other soil conditions existing that discourage redevelopment. The Renewal Area, as defined in the Renewal Plan, is blighted due to the presence of these buildings and deteriorated conditions have substantially impaired the growth of the City, and have slowed the provision of appropriate redevelopment in this area. As a result, the Board of City Commissioners finds that a blighted condition exists in the said area.

4. That there are no residential buildings within the plan area so no persons will be displaced by the redevelopment.
5. That the area designated as the Renewal Plan for Tax Increment Financing District No. 2015-01 is appropriate for a development project.
6. That such development, rehabilitation, conservation or redevelopment of the area contained in the Renewal Plan for Tax Increment Financing District No. 2015-01 requires the powers and authority granted in Chapter 40-58 NDCC.
7. That the Renewal Plan for Tax Increment Financing District No. 2015-01 is hereby officially adopted by the Board.
8. That a Developer Agreement be prepared in regard to the Tax Increment Financing.
9. That the appropriate staff be directed to request the County Auditor and Treasurer to compute, certify and remit tax increments resulting from the development or renewal of the area in accordance with the plan and any modifications thereof, and that the County Auditor and Treasurer shall do so in accordance with this section.

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

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

Parcels of Land in Schatz Third Addition Rezoned (5601 34th Avenue South):

At a Hearing held on May 5, 2015 the Fargo Planning Commission recommended approval of a change in zoning from MR-1, Multi-Dwelling to MR-3, Multi-Dwelling on Lot 1, Block 2, Schatz Third Addition.

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

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Schatz Third Addition to the City of Fargo, Cass County, North Dakota:

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

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

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

Parcels of Land in Northland Second Addition Rezoned (3311 and 3333 39th Street South):

At a Hearing held on May 5, 2015 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial to LI, Limited Industrial on Lot 1, Block 1, of a replat of Northland Addition and Lot 1, Block 1, Northland Second Addition.

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

Planning Administrator Nicole Crutchfield said the applicant is seeking a zoning change for expansion on the west side of the existing structure.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in a Replat of Northland Addition and Northland Second Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in a replat of Northland Addition and Northland Second Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Parcels of Land in Runck's Fourth Addition Rezoned (521, 575 and 777 34th Street South):

At a Hearing held on May 5, 2015 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to LI, Limited Industrial on a part of the proposed Runck's Fourth Addition.

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

Planning Administrator Nicole Crutchfield said this is a pretty straightforward application to move the southern property line north, redistribute acreage between plats and clean up the zoning map. She said there has been a small edit on the plat at the last minute, based on the owner's request as part the applicant's property closing. She said there is a small change to the private access easement, basically removing those lines from the plat and staff recommends approval with the condition that the edit meets the approval of the City Engineer.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Runck's Fourth Addition to the City of Fargo, Cass County, North Dakota:

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

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

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

Resolution Adopted Approving Runck's Fourth Addition:

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 "Runck's Fourth Addition" containing 2 Lots, 1 Block, and 9.25 acres of land more or less, located at 521, 575 and 777 34th Street South; and

WHEREAS, A Hearing was held May 5, 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 May 25 and June 1, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., June 8, 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 "Runck's Fourth 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, Williams, Gehrig and Mahoney voted aye.

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

Petition Requesting the Rezoning of Parcels of Land in Erskine's Addition Denied (1117 13th Avenue South):

A Hearing had been held by the Fargo Planning Commission on May 5, 2015, for the purpose of considering a petition requesting that the zoning be changed from SR-3, Single-Dwelling to LC, Limited Commercial, on part of Lots 6-8, Block SS, Erskine's Addition, and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the change in zoning as petitioned for be denied.

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.

Written protests to the change in zoning as petitioned for had been received, such protests representing 7.3 per cent of the legal protest area.

Planning Administrator Nicole Crutchfield said the applicant proposes a map amendment, zoning the property into one tract. She said the split zoning is related to an application in 2008 which resulted in a balance of the northern half being zoned SR, Single Dwelling and the southern half LC, Limited Commercial. The applicant is now asking that the northern half be rezoned LC, Limited Commercial and he would like to change the access point and to make a more functional parking lot.

Steven Stremick, 1155 13th Avenue South, said he owns the property and due to the volume of traffic on 13th Avenue, traffic can back up on to University Drive when cars attempt to turn into the driveway. He said moving the access point 100 feet would increase traffic flow to make it safer and he would like to assure the parking situation prior to moving ahead with his plans for an addition.

Daniel Mosser, 1109 13th Avenue South, said he opposes the rezoning application. He purchased his property not knowing the property in question had split zoning, he said, and he assumed that a house would be built there or it would remain zoned single dwelling. He said there were issues with the information on the City website which did not indicate it had split zoning, or he likely would not have purchased his property at the value he did. He stated he has concerns for the safety of his children with a parking lot so close to his driveway, plus he does not like the idea of headlights shining into his home. He said he finds this unsettling and it takes away the residential feel of the neighborhood.

Mr. Stremick said he feels the process lacks solidity and fairness. He said rather than a predictable outcome when the proper steps are followed, it seems to depend on whether or not the Planning Commission likes you. He said if Mr. Mosser wants him to put up a fence, he could do that. He said he is trying to be a good neighbor; however, he just wants to improve his property. He said he has paid his taxes for years with the intention of improving the property and he does a lot within the city, volunteering both time and money.

Commissioner Gehrig said he does not see that adding those few parking spots makes it any more or less safe. The applicant is improving the property and expanding his business, he said, and he feels the Board should error on the side of property owners in these cases, particularly due to the applicant's willingness to install a fence to resolve Mr. Mosser's concerns.

Commissioner Sobolik said much of the discussion at the Planning Commission centered on the desire to keep the neighborhood residential.

Commissioner Sobolik moved the request for rezoning be denied on the basis that it does not satisfactorily comply with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Jeff Furstenau Reappointed to the Board of Appeals:

The Board received a communication from Mayor Mahoney recommending that Jeff Furstenau be reappointed to the Board of Appeals.

Commissioner Williams moved Jeff Furstenau be reappointed to the Board of Appeals for a five-year term ending June 30, 2020.

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

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

Mike Williams Reappointed to the Parking Commission:

The Board received a communication from Mayor Mahoney recommending that Commissioner Mike Williams be reappointed to the Parking Commission.

Commissioner Sobolik moved Mike Williams be reappointed to the Parking Commission for a three-year term ending June 30, 2018.

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

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

Jane Pettinger Reappointed to the Civil Service Commission:

The Board received a communication from Mayor Mahoney recommending that Jane Pettinger be reappointed to the Civil Service Commission.

Commissioner Sobolik moved Jane Pettinger be reappointed to the Civil Service Commission for a three-year term ending June 30, 2018.

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

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

Presentation by Metropolitan Council of Governments Executive Director Bill Christian:

Metro COG Executive Director Bill Christian said he is here to answer questions and to update the Board and he provided a PowerPoint presentation on the draft Metro COG Articles of Association and Fiscal Agreement. He reviewed the organizational structure and administration and gave an overview of the article amendments. He said revisions include a vision statement, geographic limits and boundaries, splitting out fiscal agreements and including language on fiscal standing, and withdrawing and dissolution. One of his duties as director is to maintain flow, he said, and at this time he is making the rounds and giving six presentations, collecting comments and concerns that he will compile and take to the Policy Board for disposition and changes. He said he will then will return with a final draft for the Board's consideration and approval.

In response to a question from Commissioner Piepkorn about whether he is in contact with Erik Johnson, Mr. Christian said it is up to the individual entities to run it through their legal advisors to be sure their own interests are covered.

In response to a question from Commissioner Piepkorn about what happens when a larger population is achieved with a classification of a metropolitan area, Mr. Christian said when a population of 200,000 is verified by the 2020 census, and there is approval, there will be more responsibilities and more benefits.

In response to a question from Mayor Mahoney about how the dues are set up, Mr. Christian said it is based on population and as it is set up now the City of Fargo pays 50% and the remaining cities pay in proportion to population. He said West Fargo has only one representative on the Policy Board because when the Articles were originally written, they were similar to the size of Dilworth; however, now they are closer to the population of Moorhead and they have expressed concerns that they are underrepresented. He said Fargo has 7 members, Moorhead has 3, Dilworth has 1, West Fargo has 1, with Clay and Cass Counties each having 1 member.

Commissioner Piepkorn moved to accept the draft copy of the Articles of Association and Fiscal Agreement for the Metropolitan Council of Governments as presented and referred to the City Attorney for review.

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

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

Submission of Grant Application for a Federal COPS Grant Funding for Police Officer Positions for 2015 Approved (CFDA #16.710):

Interim Police Chief David Todd said the Office of Community Oriented Policing Services (COPS) is soliciting applications for their annual hiring grant. He said the grant has local match requirements and he is requesting permission to submit an application. A maximum of 75 percent of the salary and benefits of each grant funded officer would be covered by the COPS, he said, and the entity accepting the grant funding will be required to provide a minimum 25 percent local match with a cap of \$125,000.00 for the three year period associated with each new position. Under the provisions associated with the grant, he said, the total cost to the City for each position would be \$84,445.00 over the three year period and he anticipates asking for four officers under this grant. He said these positions will have an emphasis in community oriented policing and would not be traditional patrol officers but community outreach officers. The four grant funded positions would be separate, he said, and in addition to what may be requested in a regular staffing budget proposal.

Commissioner Piepkorn moved the submission of the grant application for COPS grant funding for four police officer positions for 2015 be approved.

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

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

Contract for Sidewalk Insights (Mindmixer) Approved:

Planning Administrator Nicole Crutchfield said Sidewalk Insights (formerly known as Mindmixer) is an online social media platform that was used during the development of GO2030 and allowed a very high level of community engagement. She said Mindmixer created a new software platform called mySidewalk, which is a tool that provides for dynamic communication among community members and allows better two-way communication, as well as a geographic mapping component compatible with GIS. She said the transition from Mindmixer to mySidewalk in early 2015 has had some technical glitches; however, staff is confident the issues can be worked through. Other departments and projects are also able to use the software at no extra cost, she said. The renewal cost is the same price as 2014, she said, which is \$12,000.00. She said two-way interaction can be gauged and information obtained through analytics for data on the participants and opinions, for example, and can be exported to spreadsheets. She said one problem has been that the software uses a more current version of Internet Explorer than her department has right now. She said there have been up to 1,100 views daily and a challenge now is to get those viewers to participate in the conversation.

Commissioner Williams said this program complements the Cityworks software, a Smartphone application being used for reporting issues with the City. He said this takes it to the next step in finding what ideas are out there to make it better.

Commissioner Gehrig said he does not see the cost benefit when so much of this type of interaction is available free through social media applications like Facebook, Twitter and others.

Commissioner Williams moved the Contract for Sidewalk Insights be approved.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

Contract for Wastewater Treatment Facility Project No. WW1403, Phase 1 Improvements Awarded to PKG Contracting, Inc.:

The Board received a communication from Wastewater Utility Director Jim Hausauer recommending the contract for Phase 1 Improvements, Wastewater Treatment Facility Project No. WW1403 be awarded to PKG Contracting in the amount of \$10,496,000.00, and Alternate 3 be added in the amount of \$125,000.00, for a total project cost of \$10,621,000.00.

Enterprise Director Bruce Grubb shared images of aging equipment that will be replaced through the Phase 1 Improvements as well as administrative building improvements and outlined plans for the three future phases. He said the Phase 1 project has been bid, State law requires public improvement projects of this size be bid in three separate, individual projects; general, mechanical and electrical and a combined bid is allowed. There was no individual mechanical bid received, he said. Funding proposed for the project is the fund balance from a previous SRF loan, he said.

Commissioner Williams moved Contract D (Combined Contract and Alternate 3) for Project No. WW1403, Phase 1 Improvements be awarded to PKG Contracting, Inc.

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

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

City Attorney Erik Johnson announced that there is a pending litigation matter to be discussed in Executive Session, pursuant to N.D. Century Code Section 44-04-19.1(2) in reasonable anticipation of civil litigation pertaining to liquidated damages assessed ICS, Inc.

Commissioner Sobolik moved the Commissioners meet in Executive Session in the River Room as authorized by NDCC, Section 44-04-19.1(2) to discuss said matter.

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

At 6:36 o'clock p.m. the Board moved to the River Room to discuss the matter in Executive Session.

Members present were: Gehrig, Piepkorn, Sobolik, Williams and Mahoney.

The Executive Session closed at 6:46 o'clock p.m.

The Board of City Commissioners reconvened in the City Commission Room at 6:47 o'clock a.m.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, June 22, 2015.

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

The time at adjournment was 6:48 o'clock p.m.