

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

1. 2nd reading, waive reading and final adoption of Ordinances Rezoning Certain Parcels of Land in the following Additions; 1st reading 1/4/16:
 - a. Lying in Stern's Subdivision of Auditor's Lot 2 and Huntington's Addition, Fargo, Cass County, North Dakota.
 - b. Lying in FSOC Addition, Fargo, Cass County, North Dakota.
 - c. Lying in Urban Plains Center Addition and Encore Addition, Fargo, Cass County, North Dakota.
2. Purchase of Service Agreements with the North Dakota Department of Health:
 - a. In the amount of \$55,000.00 for HIV counseling, testing and referral program (CFDA #93.940).
 - b. In the amount of \$16,000.00 to direct Tuberculosis screening activities (CFDA #93.117).
 - c. In the amount of \$20,000.00 for Ryan White Part B Program/Case Management for People Living with HIV/AIDS (CFDA #93.917).
3. Service Agreements with Centre, Inc. and Alternative Corrections, Inc. for electronic monitoring services/home detention services through December 31, 2016.
4. Land Purchase Agreement with Cass County Joint Water Resource District for the sale of Lot 2, Block 1, FSOC Addition.
5. Site Authorizations for Games of Chance:
 - a. North Dakota Association for the Disabled, Inc. at Hennessy's Irish Pub from 2/1/16 to 6/30/16 (Amended).
 - b. West Fargo Hockey Association at the Holiday Inn on 3/19/16.
6. Applications for Games of Chance:
 - a. Fargo Moorhead Derby Girls for a raffle on 1/30/16.
 - b. North Central Turf Grass Association for a raffle on 2/25/16.
 - c. Dakota Medical Foundation (Lend A Hand) for a raffle on 2/26/16.
 - d. Muskie's, Inc. F-M Chapter for a raffle on 2/11/16.
7. Tax exemptions for improvements made to buildings:
 - a. Douglas and Carma Holmstrom, 2422 27th Avenue South (3-year).
 - b. Jason and Julie Johnson, 1206 9th Street South (5-year).
 - c. David and Cathy Manzey, 1714 10th Street South (5-year).
 - d. Craig Warren Barke, 1844 4th Street North (5-year).
 - e. Steven and Eileen Carroll, 43 18th Avenue North (5-year).
 - f. Larry Grieger, 733 1st Street North (5-year).
 - g. Bessiephine Askew, 2106 5th Avenue South (5-year).
 - h. Terry and Kathleen Egerdahl, 1018 21st Street South (5-year).
 - i. Dennis Riegel, 1506 13 ½ Street South (5-year).

- j. Damean Rosemore, 1341 7th Avenue North (5-year).
 - k. Gary and Sharon Secor, 1433 8th Street South (5-year).
- 8. Access Agreement with the Park District in connection with Project No. FM-15-J0.
 - 9. Lease agreements with Swanston Equipment Company for the use of two Bobcats (one for Buildings and Grounds, and one for the Fire Department) for 12 months for a total of \$6,000.00.
 - 10. Community Acknowledgement Form with regard to the LOMR application for the Moorhead Country Club.
 - 11. Change Orders for Project No. WA1301: No. 1 for an increase of \$30,682.00 for General Construction; No. 2 for an increase of \$198,983.68 for Mechanical Construction and No. 3 for a decrease of \$27,868.00 for Electrical Construction.
 - 12. Community Development Block Grant Storefront Rehab project at 406-412 Broadway.
 - 13. Contract time extension for Project No. FM-14-03 to 6/15/16.
 - 14. Bills in the amount of \$5,263,233.51.

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.

Magellan Gas Pipeline Lowering for Improvement District No. BN-15-N1 Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating they received a communication from Project Engineer Jason Leonard regarding the Magellan Pipeline in the public right of way within the Commerce on 12th Addition. They said during the design of the development it was determined that the existing pipeline did not have the appropriate amount of cover to be located under the roadway. They said staff explored the option of elevating the ground surface to achieve minimum coverage, and compared that to lowering the pipeline. They said the cost to lower the pipeline is estimated at \$169,100.00.

Commissioner Sobolik moved the lowering of the Magellan Gas Pipeline in the public right of way at 13th and 14th Avenues North in the Commerce on 12th Addition for Improvement District No. BN-15-N1 at an estimated cost of \$169,100.00 be approved.

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.

Change Order Nos. 2, 3 and 4 for Improvement District No. PN-15-A1 Approved:

Commissioner Sobolik moved approval of Change Order No. 2 for an increase of \$5,877.20, Change Order No. 3 for an increase of \$11,364.00 and Change Order No. 4 for an increase of \$13,776.80 for Improvement District No. PN-15-A1.

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.

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

Finance Director Kent Costin said there is one new activity not seen on previous reports, the demolition process now underway for Park East Apartments.

Commissioner Piepkorn said he approves of the expenditures; however, he does not approve of the Oxbow Country Club buyout.

Commissioner Sobolik moved the cost reimbursement request to the State Water Commission for FM Diversion Flood Project costs in the amount of \$3,998,879.00 be approved.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

2016 City Social Service and Arts Fund Budget Approved:

The Board received a communication from Community Development Administrator Dan Mahli stating the City's Social Service and Arts Fund allocations equal the revenue generated by one mill, \$253,000.00 and \$110,000.00 respectively, for a total of \$363,000.00. The Arts and Culture Commission was created in 2015, he said, and makes recommendations on the Arts Fund. The Community Development Committee unanimously recommended the Board approve the 2016 Social Service Fund at their January 7, 2016 meeting, he said, and voted to support the Arts Fund recommendation. He said the proposed budget is listed as follows:

CHARISM - \$15,000 to support youth development programs and skill building for low income families and youth.

Cultural Diversity Resources - \$18,000 for diversity training, leadership building, education and interpreters.

Emergency Food Pantry - \$5,000 to support emergency hunger relief efforts and improve coordinated food pantry services in FM.

Emerging Prairie - \$5,000 to offer Prairie Den support to Native American, New American and low income entrepreneurs.

Family HealthCare Center - \$10,000 to provide funds to offset cost of emergent and limited health and dental care.

Fargo Human Relations Commission - \$10,000 to support fair housing opportunities, cultural/community groups and Welcome Week activities.

Fargo Native American Commission - \$35,000 to provide support for Native American programs and Crossroads Powwow in Fargo.

Fargo-Moorhead Coalition for Homeless Persons - \$15,000 to administer Landlord Risk Mitigation Fund, emergency taxi rides and CARES Program.

Fargo Youth Commission/Boys & Girls Club - \$10,000 to support scholarships and activities for youth development program.

First Link - \$5,000 to fund the information and crisis services program.

Handi-Wheels Transportation - \$10,000 to provide accessible and affordable transportation to people with disabilities and elderly.

Healthcare Equipment Recycling Organization (HERO) - \$5,000 to support the operational costs of core service of local programming.

New American Consortium - \$10,000 to support the educational and community programs.

New Life Center - \$10,000 to provide emergency shelter, meals, clothing and other basics of life services to the homeless.

ND Coalition for Homeless People - \$5,000 to support the development of HUD's Continuum of Care for housing programs in Fargo.

PATH - \$5,000 to support Independent Living Program for youth aging out of foster care and family services.

Presentation Partners in Housing - \$5,000 to provide emergency assistance for families most at risk or facing homelessness.

Pride Collective and Community Center - \$3,000 to promote LGBT support services for people facing poverty, education and activities.

Rape and Abuse Crisis Center of FM - \$15,000 to provide crisis support and follow-up services for victims of domestic violence and assault.

Red River Human Services Foundation - \$12,000 to support educational and social activities for people with developmental disabilities.

Red River Zoo - \$5,000 to provide scholarships to underprivileged young people and youth leadership program.

Village – Nokomis Child Care Centers - \$5,000.00 to support scholarship program for low income families.

YWCA Cass Clay-Emergency Shelter - \$15,000 to support shelter and housing programs, case management and advocacy services.

He said the Arts and Culture Commission recommended that \$90,000 of the \$110,000 Arts Fund be allocated to the Arts Partnership for the re-grant program, operations and administrative support. In addition, he said, the Arts and Culture Commission set aside \$20,000, designated to public arts projects. He said the City Arts Partnership re-grant program supported the following projects in the FM area last year:

- Celebration of Women and Their Music
- Churches United for the Homeless
- Fargo Park District Classical Musical Festival
- Fargo Theatre
- FM Area Youth Symphonies
- FM Chamber Chorale
- FM Community Theatre
- FM Opera
- FM Symphony Orchestra
- FM Visual Artists
- FM Youth Choir
- Gooseberry Park Players
- Historical & Cultural Society of Clay Co

- Kid Core
- Lake Agassiz Concert Band
- Learning Bank
- Moorhead Parks and Rec Celtic Festival
- MSUM CNL Performing Arts Series
- NDSU Department of Theatre Arts
- NDSU Memorial Union Gallery
- Plains Art Museum
- Prairie Public Broadcasting
- Red River Watercolor Society
- Rourke Art Gallery and Museum
- Spirit Room
- Theatre B
- Tin Roof Theatre
- Trollwood Performing Arts School
- West Fargo Public Library
- West Fargo Summer Arts

Commissioner Gehrig said he sees the two funds as competing for the same dollars and he does not feel funding for the Arts should compete directly with charities funding things like the poor and hungry, homeless veterans, early childhood development or underprivileged children.

Commissioner Sobolik said the list in the packet of social service entities does not show all the applicants. She said it is important to note there are many more deserving nonprofits and it is the nature for all nonprofits to compete for dollars. She said the allocations have been separated with 7/10 of the 1 mill going to social services and 3/10 to the Arts. It is not a competition for dollars, she said, it is about quality of life and culture with everyone working hand-in-hand to make the community a better place.

Mr. Mahli said this budget is a small percentage of what is invested in community services. For example, he said, the Community Development Block Grant through HUD, designated for housing, serves moderate to low income households and neighborhoods.

Commissioner Williams said the City is using community dollars to increase the quality of life so people want to live here. He said Arts and Culture ranked third in importance in the survey done for GO2030, and in the recent State of the Cities Event, community leaders acknowledged that Arts and Culture is an important aspect in our communities.

Commissioner Sobolik moved the 2016 City Social Service Fund and Arts Fund allocations be approved.

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.

Conditional Use Permit Application for Off-Premise Sign to be Reconsidered (3151 Seter Parkway South):

The Board received a communication from Commissioner Piepkorn stating on September 28, 2015 the Board denied a request by Urban Plains for permission to

erect digital signs at the four corners of the Urban Plains development. He said he would like the Board to reconsider the decision to allow one of those four sign locations, specifically the application for a single digital off-premise advertising sign at Lot 4, Block 5, Urban Plains by Brandt First Addition (3151 Seter Parkway South). According to adopted rules, he said, the action would be to reconsider the motion of denying the CUP application, then if approved, the original matter from the September 28th meeting is back on the table. This process requires giving notice to those who may have been present at that meeting of the Board's reconsideration of the matter, he said. Planning staff will provide notice, including publication, he said, and then the matter could be taken up again, possibly at the Tuesday, February 16, 2016 meeting.

Commissioner Piepkorn said the sign would be of a similar type to that of the sign at the Fargodome but just slightly larger. He said the original request for four sign locations made it appear possible for advertising to be sold; however, the applicant has agreed to a single sign to be used primarily to promote Scheel's Arena events, which he favors.

Commissioner Gehrig said the Scheel's Arena needs to generate a profit to stay in business and he feels it would be detrimental to be too restrictive in this case.

Commissioner Piepkorn moved the Board reconsider the motion to deny the CUP application for the off-premise sign at Lot 4, Block 5, Urban Plains by Brandt First Addition and appropriate staff be directed to provide proper notice.

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.

Application Filed by DFI Black Building LLC for Payment in Lieu of Tax Exemption (PILOT) Approved: Tax Exempt Review Committee Directed to Review Recommendations for Changes to the PILOT Policy:

A Hearing had been set for this day and hour on an application filed by DFI Black Building, LLC for payment in lieu of property tax exemption for a project the applicant will use in the operation of leasing of commercial space including office and retail located at 110 and 114 Broadway.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

The Board received a communication from Planning Director Jim Gilmour stating the PILOT application request is for a 20-year property tax exemption at 100% for years 1-10, 90% for years 11-16, and 80% to 55% in years 17-20. He said the application was referred to the City financial advisors and reviewed by the Tax Exempt Review Committee who referred it to the Finance Committee. The Finance Committee recommends a 10-year PILOT exemption of 100% for years 6-10, he said, and a \$16,000.00 a year property tax payment in years 11-15. He said the current property taxes on the improvements, which exclude land, are approximately \$32,184.00 a year. He said it is assumed the project will qualify for a Renaissance Zone exemption which will provide a 100% property tax exemption for years 1-5. In recent years, he said, the City Commission has approved three PILOT projects downtown that did not fit within current policies and both the Tax Exempt Review

Committee and the Finance Committee see the need to review and amend tax exemption policies. He said the Finance Committee recommends the Tax Exempt Review Committee review and make recommended changes to the PILOT policy within 60 days and that there be no City Commission action on PILOT applications that do not conform to existing policies.

Commissioner Gehrig said this building is profitable from day one; however, not as profitable as the developer wants and they are asking for an exemption to pay less than the average taxpayer does in order to boost their profit. He said this indicates taxes are too high and developers are being forced to find ways to overcome that to make a profit. He does not begrudge developers for taking advantage of such opportunities, he said; however, he feels if the Board had accepted the 20% property tax reduction proposal he presented last fall in the budget, such special deals and situations of having to pick winners and losers could be avoided. These incentives are a short term fix and involve artificial dollars, he said, and unless growth is done naturally, it becomes a bubble.

Commissioner Piepkorn said this iconic building is slowly deteriorating and the Kilbourne Group has an excellent track record of restoring old buildings. He said 150 people work there now and there is the potential of 600 or more working there in the future, so there is an economic impact far beyond real estate taxes. He said Renaissance Zone incentives have proven to be successful in building the downtown.

Commissioner Williams said in 2004 property taxes were 2.3% of the value of a home and now, after a lot of good work by the Commissioners, the Legislature and School District, are 1.3%. Policies have been more conservative and the length of exemptions is less, he said and it is proven that short incentive projects work. He said staff does a good job limiting the length of incentives and vetting projects to do only those needed to keep the progress going.

Commissioner Williams moved that the application filed by DFI Black Building LLC for a 10-year PILOT exemption of 100% for years 6-10, and a \$16,000.00 a year property tax payment in years 11-15 pursuant to Chapter 40-57.1, NDCC be approved, and the Tax Exempt Review Committee be directed to review the PILOT policy and bring back recommendations for changes to the policy within 60 days, and that there be no City Commission action on PILOT applications that do not conform to existing policies.

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

Commissioner Gehrig voted nay.

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

Parcels of Land in Island Park Addition Rezoned (716 4th Street South):

At a Hearing held on December 1, 2015 the Fargo Planning Commission recommended approval of a change in zoning from SR-3, Single-Dwelling to MR-3, Multi-Dwelling Residential on part of Lots 21 and 22, Block 3, Island Park 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 Director Nicole Crutchfield said the applicant is requesting the zoning change to meet the density requirements of the LDC to remain as a 3-plex. She said

it was discovered through the inspection process that the building has too many units for the current zoning.

Commissioner Sobolik offered the following Resolution and moved its adoption:

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

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

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

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Island Park Addition, Fargo, Cass County, North Dakota:

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

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

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

Parcels of Land in Amity South At Cottagewood First Addition Rezoned, Planned Unit Development Master Land Use Plan and Developer Agreement Approved (3801 and 4101 51st Avenue South):

At a Hearing held on June 2, 2015 the Fargo Planning Commission recommended approval of a change in zoning from MR-3, Multi-Dwelling to MR-3, Multi-Dwelling with a PUD, Planned Unit Development Overlay of the proposed Amity South at Cottagewood First Addition and a Planned Unit Development Master Land Use Plan for a Residential Land Use of the proposed Amity South at Cottagewood First Addition.

The City Auditor's Office published a Notice of Hearing stating July 20, 2015 was the time and date set for said Hearing at which time all interested persons could appear and would be heard.

At the July 20, 2015 meeting, the Hearing was continued to August 31, 2015.

At the August 31, 2015 meeting, the Hearing was continued to October 12, 2015.

At the October 12, 2015 meeting, the Hearing was continued to November 23, 2015.

At the November 23, 2015 meeting, the Hearing was continued to December 21, 2015.

At the December 21, 2015 meeting, the Hearing was continued to this day and hour.

Planning Administrator Nicole Crutchfield said a preliminary version of this application was brought to the Board on July 20, 2015 to introduce the general concept and outline the issues and concerns the staff was working through with the applicant. She said the City Commission continued the item and asked staff to work through outstanding issues with the applicant and bring the application back for final action. Since that time, she stated, staff has worked with the applicant and City Attorney to address issues and concerns and finalize applicable documents. As proposed, she said, the development would provide small clusters of townhomes consisting of 3-8 housing units of various sizes, with a total of 112 attached houses in all. She reviewed the following related documents: PUD Master Use Plan, PUD Zoning Ordinance, Developers Agreement, Easement Declaration, Restrictive Covenants and Amenities Plan. She said the application is to allow development of a unified residential townhome project at the subject property.

Commissioner Piepkorn said this seems to be a good intermediate step in the housing market, with smaller lots and townhomes that could allow apartment renters an affordable option to buy.

Fire Chief Steve Dirksen said he has concerns about the distance between the buildings, access and parking enforcement since there may be a problem when it comes to getting a firetruck or ambulance into the development.

Arthur Goldammer of Verity Homes of Fargo, LLC said amendments have been made to the plan to reduce density and remove some of the three-story buildings to make them one and two-story buildings.

Commissioner Sobolik thanked the developer for their time and patience in what has been a long process. She said sometimes in government it is not known how to respond to creativity and this is a symptom of that. She said moving forward, there has been discussion on hiring a consultant to look at some aspects of the Land Development Code that would make it easier for developers to come forward with creative ideas.

Commissioner Williams said he appreciates the developer making changes after the discussions at the informational meeting; however, he has concerns about delivering services and safety, and feels it would be important with these connected properties to have sprinklers.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning, the PUD, Planned Unit Development Overlay and Planned Unit Development Master Land Use Plan and Developers Agreement have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning, the PUD, Planned Unit Development Overlay and Planned Unit Development Master Land Use Plan and Developers Agreement and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning, the PUD, Planned Unit Development Overlay, Planned Unit Development Master Land Use Plan and Developers Agreement be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan,

Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

Commissioner Williams voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Amity South at Cottagewood First 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 Amity South at Cottagewood First 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, Gehrig and Mahoney voted aye.

Commissioner Williams voted nay.

The motion was declared carried.

Resolution Adopted Approving Amity South at Cottagewood First 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 "Amity South At Cottagewood First Addition" containing 112 Lots, 1 Block, and 9.31 acres of land more or less, located at 3801 and 4101 51st Avenue South; and

WHEREAS, A Hearing was held April 7, 2015. At the April 7, 2015 Hearing this item was continued to May 5, 2015 and June 2, 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 July 6 and 13, 2015 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., July 20, 2015. At the July 20, 2015 Hearing this item was continued to August 31, 2015; October 12, 2015; November 23, 2015; December 21, 2015; and January 19, 2016 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 "Amity South At Cottagewood First Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

Presentation by Dennis Kooren Regarding the Kline-Miller Amendment Known as Multiemployer Pension Reform Act of 2014:

The Board received a communication from Dennis Kooren, 1419 3rd Avenue North, #1, stating he would like to address the Board to explain some ramifications of the Kline-Miller Amendment, known as the Multiemployer Pension Reform Act of 2014 (MPRA), and to ask for the support of the Board in repealing the Amendment. He said he would like the Fargo City Commission to follow the lead of the ND Farmer's Union in asking the Amendment be repealed, which would keep all retired worker's pension rights intact under the 1974 ERISA Law. Personally, he said, he stands to lose half of his UPS Central States pension this July after 30 years of backbreaking work, and many of his friends stand to lose much more. He said he would also like the Board to consider some form of tax relief, similar to that given to developers or new homeowners, for those in danger of losing their homes due to the Kline-Miller Amendment.

Mr. Kooren said he represents a number of retired workers from the area who were caught off guard by the changes in the Kline-Miller Amendment. He said Congress took action without even a floor discussion or consideration on how it could affect the people the law targets. He said now millions of people have lost their rights to a secure retirement and any plan can now apply to the Treasury to decrease pension benefits. He said this is unfair and weighs heavily on those affected by having their retirement incomes reduced.

Commissioner Sobolik said she read up on the actual act and sees that it can impact a lot of people. She said not knowing how and why it happened the way it did leaves her wondering what can be done as a City Commission, perhaps a letter could be written or in some way let our Congressional Delegation know it has come up and ask them to address the issue.

Mayor Mahoney said this does not involve the funds nor the jurisdiction of the City Commission; however, it is possible to reach out to the Congressional Delegation to encourage them to take a strong look at it.

2016 Capital Improvement Plan Approved:

The Board received a communication from the Public Works Projects Evaluation Committee stating the Committee reviewed the 2016 Capital Improvement Plan (CIP) which includes projects totaling an estimated \$144 million, \$57 million of which is anticipated to be generated by Special Assessments. They said the plan includes:

- \$18.2 million in watermain replacement projects
- \$11.6 million new developments
- \$11.1 million in pavement management
- \$24.3 million in street lights, traffic and transportation capacity improvements
- \$59 million in flood risk reduction

They said the work plan includes:

- Reconstruction of 13th Avenue South from 38th Street to 44th Street.
- Paving of 64th Avenue South from University Drive to 25th Street.
- Tree planting on 19th Avenue North from 10th Street to 18th Street North.
- Underground and paving of 25th Street, north of 40th Avenue North.
- Installation of sanitary sewer force main, watermain replacement and street reconstruction from 19th Avenue North to 32nd Avenue North on Broadway, 25th Avenue North, 8th Street, 28th Avenue North and 7th Street.
- Installation of sanitary sewer force main, watermain replacement and street reconstruction on 2nd Street from 6th Avenue North to 10th Avenue North and on 2nd Street from Main to 1st Avenue North.

City Engineer April Walker shared a comparison of the 2016 and 2015 CIP plans. There were about \$58 million in new development requests last year, she said, and this year is in the same range; however, the numbers have shifted drastically between the types of projects being completed. She said a \$60 million, one-time grant was received from the State of North Dakota to cover 100 percent of the flood control costs this year and sales tax reimbursements were received for some of the flood control projects done last year so those dollars were able to be moved to other type of projects. She said there is an opportunity this year to catch up with some of the pavement management program projects, with a couple high need areas identified for watermain replacement. She said \$18.2 million in watermain replacement projects coincide with sanitary force main being installed, capitalizing on hazard mitigation dollars. While the majority of those projects will follow the grant process, she said, there are a couple identified to be taken care of sooner, one in Golden Ridge and the other is South University Drive. Some large areas of street light projects are being initiated rather than waiting for petitions from neighborhoods, she said, and these types of projects can be protested by 50 percent. All in all, she said, there are 60 plus projects involving about \$144 million. She shared a map of major street improvements projected for upcoming years. She said a 3-5 year CIP will be presented at a later date which will start to set the framework for the base projects done each year. She said prioritization will be necessary for the 10 to 15 years of work needed to replace streets downtown.

Commissioner Piepkorn moved the 2016 Capital Improvement Plan be approved.

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

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

Hiring Process for the City Administrator Position Approved:

Mayor Mahoney said the position of the City Administrator is currently being advertised; however, a determination of the selection process has not been made. He said at the last meeting he presented two options for the Board's consideration; one involving a selection committee, and the second, to allow the Mayor to work with the HR Department to receive and review applications and bring a recommendation forward regarding the conduct of interviewing finalists or offering the position to the

Interim City Administrator. He said when filling the Police Chief position, four qualified candidates dropped out in the second step of the hiring process due to concerns about the process and the open interviews, and he does not want that to happen again.

Commissioner Piepkorn said he would like all the Commissioners to be involved at some level and to avoid any public perception that the Mayor is making the call alone.

Mayor Mahoney said applicants would first be rated objectively by HR staff and he would review them before bringing them to the Commissioners. He said he sees this as being similar to the budget process where he brings his proposals to the Commissioners for their input and final decision.

Commissioner Piepkorn moved Mayor Mahoney be authorized to move forward with the hiring process for filling the City Administrator position through the second option as proposed.

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.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, February 1, 2016.

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

The time at adjournment was 6:10 o'clock p.m.