

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

**Regular Meeting: Tuesday: February 16, 2016:**

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., Tuesday, February 16, 2016.

The Commissioners present or absent were as shown following:

Present: Gehrig (via conference call), Piepkorn (via conference call), Sobolik, Williams, Mahoney.

Absent: None.

Mayor Mahoney presiding.

Mayor Timothy Mahoney requested a moment of silence in honor of Officer Jason Moszer who was killed in the line of duty.

**Order of Agenda Approved:**

Commissioner Sobolik moved the Order of the Agenda be approved.

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

**Minutes Approved:**

Commissioner Williams moved that the Minutes of the Regular Meeting of the Board held on February 1, 2016 be approved as read.

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

**Consent Agenda Approved:**

Commissioner Sobolik moved the Order of Agenda be approved:

1. Receive and file Summons and Complaint in the matter of Sarah O. Rhodes vs. the City of Fargo et al.
2. Change Order No. G-1 for an increase of \$5,164.28 for General Construction of the Fire Headquarters Remodel Project.
3. Main Avenue Booster Pump Station Put Option/Right of First Refusal Agreement.
4. 5-year Tax Exemptions for improvements made to buildings:
  - a. Mary Hughes, 10 Woodland Drive North.
  - b. Michael Sunram, 442 22nd Street South.
  - c. Steven and Jane Peterson, 1426 6th Avenue South.
  - d. Ashley and Joshua Fluto, 1717 17th Street South.

- e. Mark and Mary Walker, 714 18th Avenue South.
  - f. Lisa Marie Davies, 1014 11th Street South.
  - g. Michael and Sara Olson, 1015 6th Street South.
  - h. Kim and Shaw Simonsen, 1230 3rd Street North.
  - i. Michael and Amanda Enz, 1700 9th Street South.
  - j. Brian and Harriet Turner, 77 23rd Avenue North.
  - k. Gary and Joelle Hammer, 1418 19th Street South.
  - l. Rodney and Roberta Scilley, 1550 3rd Avenue South.
  - m. Nichole Hensen, 1012 8th Street South.
5. Applications for Games of Chance:
    - a. USA Wrestling of North Dakota for a raffle on 7/22/16.
    - b. F-M USBC WBA for a raffle on 4/24/16.
    - c. NDSU Lions Club for a raffle on 4/6/16.
    - d. Centennial Elementary PTA for bingo on 2/19/16.
    - e. St. Mary's Cathedral for a raffle on 4/24/16.
  6. NDDOT State Aid contract amendment reducing State Aid to Transit funding in the amount of \$71,032.00.
  7. Agreement with the Nurse-Family Partnership Program.
  8. Direct City Attorney's Office to draft amendment to Article 14-01, regarding dairy product regulation – soft serve freezing/dispensing machines.
  9. Amendment #1 for an increase of \$160,000.00 for AE2S Task Order #79.
  10. AE2S Task Order #84 for an increase of \$395,500.00 for Project No. WA1501.
  11. Bid advertisement for Project No. SW16-01.
  12. Bid advertisement for Project No. WW1402.
  13. Bid awards for Project Nos. WA1501 for general construction to Rice Lake Construction Group in the amount of \$2,212,300.00; for mechanical construction to All American Plumbing and Heating, Inc. in the amount of \$221,190.00; and electrical construction to JDP Electric, Inc. in the amount of \$466,937.00; WA1503 to Maguire Iron, Inc. in the amount of \$438,206.00 and FM-15-A1 to H & S Contracting, Inc. in the amount of \$272,346.05.
  14. Purchase of two Rear Load Refuse Packers from Sanitation Products for \$121,540.00.
  15. Purchase of one Dual Auto Side Load Refuse Packer from Sanitation Products for \$294,452.00.
  16. Receive and file Summary of Master Service Agreements from April 2013 to December 2015.

17. Bid advertisement for Project No. SN-16-A1 and PR-16-A.
18. Contract and bond for Project No. WW1502.
19. Bills in the amount of \$ \$6,408,957.98.

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

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

**Bids Received for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01:**

The bids for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., February 10, 2016 and the bids were found to be as follows:

Reiner Contracting, Inc. Bid:	Hutchinson, MN \$1,034,172.39
KPH, Inc. Bid:	Kindred, ND \$1,041,956.50
Key Contracting, Inc. Bid:	Fargo, ND \$1,139,835.80
Industrial Contract Services Bid:	Fargo, ND \$1,150,263.00
Dakota Underground Company, Inc. Bid:	Fargo, ND \$1,325,251.00

**Contract for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01 Awarded to Reiner Contracting, Inc. in the Amount of \$1,034,172.39:**

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 Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received February 10, 2016 for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01 shows the bid of Reiner Contracting, Inc. of Hutchinson, Minnesota, in the sum of \$1,034,172.39 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 Reiner Contracting, Inc. in the sum of \$1,034,172.39 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Storm Sewer Lift Station, Storm Sewer and Incidentals Improvement District No. NN-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Reiner Contracting, Inc. for the sum of \$1,034,172.39, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Gehrig, Piepkorn and Mahoney voted aye.

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

### **Consultant Selection and Master Service Agreements Approved:**

The Board received a communication from Division Engineer Tom Kankmuhs stating throughout the year, the Engineering Department needs to reach out to Engineering Consultants for assistance. He said under the normal process for selecting consultants with a Request for Proposals, it takes approximately eight weeks from inception to contract approval and by having a pool of qualified consultants it will allow the Engineering Department to move projects forward expeditiously with time sensitive projects. He said to meet these needs, the Engineering Department advertised and received proposals from professional engineering, land surveying and land management consultants at the direction of the Public Works Projects Evaluation Committee. From the proposals received, he said, they were looking to build a pool of no more than six qualified professional consultants in each engineering category and enter into a three-year Master Services Agreement with each consultant. The following three items, he said, were considered in the selection of the pool:

1. Specialized experience or technical expertise of the organization and its personnel in connection with the categories they wish to be selected for.
2. Capacity of the organization to perform the work within time limitations, taking into consideration the current planned workload of the firm.
3. Past record of performance on contracts, including quality of work, timeliness and cost control.

He said in the proposals, the consultants stated which categories they were submitting for and this pool would be used for time sensitive and specialized, technical assistance projects. Programmed large scale projects would still require a Request for Proposals from consultants, he said.

Commissioner Sobolik moved to concur with the recommended Consultant Selections as presented and approve the Master Service Agreements.

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

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

**Contract Amendment No. 3 for Improvement District No. PR-14-00 Approved:**

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating the Committee received a communication from Division Engineer Jeremy Gorden relating to a contract amendment submitted by Apex Engineering in the amount of \$399,977.00. The additional costs, they said, are for additional time necessary for final design prior to bidding this spring, new proposed construction administration services received since the proposal in the fall of 2013 and for the addition of a public relations firm.

Commissioner Sobolik moved approval of Contract Amendment No. 3 for an increase of \$399,977.00 for Improvement District No. PR-14-00.

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

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

**Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F (Various Locations in North Fargo):**

Commissioner Sobolik moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F:

**Adopt Resolution Creating Improvement District No. BR-16-F:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. BR-16-F in the City of Fargo, North Dakota, be created

On 28th Street North from 7th to 12th Avenue North.

On 29th Street North from 11th to 12th Avenue North.

On 11th Avenue North from 29th Street North to 170' east of 28th Street North.

On 10th Avenue North from 110' west of 28th Street North to 180' east of 28th Street North.

On 8th Avenue North from 28th Street North to 100' west of 28th Street North.

**COMPRISING:**

Lots 1 and 38, Block 1.

Lot 1, Block 2.

All in Madison Subdivision.

Lots 12 through 21, Block 3.

Lots 2 through 21, Block 4.

Lots 1 through 12, and 23 through 24, Block 13.

Lots 13 through 24, Block 14.

Lots 15 through 28, Block 19.

Lots 1 through 14, Block 20.

Lots 1 through 9, Block 29.

Lots 10 through 18, Block 30.

All in College 2nd Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F in the City of Fargo, North Dakota, be and the same is hereby created.

**Request Report and Estimate of Cost from the City Engineer for Improvement District No. BR-16-F:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. BR-16-F in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,755,251.00.)

**Order Plans and Specifications for Improvement District No. BR-16-F:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. BR-16-F in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. BR-16-F:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. BR-16-F in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. BR-16-F in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

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

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

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Water Main Replacement, Street Reconstruction and Incidentals improvement is to be paid from Infrastructure Sales Tax and approximately 47% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

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

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. BR-16-F:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. BR-16-F in the City of Fargo, North Dakota.

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

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

**Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A (Various Locations in South Fargo):**

Commissioner Sobolik moved the following action be taken in connection with Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A:

**Adopt Resolution Creating Improvement District No. NR-16-A:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. NR-16-A in the City of Fargo, North Dakota, be created

An area bounded to the north by Interstate 94 and 26th Avenue South, to the east by 45th Street South and 43rd Street South, to the south by 32nd Avenue South, and to the west by Veterans Boulevard.

**COMPRISING**

Blocks 1 & 2, Inclusive Amber Valley 1st  
 Unplatted Pt of Sec 21, TWP 139N, Rge 49W  
 Unplatted Pt in NW 1/4 of Sec 21, Twp 139N Rge 49W  
 Unplatted Pt in NW 1/4 of Sec 21, Twp 139N Rge 49W  
 Unplatted Pt of NW 1/4 of Sec 21, Twp 139N Rge 49 W  
 Unplatted Pt of SW 1/4 of Sec 21 & NW 1/4 Sec 28 Twp 139 Rge 49 W  
 Lot 3, Block 1 Midwest Behavioral Healthcare 1st  
 Block 1, Inclusive, Amber Valley 2nd  
 Block 1, Inclusive, Amber Valley Business Center 1st  
 Block 1, Inclusive, Amber Valley 3rd  
 Block 1, Inclusive, Amber Valley 4th  
 Block 1, Inclusive, Amber Valley 5th  
 Block 2 & Block 3, Inclusive, Agassiz Crossing  
 Blocks 1-5, Inclusive, Amber Valley 6th

Blocks 1, 2, 3, Inclusive, Calico Prairie  
Block 1, Inclusive, King  
Block 1, Inclusive, Amber Valley 7th  
Block 1, Inclusive, Pracs 2nd  
Lot 1, Block 1, Hom 1st  
Block 1, Inclusive, Agassiz Crossing 2nd  
Block 1, Inclusive, Westpointe 1st  
Blocks 2, 4, 5, 8 Inclusive, Urban Plains by Brandt 1st  
Block 1, Inclusive, Urban Plains Medical Park  
Block 1, Inclusive, Urban Plains Rec Facility  
Block 1, Inclusive, Urban Plains Retail  
Blocks 3, 4, 5, Inclusive, Urban Plains Center  
Block 1, Inclusive, King 2nd  
Block 1, Inclusive, Brandt Park  
Block 1, Inclusive, Urban Plains Northeast Retail  
Block 1, Inclusive, C & G  
Lot 1, Block 1, Amber Valley 8th  
Blocks 1 & 2, Inclusive, Amber Valley West 1st  
Lot 1, Block 1, Urban Plains Starion  
Lot 1, Block 1, Urban Plains Recreational  
Block 1, Inclusive, Urban Plains Recreational 2nd  
Block 1, Inclusive, Amber Valley West 2nd  
Block 1, Inclusive, Figlewicz Enterprises 1st  
Blocks 1 & 2, Inclusive, Agassiz Crossing 4th  
Blocks 1 & 2, Inclusive, Agassiz Crossing 5th  
Block 1, Inclusive, Metropolitan Park  
Block 1, Inclusive, PTP  
Block 1, Inclusive, Hom 2nd  
Blocks 1 through 5, Inclusive, Urban Plains by Brandt 2nd  
Lot 1 Block 1, Amber Valley West 3rd  
Block 1, Inclusive, Amber Valley West 4th  
Block 1, Inclusive, Amber Valley West 5th  
Block 1, Inclusive, Robust 3rd  
Block 1, Inclusive, Urban Plains Northeast Retail 2nd  
Block 1, Inclusive, Amber Valley 9th  
Block 1, Inclusive, Calico Prairie 2nd  
Block 1, Inclusive, Gamma Fargo

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

NOW, THEREFORE, BE IT RESOLVED, That Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-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. NR-16-A:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. NR-16-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 \$755,455.00.)

**Order Plans and Specifications for Improvement District No. NR-16-A:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. NR-16-A in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. NR-16-A:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. NR-16-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. NR-16-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.

**Adopt Resolution Declaring Lift Station No. 48 Expansion and Sewer Service Area Improvements 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 Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A 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 Lift Station No. 48 Expansion and Sewer Service Area must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. NR-16-A:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. NR-16-A in the City of Fargo, North Dakota.

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

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

**Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N (Maplewood Estates Addition):**

Commissioner Sobolik moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N:

**Adopt Resolution Creating Improvement District No. PN-15-N:**

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

58th Avenue South.  
41st Street South.

**COMPRISING:**

Lot 1, Block 1.  
Lot 1, Block 2.  
Maplewood Estates Addition.

Lot 1, Block 12.  
All platted in the Pines at the District Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N in the City of Fargo, North Dakota, be and the same is hereby created.

**Request Report and Estimate of Cost from the City Engineer for Improvement District No. PN-15-N:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PN-15-N 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 \$686,545.00.)

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. PN-15-N 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 Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Necessary:**

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

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N 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 Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. PN-15-N:**

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

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

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

**Seal Coat and Incidentals Improvement District No. PR-16-B (Various Locations in South Fargo):**

Commissioner Sobolik moved the following action be taken in connection with Seal Coat and Incidentals Improvement District No. PR-16-B:

**Adopt Resolution Creating Improvement District No. PR-16-B:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. PR-16-B in the City of Fargo, North Dakota, be created

**LOCATION (Section 3):**

On 50th Avenue South from Marion Street South to Woodhaven Street South.  
On Loden Court South from Woodhaven Drive South to 43rd Street South.  
On 51st Avenue South from 42nd Street South to Woodhaven Street South.  
On Marion Street South from 50th Avenue South to 51st Avenue South.  
On Hawthorne Street South from 50th Avenue South to 51st Avenue South.  
On Woodhaven Street South from 49th Avenue South to 51st Avenue South.  
On Woodhaven Drive South from 49th Avenue South to 43rd Street South.  
On 43rd Street South from 49th Avenue South to Loden Court South.  
On 44th Street South from 49th Avenue South to 52nd Avenue South.

**LOCATION (Section 4):**

On 23rd Avenue South from 45th Street South to 51st Street South.  
On 23rd Avenue South from 55th Street South to Veterans Boulevard.

**LOCATION (Section 5):**

On 26th Avenue South from 45th Street South to 47th Street South.  
On 28th Avenue South from 30th Avenue South to 1065' west of 47th Street South.  
On 47th Street South from 26th Avenue South to 28th Avenue South.

**LOCATION (Section 6):**

On NDSU Research Circle North from 18th Street North to 377' west of 18th Street North.  
On NDSU Research Park Drive North from 18th Street North to 17th Avenue North.

**LOCATION (Section 7):**

On 58th Avenue South from 25th Street South to 27th Street South.  
On 26th Street South from 58th Avenue South to 464' south of 58th Avenue South.  
On 27th Street South from 233' north of 58th Avenue South to Silverleaf Drive South.  
On Silverleaf Drive South from 27th Street South to 27th Street South.

**LOCATION (Section 17):**

On Westrac Drive South from 36th Street South to Interstate Boulevard South.  
On 34th Street South from Westrac Drive South to 1040' north of Westrac Drive South.

**COMPRISING (Section 3):**

Lots 7 and 8, Block 1.  
Lots 1 through 23, 38 and 39, Block 2.  
Lots 1 through 9, Block 3.  
Lots 1 through 9, Block 4.  
Lots 1 through 21, Block 5.  
Lots 1 through 11, Block 6.  
Lots 1 through 16, Block 7.  
Lots 1 through 13, Block 8.  
All in Woodhaven 5th Addition.

Lots 1 through 19, Block 1, Woodhaven 6th Addition a replat of Lots 24 through 37, Block 2 of Woodhaven 5th Addition.

Lots 1 through 6, Block 1, Woodhaven 7th Addition a replat of Lots 1 through 5, Block 1 of Woodhaven 5th Addition.

Lots 1 through 4, Block 1, Krueger Cottages at Woodhaven 5th Addition a replat of Lot 6, Block 1 of Woodhaven 5th Addition.

**COMPRISING (Section 4):**

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

Lots 1 and 2, Block 1, Agassiz Crossing 2nd Addition.

Lot 1, Block 1.  
Lot 1, Block 2.  
Lot 1, Block 3.  
All in Agassiz Crossing 4th Addition.

Lot 1, Block 1.  
Lot 1, Block 2.  
All in Agassiz Crossing 5th Addition.

Lot 1, Block 1, Hom 1st Addition.

Lots 1 and 2, Block 1, Hom 2nd Addition.

Lots 1 through 3, Block 1, Westpointe 1st Addition.

Lot 1, Block 1, Robust 3rd Addition.

Lot 3, Block 1, Midwest Behavioral Healthcare 1st Addition.

Lots 1 through 3, Block 1, Amber Valley 1st Addition.

Lots 1 and 2, Block 1, Amber Valley 2nd Addition.

Lots 1 through 8, Block 1, Amber Valley 3rd Addition.

Lots 1 through 3, Block 1.

Lot 1, Block 4.

All in Amber Valley 6th Addition.

Lots 1 through 3, Block 1, Gamma Fargo Addition.

Lot 1, Block 1, Pracs 2nd Addition.

Lots 1 and 2, Block 1, C & G Addition.

Lots 1 through 4, Block 1.

Lots 1 through 4, Block 2.

All in Amber Valley West 1st Addition.

Lots 1 and 2, Block 1, Amber Valley West 2nd Addition.

Lot 1, Block 1, Amber Valley West 3rd Addition.

Lots 1 and 2, Block 1, Amber Valley West 5th Addition.

**COMPRISING (Section 5):**

Lots 1 through 5, Block 1, Amber Valley Business Center 1st Addition.

Lot 4, Block 2, Amber Valley 1st Addition.

Lots 1 through 4, Block 1, Urban Plains Northeast Retail Addition a replat of Block 1 of Urban Plains by Brandt 1st Addition.

Lots 1 through 4, Block 1, Urban Plains Northeast Retail 2nd Addition a replat of Lot 3, Block 1 of Urban Plains Northeast Retail Addition.

Lots 1 through 3, Block 1, Urban Plains Medical Park Addition a replat of Lots 1 and 2, Block 6 of Urban Plains by Brandt 1st Addition.

Lots 1 through 8, Block 2, Urban Plains by Brandt 1st Addition.

**COMPRISING (Section 6):**

Lots 1 through 3, Block 1.

Lots 1 through 5, Block 2.

All in NDSU Research and Technology Park Addition.

Lots 7 through 10, Block 1, NDSU Research and Technology Park 2nd Addition.

**COMPRISING (Section 7):**

Lot 1, Block 1.

Lot 1, Block 2.

All in Alverson Subdivision.

Lots 1 through 3, Alverson 2nd Subdivision.

Lots 1 and 2, Block 1, Trapper's Run Addition.

Lots 1 through 4, Block 1, Parkview at Silverleaf Addition.

Lots 1 through 10, Block 1, Cottages of Silverleaf Addition.

Lots 1 through 14, Block 1, Custers Crossing Addition.

Lots 1 through 24, Block 2.

Lots 9 through 15, Block 3.

Lots 1 through 27, Block 4.

All in Silverleaf Addition.

**COMPRISING (Section 17):**

Lot 3, Block 1, Runck's 1st Addition.

Lot 2, Block 1, Runck's 2nd Addition.

Lot 1, Block 1, Runck's 3rd Addition.

Lots 1 and 2, Block 1, Runck's 4th Addition.

Lot 1, Block 1, Cedar Crest 1st Addition.

Lot 1, Block 1, Muscatell Subdivision.

Lot 1, Block 1.

Lots 1 through 3, Block 2.

All in Interstate Park Addition.

Unplatted land in SW 1/4 of Section 11, Township 139, Range 49.

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

NOW, THEREFORE, BE IT RESOLVED, That Seal Coat and Incidentals Improvement District No. PR-16-B in the City of Fargo, North Dakota, be and the same is hereby created.

**Request Report and Estimate of Cost from the City Engineer for Improvement District No. PR-16-B:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. PR-16-B in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,738,132.50.)

**Order Plans and Specifications for Improvement District No. PR-16-B:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. PR-16-B in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. PR-16-B:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. PR-16-B in the City of Fargo, North Dakota, as required by law; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. PR-16-B in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

**Adopt Resolution Declaring Seal Coat 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 Seal Coat and Incidentals Improvement District No. PR-16-B in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Seal Coat and Incidentals improvement is to be paid from Street Sales Tax Funds and approximately 15% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Seal Coat and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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



**Direct City Auditor's Office to Call for Bids for Improvement District No. PR-16-B:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. PR-16-B in the City of Fargo, North Dakota.

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

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

**Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E (Intersection of 36th Street and 40th Avenue South):**

Commissioner Sobolik moved the following action be taken in connection with Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E:

**Adopt Resolution Creating Improvement District No. TN-16-E:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. TN-16-E in the City of Fargo, North Dakota, be created

The Intersection of 36th Street and 40th Avenue South.

**COMPRISING:**

Lots 1 through 3, Block 1.  
All in Centennial Addition.

Lot 2, Block 1.  
All in Community Baptist Church Subdivision.

Lots 1 through 13, Block 1  
All in Copperfield Addition.

Lot 10, Block 1.  
Lots 1 through 16, Block 2.  
Lots 1 through 7, Block 3.  
All in Coulee's Crossing Addition.

Lots 1 through 6, Block 1.  
All in Coulee's Crossing 3rd Addition.

Lots 10 through 13, Block 1.  
All in Coulee's Crossing Court Addition.

Lots 1 and 2, Block 1.  
All in CBC Addition.

Lots 1 through 6, Block 1.

Lots 1 through 7, Block 2.  
Lots 1 through 16, Block 4.  
All in Dakota Park Addition.

Lots 1 through 10, Block 1.  
Lots 1 through 11, Block 2.  
Lots 1 through 6, Block 3.  
All in Dakota Park 2nd Addition.

Lots 1 and 2, Block 1.  
All in Dauks Addition.

Lots 1 and 2, Block 1.  
All in Davron 1st Addition.

Lot 1, Block 1.  
All in Replat of DSI Addition.  
Lots 1 through 15, Block 1.  
Lots 1 through 26, Block 2.  
Lots 1 through 27, Block 3.  
Lots 1 through 29, Block 4.  
Lots 1 through 28, Block 5.  
Lots 1 through 15, Block 6.  
All in Fox Run Addition.

Lots 1 through 13, Block 1.  
Lots 1 through 28, Block 2.  
Lots 1 through 13, Block 3.  
All in Fox Run 2nd Addition.

Lots 1 through 15, Block 1.  
Lots 1 through 26, Block 2.  
Lots 1 through 27, Block 3.  
Lots 1 through 15, Block 4.  
All in Fox Run 3rd Addition.

Lots 1 and 2, Block 1.  
All in Hetland Addition.

Lots 1 through 16, Block 1.  
Lots 1 through 27, Block 2.  
Lots 1 through 14, Block 3.  
Lots 1 through 18, Block 4.  
All in Hunters Prairie 1st Addition.

Lots 1 through 13, Block 1.  
Lots 1 through 26, Block 2.  
Lots 1 through 8, Block 3.

Lots 1 through 10, Block 4.  
All in Hunters Prairie 2nd Addition.

Lot 1, Block 1.  
All in Jensen Subdivision.

Lots 1 through 4, Block 1.  
All in Johnson Farm Addition.

Lots 1 through 50, Block 1.  
Lots 1 through 32, Block 2.  
All in Meadow Creek Addition.  
Lots 17 through 19, Block 1  
All in Meadow Creek 2nd Addition.

Lots 1 through 8, Block 1.  
Lots 1 through 11, Block 2.  
All in Mehl First Addition.

Lot 1, Block 1.  
All in Mehl Second Addition.

Lot 1, Block 1.  
All in Mills' Addition.

Lots 1 through 5, Block 1  
All in Monge Addition.

Lots 1 through 33, Block 1.  
Lots 1 through 10, Block 2.  
All in Oak Creek Addition.

Lots 1 through 24, Block 1.  
Lots 1 through 13, Block 2.  
All in Park's 1st Addition.

Lot 1, Block 1.  
All in Park's 3rd Addition.

Lot 1, Block 1.  
Lot 1, Block 2.  
Lot 1, Block 3.  
All in Park's 5th Addition.

Lots 1 and 2, Block 1.  
All in Park's 6th Addition.

Lots 1 through 54 and 63, Block 1.

Lots 1 through 18, Block 2.  
All in Prairie Rose 1st Addition.

Lots 1 through 19, Block 1.  
All in Prairie Rose 2nd Addition.

Lots 5 through 10, Block 1.  
Lots 1 through 6, Block 2.  
Lots 1 through 14, Block 3.  
Lots 1 through 4, Block 5.  
All in Southwood Park Addition.

Lots 1 through 12, Block 1.  
Lots 1 through 20, Block 2.  
Lots 1 through 24, Block 3.  
Lots 1 through 20, Block 4.  
Lots 1 through 12, Block 5.  
Lots 1 through 48, Block 6.  
Lots 1 through 6, Block 7.  
Lots 1 through 30, Block 8.  
All in Stonebridge Farms Addition.

Lots 1 through 38, Block 1.  
Lots 1 through 32, Block 2.  
Lots 1 and 2, Block 3.  
Lots 1 and 2, Block 4.  
All in Stonebridge Farms 2nd Addition.

Lots 1 through 16, Block 1.  
Lots 1 through 33, Block 2.  
Lots 1 through 18, Block 3.  
All in Stonebridge Farms 3rd Addition.

Lot 1, Block 1.  
Lots 1 through 21, Block 2.  
Lots 1 through 18, Block 3.  
Lots 1 through 19, Block 4.  
Lots 1 through 20, Block 5.  
All in Stonebridge Farms 4th Addition.

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

Lot 1, Block 1.  
All in Stonehurst Addition.

Lots 1 through 15 and 29, Block 1.  
Lots 30 through 31, Block 2.

Lots 1 through 22, Block 3.  
Lots 1 through 21, Block 5.  
All in Timber Creek 1st Addition.

Lots 1 through 9, Block 1.  
All in Timber Creek 2nd Addition.

Lots 1 through 14, Block 1.  
Lots 1 through 29, Block 2.  
All in Timber Creek 3rd Addition.

Lots 1 through 3, Block 1.  
All in Timber Creek 4th Addition.

Lots 1 through 4, Block 1.  
All in Timber Creek 5th Addition.  
Lots 1 through 6, Block 1.  
Lots 1 through 8, Block 2.  
Lots 1 through 60, Block 3.  
Lots 1 through 20, Block 4.  
All in Timberline Addition.

Lots 1 through 26, Block 1.  
All in The Aspens 1st Addition.

Lots 1 through 4, Block 1  
All in Ulteig Addition.

Lots 1 through 3, Block 1.  
All in Valley Ford 1st Addition.

Lots 1 through 11, Block 1.  
All in Vincent Marie Addition.

All of the unplatted land in Section 35, Township 139 North, Range 49 West.

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

NOW, THEREFORE, BE IT RESOLVED, That Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E 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. TN-16-E:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. TN-16-E 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 \$420,897.61.)

**Order Plans and Specifications for Improvement District No. TN-16-E:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. TN-16-E in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. TN-16-E:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. TN-16-E 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. TN-16-E 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 Traffic Signal Improvements 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 Traffic Signal Improvements and Incidentals Improvement District No. TN-16-E 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 Traffic Signal Improvements and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. TN-16-E:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. TN-16-E in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Gehrig, 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:**

Commissioner Williams moved the cost reimbursement request to the State Water Commission for FM Diversion Flood Project costs in the amount of \$1,985,040.00 be approved.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

**Selection of the Kilbourne Group's Redevelopment Proposal for Second Avenue/Roberts Street Redevelopment Approved:**

The Board received a communication from Planning Director Jim Gilmour and Senior Planner Joe Nigg stating that in November 2015, the City released a Request for Proposals (RFP) to seek redevelopment proposals to develop City-owned property at 624 and 625 2nd Avenue North. They said the City is seeking a design concept that would result in an urban scale mixed-use development with an integrated parking structure that would produce approximately 400 spaces. They said the Board has approved and finalized a Tax Increment Financing (TIF) Renewal Plan specific to this sub-area and the City has secured financing via general obligation bonds to facilitate construction of parking infrastructure. Three proposals were received prior to the January 15, 2016 submittal deadline, they said, and over the last two weeks the City has been working through a process to review the proposals. On February 4th the Parking Commission and Mayor Mahoney met to discuss each proposal, they said, and on February 10th the Parking Commission held interviews with each development team. After consideration and with input from Interstate Parking, the Parking Commission's recommendation is that the Kilbourne Group proposal be selected as the project that would best meet the objectives outlined in the RFP.

Planning Director Jim Gilmour said the Kilbourne Group's proposal for 361 parking spots was the most affordable per parking space and there is a strong possibility they can work with the property owners to the north to develop the entire area, which could allow for the desired 400 spaces. He said another advantage of this proposal is that the timeframe has the ramp being built first and possibly in operation by the end of this calendar year.

Commissioner Gehrig said this proposal was the best out of the three; however, he does not support parking garages owned and paid for by taxpayers.

Commissioner Williams said parking can have a catalytic effect. He said parking is part of the transportation network and part of economic development. This investment will be covered by rents in the ramp and extra revenues that come in from private investment and tax revenue, he stated.

Commissioner Williams moved the selection of the Kilbourne Group's redevelopment proposal be approved and the City Attorney be directed to prepare the necessary agreements.

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.

**Dr. Dean Bresciani Appointed to the Renaissance Zone Authority:**

The Board received a communication from Mayor Mahoney recommending that Dr. Dean Bresciani be appointed to the Renaissance Zone Authority to replace Dr. Roger Gilbertson.

Commissioner Sobolik moved Dr. Dean Bresciani be appointed to the Renaissance Zone Authority for a three-year term ending January 1, 2019.

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

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

**Kember Anderson Appointed to the Fargo-Moorhead Convention and Visitors Bureau:**

The Board received a communication from Mayor Mahoney recommending that Kember Anderson be appointed as the City of Fargo's representative on the Fargo-Moorhead Convention and Visitors Bureau effective March 15, 2016 to fill the unexpired term of Sharon Odegaard, who is retiring, for a term ending September 1, 2017.

Commissioner Williams moved Kember Anderson be appointed to the Fargo-Moorhead Convention and Visitors Bureau for a term of March 15, 2016 to September 1, 2017.

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

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

**Recommendation to Not Include an Incentive/Disincentive Clause for Improvement District FM-14-93 Approved:**

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) stating, in keeping with a commitment to make recommendations regarding incentives/disincentives for projects that impact arterial roadways, staff is recommending that an incentive/disincentive not be included for Improvement District No. FM-14-93. They said the project in question is a Diversion Authority led flood mitigation project on 2nd Street North between 3rd Avenue and 6th Avenue North. The project is scheduled for a bid opening on April 5, 2016, they stated, and has a substantial completion date of November 1, 2016. They said there is already one project on 2nd Street that has a portion of it closed and there are two other projects that will be bid that will also affect portions of 2nd Street. Taking this into consideration, they said, there are too many elements outside the control of the contractor who gets this project to ensure a good use of incentive money.

City Engineer April Walker said the project to the south of the area, Improvement District No. FM-14-92, was bid last year and there has been a struggle to keep that project moving, due to not being able to provide all the land necessary to do the work. She said negotiations will be needed to change those completion dates. Also scheduled to bid this year, she said, is a project installing a force main up Second Street, so with projects both to the north and the south of this project, staff is recommending an incentive/disincentive not be added to this particular contract.



Commissioner Williams moved the incentive/disincentive not be included in the contract for Improvement District No. FM-14-93.

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.

**Parcels of Land in Cobalt Addition Rezoned (5035 38th Street South):**

At a Hearing held on January 5, 2016 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay of the proposed Cobalt 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 developer is planning to build a rehabilitation hospital.

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 and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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

Mayor Mahoney abstained from voting.

The Resolution was adopted.

**First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Cobalt 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 Cobalt Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

Mayor Mahoney abstained from voting.

The motion was declared carried.

**Resolution Adopted Approving Cobalt 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 "Cobalt Addition" containing 1 Lot, 1 Block, and 3.722 acres of land more or less, located at 5035 38th Street South; and

WHEREAS, A Hearing was held January 5, 2016 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 February 1 and 8, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., February 16, 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 "Cobalt 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Gehrig and Piepkorn voted aye.

Mayor Mahoney abstained from voting.

The Resolution was adopted.

### **Parcels of Land in Darling's Third Addition Rezoned (1506-1508 7th Avenue South):**

At a Hearing held on January 5, 2016 the Fargo Planning Commission recommended approval of a change in zoning from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential of the proposed Darling's 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.

Planning Administrator Nicole Crutchfield said this is for approval of a minor plat; however, because of the zoning map amendment, a public hearing is in order. The property is a single lot containing two units, she said, and the applicant seeks to divide the existing lot into two so the twin home units would each be located on individual lots.

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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Gehrig, Piepkorn 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 Darling's Third 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 Darling's Third Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

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

**Resolution Adopted Approving Darling's Third 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 "Darling's Third Addition" containing 2 Lots, 1 Block, and 0.160 acres of land more or less, located at 1506-1508 7th Avenue South; and

WHEREAS, A Hearing was held January 5, 2016 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 February 1 and 8, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., February 16, 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 "Darling's Third 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Williams, Gehrig, Piepkorn and Mahoney voted aye.

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

**Parcels of Land in Southside 1st Addition Rezoned (2805 64th Avenue South):**

At a Hearing held on January 5, 2016 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-2 Single-Dwelling Residential on Southside 1st 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 unique in that the surrounding area is not yet urbanized. She said staff believes the intent of future urbanization has been met and recommends approval.

In response to a question from Commissioner Sobolik on whether there is a home on the property, Ms. Crutchfield said the existing home was demolished. She said some of the confusion is that when the owner removed the existing house he was not aware that he lost grandfathering rights because this is in the city limits.

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 Southside 1st 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 Southside 1st Addition, 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 Southside 1st 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 "Southside 1st Addition" containing 1 Lot, 1 Block, and 3.28 acres of land more or less, located at 2805 64th Avenue South; and

WHEREAS, A Hearing was held January 5, 2016 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 February 1 and 8, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., February 16, 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 "Southside 1st 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.

**Appeal of the Denial of a Conditional Use Permit to Allow Off-Premise Advertising on Lot 4, Block 5, Urban Plains by Brandt First Addition Approved (3151 Seter Parkway South):**

A Hearing had been set for this day and hour on a motion to consider approval or denial of an appeal of an August 4, 2015 Planning Commission decision to deny a Conditional Use Permit to allow off-premise advertising on Lot 4, Block 5, Urban Plains by Brandt First Addition.

At the January 19, 2016 meeting, the City Commission approved a motion to reconsider the action taken on September 28, 2015 upholding the denial of an appeal of an August 4, 2015 Planning Commission decision to deny a Conditional Use Permit to allow Off-Premise advertising on Lot 4, Block 5, Urban Plains by Brandt First Addition.

Planning Administrator Nicole Crutchfield said this is basically a new application for a 280 square foot sign to promote the Scheel's Arena, revised from the original proposal and includes architectural treatments to connect it more with the Urban Plains design intent

Commissioner Piepkorn said this is a good compromise from the original application.

Commissioner Williams said he is not supporting it because he feels work still needs to be done with the sign code.

Commissioner Piepkorn moved the appeal of the denial of the Conditional Use Permit to allow Off-Premise Advertising on Lot 1, Block 4, Urban Plains by Brandt First Addition be approved.

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

Commissioners Williams and Sobolik voted nay.

The motion was declared carried.

**Recommendation from Mayor Mahoney for Appointment of a City Administrator:**

Human Resources Director Jill Minette said the position for City Administrator was posted January 7, 2016 and closed February 5, 2016. She said 10 applications were received, which she and the Mayor independently reviewed and compared each list of top candidates to move forward. She said the top three selected to interview were Calvin Anderson, Robert Sivick and Bruce Grubb. The interviews consisted of questions and discussion relating to the candidate's background, education and experience relative to the position. She said each interview was scored, which is common with the type of interviews typically conducted.

Mayor Mahoney said the interviews included tough questions about leadership, strategic planning and budget management. He said Mr. Anderson has a Master's Degree, experience as an Assistant City Manager, and works as a consultant; however, he has not done many of the things that would be involved in running a city the size of Fargo. He said Mr. Sivick has a law degree and his background is more as a city attorney than an administrator. He said Mr. Grubb has been Fargo's Assistant City Administrator since 2014 and Interim City Administrator since July, 2015. Mr. Grubb has been Enterprise Director for almost 14 years for the City of Fargo, he said, overseeing the water, wastewater and solid waste departments. He said the candidate scores were as follows: Bruce Grubb 96%, Robert Sivick 82% and Calvin Anderson 56%. He said his recommendation is to appoint Bruce Grubb as City Administrator.

In response to a question from Commissioner Williams about why this process has been different than others in the past where there was more public involvement such as selection committees and public finalist interviews, Ms. Minette said the key difference is that succession planning was in place for this position. She said while succession planning is fairly new to the City, it is not an unusual avenue for executive level positions. She said it allows an opportunity to transfer the skills and knowledge of an outgoing executive to the next person in line for that position. The process to this point has tried to honor both a search for the top candidate, she said, while also recognizing the succession planning that has internal training happening at the same time. She said the Board can determine whether to proceed with the Mayor's recommendation or the opportunity exists to establish a selection committee or panel to review the finalists.

Commissioner Williams said an advantage sometimes in the interview process is that an idea or opportunity can result from it. He said the City does a good job with open meetings and to do interviews in a public way would solidify the public view that the person selected is the best for the job. He said when this was first presented, he understood that the field would be narrowed down to finalists and then the process would be determined from there. He said in the past, after selection of finalists, there has been an opportunity for all the Commissioners to interview the candidates.

Mayor Mahoney said Commissioner Williams is welcome to call the candidates and visit with them; however, with all that is going on within the City of Fargo at this time, his recommendation is to move ahead.

Commissioner Gehrig said over the many years Bruce Grubb has worked for the City of Fargo and as Interim City Administrator, his performance has been stellar. He said he has been extremely impressed, considers him top notch and fully supports Mr. Grubb for the position.

Commissioner Piepkorn said in anticipation of hiring an Assistant City Administrator, he would suggest a longer search process be used as Commissioner Williams refers to, and to try to cultivate some top notch assistants from a larger city. He said that can be a learning experience.

Commissioner Sobolik said succession planning can be a challenge and while one can never assume the candidate being groomed can take over the next position, it is sort of the purpose of cultivating a leader and passing along information. She said this has been a rare opportunity and the importance of a successful succession plan and of being proactive needs to be acknowledged.

Commissioner Williams said there is a difference between the private and public sector and he does not want this to be the process going forward. He said open interviews give the person chosen the knowledge that they have gone through a whole open process and won. He said the City cannot do better than Bruce Grubb, as he has worked with him often and closely, and respects everything he does.

Commissioner Sobolik moved Bruce Grubb be appointed as City Administrator.

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.

### **Contract with Forecast Public Art for Consulting Services for a Public Art Master Plan Approved:**

The Board received a communication from Planning Administrator Nicole Crutchfield stating in September 2015, the Board approved the Request for Proposals of Consulting Services for a Public Art Master Plan. In November the Arts and Culture Commission shortlisted and interviewed candidates of two proposals, she said, and in December selected Forecast Public Art. On January 20, 2016, she said, the Arts and Culture Commission unanimously voted in favor of recommending approval of a scope of services and contract with Forecast Public Art.

Ms. Crutchfield said the Arts and Culture Commission will be meeting monthly and acting as the steering committee. She said key parts will be social engagement, outreach and a call for local artists to also be part of the process.

Commissioner Sobolik said Jack Becker is a name some recognize and he was active in GO2030. She said he assisted the Public Arts Task Force as it moved to be the Arts and Culture Commission and is very familiar with the work.

In response to a question from Commissioner Gehrig regarding where the \$92,000.00 comes from, Ms. Crutchfield said it is in the general fund for the Planning Department allocated for consulting services and unrelated to the City's Social Service and Arts Fund allocations recommended by the Arts and Culture Commission and approved by the Board at the February 1, 2016 meeting.

Commissioner Gehrig said these funds are clearly for arts and culture in the community and he would expect for it to come from that same Social Service and Arts Fund. He said what has been done basically doubles funding for the arts in a somewhat nefarious way. He said he likes some of the things and took interest in it and tried to find out what the direction was. He said if this were a narrow focus such as how the private sector could be empowered to expand in our community, then he likely could support it; however, he could not be told the focus and cannot vote yes.

Commissioner Sobolik said the funds are coming from the Planning Department budget consulting dollars and not the Arts Fund, because it is a master plan.

Commissioner Williams said this is to put structure to the plan, to identify inventory and see what the assets are and how to put them together. He said there may be assumptions that a lot of money will be spent on public art; however, the answer is not known yet.

Commissioner Sobolik moved the contract with Forecast Public Art for consulting services, not to exceed a total of \$92,000.00, be approved.

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

Commissioner Gehrig voted nay.

The motion was declared carried.

**Resolution Adopted Approving a Plat of Rhett's Row Addition (811 and 815 10th Avenue North):**

The Board received a staff report stating the petitioner is seeking approval of a minor subdivision. They said the applicant is reconfiguring two existing parcels to create a large enough tract to accommodate a new apartment complex within the proposed Lot 1, Block 1. They said the purpose of the requested minor subdivision is to allow the construction of a new 6-unit apartment complex that will be constructed in the rear of the proposed Lot 1 and no changes will be made to the current development on the proposed Lot 2. Staff received a petition of opposition for this application, they stated, and although it does not affect the voting process, staff wanted to make the Board aware of the opposition, which represents 22% of the legal protest area. Residents have concerns over parking, multi-family vs. single family, crime and that the development has too much density, they said.

Planning Administrator Nicole Crutchfield said this was placed on the Regular Agenda rather than the Consent Agenda due to the amount of protests received. She said the applicant is trying to consolidate two long narrow lots to allow a larger footprint to allow more development area and she shared a site plan example showing what could be considered a buildable area. She said she understands the neighborhood does not favor more change; however, staff sees it as being hard to tell the applicant no when they meet the criteria of an MR-3, Multi-Dwelling Residential.

In response to a question from Commissioner Sobolik about what could be built there today since zoning is not being changed, Ms. Crutchfield said the applicant could go to the courthouse, move the lot lines via deed and come in for a building permit and if they met the MR-3 setback standards they would be approved. She said it is good that the developer has come in to actually plat the tract to confirm zoning verification, meet setbacks and allow neighborhood notification. She said the Planning Commission has requested a report on how the site plan ends up working



and how it affects the neighborhood which will be helpful to know what to look at in the future

Cheryl In Fausel, 814 Kennedy Court North, said her back yard is adjacent to the property being discussed. She said there are already so many apartment buildings in the area and it keeps getting denser and denser, and parking is already a big issue. She said she sees the need for apartments and housing, especially with NDSU in the neighborhood; however, this does not seem the right place to add another apartment building in an already dense area. She said it is too bad that there could not be another single family home in that space.

Erik Gunderson, EG and Company Properties, said his family has lived in the Roosevelt area for 50 years and his real estate and investment office is in the area at 8th Avenue and 10th Street. He said he chose this route to be certain everything is conforming, and while the design is not finalized, he is proposing small apartments near campus for students who prefer that to larger apartment complexes. He said he is aware of the parking situation and plans to incorporate off-street parking. He said the house on the lot required demolition and asbestos removal, so with the lot purchase, demolition and providing new city sewer and water, the investment is \$80,000.00 just for the lot. He said that amount could be prohibitive for someone to purchase to build a single family home, while a developer is able to spread costs out over a number of units.

Jay Pepple, 818 Kennedy Court North, said the lots on this block are probably the smallest in the city. He said he hopes the builder will be sensitive about the height of a building in that neighborhood and there is a barrier of trees that currently provides a buffer that he fears could potentially be lost. He encouraged more thought to what exactly will be going in and how it will affect the neighborhood.

Commissioner Gehrig said infill is being encouraged and the Board needs to think about whether this means just in some areas or all. He said this takes an unlivable house and puts something new and of value in its place. He said he can see how some people will dislike this idea, but he hopes they can understand it.

Commissioner Gehrig 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 "Rhett's Row Addition" containing 2 Lots, 1 Block, and 0.6310 acres of land more or less, located at 811 and 815 10th Avenue North; and

WHEREAS, A Hearing was held February 2, 2016 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, As announced in the City Commission agenda which was made available on February 11, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., on February 16, 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 "Rhett's Row 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 the Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

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

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

**Request for Tax Increment Financing for a Project at 14 6th Avenue North, 22 6th Avenue North and 519 Oak Street Referred to Appropriate Staff for Review:**

The Board received a communication from Planning Director Jim Gilmour stating the Planning and Development Department received a request for Tax Increment Financing (TIF) on a proposed project to be located on the southeast corner of 6th Avenue North and Oak Street North. He said three houses are located on this property and they are not in good condition. The proposed project would be redevelopment of the site, he said, and the construction of a 32-unit apartment building at a cost of \$4.4 million. He said the TIF request is for up to \$1,236,419.00; however, the value of the property and tax rate is unlikely to make that amount of TIF available.

Commissioner Gehrig said if the applicant wants taxpayers to fund this, due diligence should be done by the applicant prior to submitting an application.

Mr. Gilmour said the applicant has a business plan and \$5,000.00 is submitted with an application to be sure the developer is serious prior to a lot of time being spent on it. He said the financial advisors look at the proposal and the result could be that they could come back and say the project could be done without TIF assistance, or perhaps determine a lesser amount is justifiable.

Commissioner Williams said this step is doing due diligence and the applicant is paying for it. He said it does not mean there will be Tax Increment Financing.

Commissioner Sobolik moved appropriate staff be directed to submit the proposal to the City's financial advisors for review, to prepare a renewal plan and draft a development agreement for the redevelopment of property at 14 6th Avenue North, 22 6th Avenue North and 519 Oak Street.

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.

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, February 29, 2016.

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

The time at adjournment was 6:31 o'clock p.m.