



- f. Direct staff to develop a request for proposals to display art in City buildings.
- g. Building permit fee waiver for the Emergency Food Pantry relocation and renovation project at 402 11th Street North.
- h. City's participation and a \$10,000.00 contribution to the ND Statewide Housing Needs Assessment.
- i. Contract with Master Construction Company in the amount of \$26,000.00 for demolition of 721 1st Street North, 922 10th Street North and 719 8th Avenue North under the Neighborhood Stabilization Program.
- j. Offer to purchase NSP Purchase Rehab property at 810 25th Street North for \$120,000.00.
- k. Grant award and fund distribution for the Juvenile Accountability Block Grant.
- l. Recommendation to have the City Attorney prepare an Ordinance change reflecting the current contribution by police employees into the Police Pension Fund.
- m. Armored Car Agreement with Rochester Armored Car to provide courier service from City Hall to the City's bank.
- n. Requests to hang banners in the skyway:
  - (1) St. Patrick's Day Parade Committee from 3/11/12 to 3/18/12.
  - (2) El Zagal Shriners from 3/5/12 to 4/1/12.
- o. Applications for five-year tax exemptions for improvements made to buildings:
  - (1) Alan and Janice Brelje, 69 15th Avenue North.
  - (2) Chris Corbet, 1010 5th Avenue South.
  - (3) Chris Dietz, 1802 7th Street South.
  - (4) Galen Gess, GDG Properties, 1518 6th Avenue South.
  - (5) Mark and Denise Magness, 1422 6th Street South.
  - (6) Kyle McLean, 1511 3rd Street North.
  - (7) Marck Qualey, 426 14th Avenue South.
  - (8) Victor and Melissa Youngs, 714 South Drive South.
  - (9) Shauna Waloch, 1319 6th Street South.
  - (10) Eric and Jennifer Momsen, 1220 4th Street North.
- p. Site Authorization for Prairie Public Broadcasting, Inc. at Mahoney's.
- q. Applications for Games of Chance:
  - (1) North Dakota Stockmen's Foundation for a raffle on 9/28/12; Public Spirited Resolution.
  - (2) The Outdoor Adventure Foundation for a raffle on 3/17/12; Public Spirited Resolution.
  - (3) Davies High School Theatre Department for a raffle on 2/24/12.

- (4) Cathedral of St. Mary for bingo and a raffle on 5/6/12.
  - (5) Red River Valley FSC for a raffle on 3/11/12.
  - (6) John Paul II Catholic Schools for a raffle on 4/28/12.
- r. Bid award for anionic polymer for the Water Plant to Nalco Chemical for \$1.36 per pound.
  - s. Amendment No. 1 for an increase of \$157,237.00 to the Task Order with AE2S for the Sulfate Removal Pilot Study at the Water Treatment Plant.
  - t. One-year extension to a Preventative Maintenance Agreement with Siemens Industry, Inc. in the amount of \$16,120.00 for technical support services at the Effluent Reuse Facility.
  - u. Change Order No. 2 for an increase of \$1,476.98 for Project No. WA0901.
  - v. Amendment of Agreement for Deferral of Special Assessments-City of Fargo and Gensler.
  - w. Special assessment spread policy changing the payment duration to 15 years for initial asphalt wear course, initial seal coat and mill and overlay of asphalt pavement.
  - x. Contract Amendment No. 1 with Moore Engineering for an increase of \$46,390.00 for Improvement District No. 5729-02.
  - y. Final Balancing Change Order No. 1 for an increase of \$14,641.91 for Project No. 5873.
  - z. Final Balancing Change Order No. 1 for an increase of \$265.88 for Project No. 6025.
  - aa. Concur with the NDDOT bid award for Project No. 5698 to Northern Improvement Company in the amount of \$2,895,078.39.
  - bb. Bid award for one telescopic crane truck to Northern Truck Equipment for \$36,350.00
  - cc. Trade agreement with Radio Fargo-Moorhead for a bus wrap.
  - dd. Bid advertisement for Project No. 6135.
  - ee. Bills in the amount of \$5,896,368.49.

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

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

City of Fargo Concur with the NDDOT Bid Award for Improvement District No. 5699:

Commissioner Wimmer moved the City of Fargo concur with the NDDOT bid award for Improvement District No. 5699 to Dakota Underground Company in the amount of \$3,663,729.99.

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

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

Time Extension for Improvement District No. 5729-02 Approved:

Commissioner Wimmer moved approval of a time extension to February 1, 2012 for Improvement District No. 5729-02.

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

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

Change Order No. 1 and Time Extension for Improvement District No. 5973 Approved:

Commissioner Wimmer moved approval of Change Order No. 1 for an increase of \$75,485.06 and time extension to November 2, 2011 for substantial completion and to May 18, 2012 for final completion on Improvement District No. 5973.

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

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

Final Balancing Change Order No. 1 for Improvement District No. 5955-01 Approved:

Commissioner Wimmer moved approval of Final Balancing Change Order No. 1 for an increase of \$127,738.74 for Improvement District No. 5955-01.

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

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

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 (Davies Second Addition):

Commissioner Wimmer moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061:

Adopt Resolution Creating Improvement District No. 6061:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6061 in the City of Fargo, North Dakota, be created

67th Avenue South between 25th & 23rd Streets South.

23rd Street South between 70th Avenue South and 68th Avenue South.  
24th Street South between 70th Avenue South and 68th Avenue South.  
68th Avenue South between 24th & 23rd Street South.

COMPRISING:

Lots 1 through 19, inclusive, Block 1.  
Lots 1 through 37, inclusive, Block 2.  
Lots 1 through 23, inclusive, Block 3.  
Lots 1 through 11, inclusive, Block 4.  
All replatted in Davies 1st 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 Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 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. 6061:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6061 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 \$745,800.00)

Order Plans and Specifications for Improvement District No. 6061:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6061 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6061:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6061 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. 6061 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 Pavement, Street Lights, Sidewalks 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 Pavement, Street Lights, Sidewalks and Incidentals

Improvement District No. 6061 in the City of Fargo, North Dakota, according to 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.

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 Pavement, Street Lights, Sidewalks 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. 6061:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6061 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6071 (North Broadway Addition, Lots 261-280 and 321-340, between 3rd and 4th Streets North, from 17th to 18th Avenues North):

Commissioner Wimmer moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 6071:

Adopt Resolution Creating Improvement District No. 6071:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6071 in the City of Fargo, North Dakota, be created

From 17th to 18th Avenues North between 3rd Street & 4th Streets, North Broadway Addition.

COMPRISING:

Lots 261-280 & 321-340.

All in North Broadway Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. 6071 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. 6071:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6071 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 \$139,920.00)

Order Plans and Specifications for Improvement District No. 6071:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6071 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6071:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6071 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. 6071 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Alley Paving and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct P.C. Concrete Alley Paving and Incidentals Improvement District No. 6071 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed P.C. Concrete Alley Paving 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. 6071:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6071 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 (North Broadway Addition, Lots 281-299 and 341-359, Between 3rd and 4th Streets North, From 18th to 19th Avenues North):

Commissioner Wimmer moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072:

Adopt Resolution Creating Improvement District No. 6072:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6072 in the City of Fargo, North Dakota, be created

From 18th to 19th Avenue North between 3rd Street & 4th Street, North Broadway Addition.

COMPRISING:

Lots 281 through 299 and Lots 341 through 359.  
All in North Broadway Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 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. 6072:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6072 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 \$122,760.00.)

Order Plans and Specifications for Improvement District No. 6072:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6072 in the City of Fargo, North Dakota.



Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6072:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6072 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. 6072 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Alley Paving and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

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

Protests against the proposed P.C. Concrete Alley Paving 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. 6072:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6072 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Wimmer, Piepkorn, Williams, Mahoney and Walaker 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. 6094 (Silverleaf 2nd Addition):

Commissioner Wimmer moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. 6094:

Adopt Resolution Creating Improvement District No. 6094:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6094 in the City of Fargo, North Dakota, be created

62nd Avenue South from 25th Street South to 27th Street South.

Samuel Drive South from 27th Street South to a point approximately 700' west of 27th Street South.

27th Street South from a point approximately 150' north of 62nd Avenue South to a point approximately 180' south of its intersection with Samuel Drive South.

COMPRISING:

Lots 1 through 14, inclusive, Block 1.

All platted in Silverleaf 2nd Addition.

Lots 16 and 17, inclusive, Block 3.

Lot 1, inclusive, Block 5.

All platted in Silverleaf Addition.

Lots 8 and 10.

All platted in Januscheitis Subdivision.

The unplatted lot adjacent to and east of 27th Street South within the Southeast quarter of Section 02-T138N-R49W whose northern boundary is approximately 738 feet from the north right-of-way of 64th Avenue South and whose southern boundary is 222 feet from the north right-of-way of 64th Avenue South.

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. 6094 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. 6094:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6094 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 \$554,400.00.)

Order Plans and Specifications for Improvement District No. 6094:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6094 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6094:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6094 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. 6094 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. 6094 in the City of Fargo, North Dakota, according to 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.

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. 6094:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6094 in the City of Fargo, North Dakota.

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

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

Seal Coat and Incidentals Improvement District No. 6103 (Various Locations in South Fargo):

Commissioner Wimmer moved the following action be taken in connection with Seal Coat and Incidentals Improvement District No. 6103:

Adopt Resolution Creating Improvement District No. 6103:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6103 in the City of Fargo, North Dakota, be created

LOCATION: (Section 3)

On 43 1/2 Street South from Main Avenue to 2nd Avenue South.

On 2nd Avenue South from 42nd Street South to a point located approximately 300' east of the centerline of 45th Street South.

LOCATION: (Section 5)

On 43rd Street South from 15th Avenue South to 17th Avenue South.

LOCATION: (Section 7)

On 47th Avenue South from Woodhaven Street South to 44th Street South.

On 49th Avenue South from 42nd Street South to 45th Street South.

On Woodhaven Street South from 47th Avenue South to 49th Avenue South.

On Woodhaven Drive South from 148' north of 47th Avenue South to 49th Avenue South.

On 43rd Street South from 47th Avenue South to 44th Street South.

On Arbor Court South from 47th Avenue South to 44th Street South.

On 44th Street South from 47th Avenue South to 49th Avenue South.

COMPRISING: (Section 3)

Lots 9 through 15, inclusive, Porritt's Subdivision.

Lot 1, Block 1, Buena Vista Courts Addition.

Lots 1 and 2, Block 1, 45th Street Park 4th Addition.

Lot 2, Block 1, 45th Street Park 3rd Addition.

COMPRISING: (Section 5)

Lots 1 through 7, inclusive, Block 2, West Acres 2nd Addition.

Lots 1 and 5, Block 1, Capital Square Addition.

Lot 2, Block 1, Isaak – Dosch Addition.

COMPRISING: (Section 7)

Lots 1 through 12, inclusive, Block 1.

Lots 15 through 28, inclusive, Block 1.

Lots 1 through 14, inclusive, Block 2.

Lots 1 through 36, inclusive, Block 3.

Lots 1 through 34, inclusive, Block 4.

Lots 1 through 24, inclusive, Block 5.

Lots 1 through 36, inclusive, Block 6.

All in Woodhaven 4th Addition.

Lots 1 through 11, inclusive, Block 1.

44th Street Villa Addition.

Lots 6 through 8, inclusive, Block 1.

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

Lots 1 through 19, inclusive, Woodhaven 6th Addition.

Lots 1 through 6, inclusive, Woodhaven 7th Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Seal Coat and Incidentals Improvement District No. 6103 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. 6103:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6103 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 \$1,014,056.00.)

Order Plans and Specifications for Improvement District No. 6103:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6103 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6103:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6103 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. 6103 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. 6103 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 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. 6103:  
Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6103 in the City of Fargo, North Dakota.

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

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

Ordinance Amending Article 20-13 of Chapter 20 (Land Development Code) of the Fargo Municipal Code Relating to Signs to be Placed on First Reading at the Next Regular Meeting of the Board:

The Board received a communication from City Attorney Erik Johnson stating back in October he proposed the Sign Code Ordinance be remitted to the Board in three separate Ordinances. He said the first Ordinance contained all the provisions except for portable sign provisions, the second Ordinance included the portable sign provisions and the third Ordinance is intended to repeal the Old Sign Code. He said the first and second steps have now been completed; however, there are a few minor corrections needed. Provisions regarding "high impact" signs were omitted from the second of the three Ordinances, he said, and as a result it is necessary to remit the Ordinance which will resolve the clerical errors and omissions.

Commissioner Wimmer moved the Ordinance Amending Article 20-13 of Chapter 20 (Land Development Code) of the Fargo Municipal Code relating to Signs be received and filed and placed on first reading at the next Regular Meeting of the Board.

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

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

Contract Award for Purchase of a Wide Format Color Printer, Color Scanner and Software to be Placed on the Agenda for the Next Regular Meeting:

The Board received a communication from System Support Manager Dave Hokstad stating the City of Fargo IS Department released a request for proposal (RFP) for the purchase of a wide format color printer, color scanner and software for the Engineering Department. He said a total of five proposals were received from three different vendors and the recommendation from the evaluation team is to award the contract to Liberty Business Systems.

Commissioner Wimmer said the Commissioners received an email from one of the companies bidding stating their bid was much lower than the bid from Liberty Business Systems. He said he would like an explanation as to why this company is not receiving the bid.

Engineering Tech Shari Krabbenhoft said the company in question did not receive the bid due to the fact that they did not meet specifications. She said she contacted the company for additional information, however, the additional information that was received still was not as complete as the other bidders. In addition, she said, the Engineering Department has had one of this company's products in the past and the Committee did not feel that going forward this company would provide the technology that Engineering is trying to gain.

City Administrator Pat Zavoral said there is a reason why an RFP is created to include specific criteria in the bidding process. He said individuals do have the opportunity to voice their concerns to the Commission, however, the process is set up so that when a proposal is presented that clearly is not the low bid, and that company has not met the specifications, it is the staff's responsibility to get exactly what is needed.

Commissioner Williams moved the contract for purchase of a wide format color printer, color scanner and software be awarded to Liberty Business Systems.

Second by Mahoney.

Commissioner Piepkorn said the one thing that bothers him is that there was not much information to go on. He said if it does not cause any damage he would prefer waiting two weeks to get additional information. That way, he said, the Commission can feel comfortable with the action they are taking.

Commissioner Williams moved the motion be amended directing the Committee to provide the Commission with background information on the bidding process.

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

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

On call of the roll on the original motion as amended Commissioners Williams, Piepkorn, Wimmer, Mahoney and Walaker voted aye.

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

Resolution Adopted Creating the Downtown Business Improvement District of Fargo, North Dakota:

The Board received a communication from Mike Hahn on behalf of the Downtown Community Partnership Board of Directors stating the Downtown

Community Partnership (DCP) is proposing a Downtown Business Improvement District (BID). He said the first step in the process is adoption of a resolution creating the district in accordance with more detailed plans and specifications which will be filed by the DCP to be subsequently considered by the City Commission sometime after July 1, 2012. He said the "self-imposed" assessment is used by the property owners to maintain and improve business district activities above and beyond the services the City already provides. Through a series of meetings with downtown property and business owners, he said, feedback will be obtained to determine support in proceeding with a BID, after which the DCP will prepare a preliminary report to present to the Board

Commissioner Wimmer offered the following Resolution and moved its adoption:

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

WHEREAS, The Fargo City Commission acknowledges in its creation of said Downtown Business Improvement District that in doing so it establishes a policy of implementing the same by including the following safeguards: (1) authorize the City to engage in the proposed enterprise, (2) provide assurance that the activity has a public purpose, (3) sufficiently detail the manner of implementing the activity and (4) provide for supervisory controls to ensure that the public purpose thereof is met in every material respect; and

WHEREAS, That said Downtown Business Improvement District is being created without uniformity among the types, items or quantities of work and materials to be used at particular locations through the district. The jurisdiction of the City of Fargo to make, finance and assess the costs of said business improvement district project is not to be impaired or diminished by any lack of commonness, unity or singleness of the location, purpose or character of the improvement, or by the fact that any one or more of the properties to be included in the district shall be subsequently determined not to be benefitted by the improvement, or by particular portion of said improvement; and

WHEREAS, That costs of the Downtown Business Improvement District of Fargo, ND, be specially assessed against the benefitted property located in said business improvement district in amounts proportionate to and not exceeding the benefits to be derived there from. Such business improvement district is to include all properties, which in the judgment of the Fargo City Commission, will be benefitted by the creation of said business improvement district special assessments project; and

WHEREAS, The procedures that are to be followed in creating, establishing, maintaining, managing and administering said business district are:

- (1) The Fargo City Commission is hereby taking the first preliminary step in creating the Downtown Business Improvement District of Fargo, ND by enacting this Resolution in accordance with "Special Assessments for Promotion of Business" Activity, Chapter 40-22.1 of the North Dakota Century Code, which provides for the creation of said business improvement district and provides for the defraying of the costs of the project by means of special assessments against the district property owners.
- (2) The Fargo City Commission directs the Board of Directors of the Downtown Community Partnership, Fargo, ND to prepare a preliminary



report as to the general nature, purpose, and feasibility of the proposed improvement and an estimate of the probable cost of the work. The proposed Downtown Business Improvement District of Fargo, ND is defined by shaded area in the attached map (Attachment "A").

- (3) After receiving the preliminary report referred to in (2) above, the Fargo City Commission shall then direct the preparation of the final report to include detailed plans and specifications concerning the improvement. Once submitted, said detailed plans and specifications are then approved by a follow-on resolution of the Fargo City Commission. Said resolution is to be filed in the Office of the City Auditor and is to remain on file in that office subject to inspection by the public. The subsequent resolution approving the same is to be published once each week for two (2) consecutive weeks in The Forum.
- (4) Within (30) days of the first publication of the resolution referred to in (3) above declaring the necessity of the business improvement project, affected property owners may file written protest with the City Auditor against the final adoption of the resolution and may, if necessary, hold a hearing at a convenient time after the expiration of the time for filing protest to hear and determine the sufficiency of any protests. If the Fargo City Commission finds the protests to contain the names of the owners of one-third or more of the area of property included within the business improvement district, the protest bars proceeding further with the improvement project described in the plans and specifications. A revision of the plans and specifications to meet the concerns of the protestors could then be made to allow the project to go forward as revised.
- (5) If the protests are found to be insufficient or invalid, or if a revision of the plans and specifications meet the concerns of any such protestors, the Fargo City Commission may cause the improvement project to go forward immediately, levy and collect the necessary assessments, and contract for the improvement and acquisition of necessary property or services.
- (6) All contracts made in carrying out the intents and purposes of the business improvement district will be entered into in the name of the City of Fargo and be executed by the Mayor and countersigned by the City Auditor and shall remain on file in the Office of the City Auditor thereafter; and

WHEREAS, It is the intent of this Resolution that the Fargo City Commission hereby acknowledges its authority by virtue for the powers granted to it as contained in Chapter 40-22.1 of the North Dakota Century Code to establish such business improvement district and finance the improvements by levying special assessments under the procedures as are authorized and provided in Title 40 of the North Dakota Century Code.

NOW, THEREFORE, BE IT RESOLVED, That in accordance Chapter 40-22.1 of the North Dakota Century Code, that it is in the public interest and necessary to create pursuant to the Downtown Business Improvement District of Fargo, ND, all in accordance with detailed plans and specifications to be subsequently considered and approved by the Board of City Commissioners for the City of Fargo, North Dakota.

BE IT FURTHER RESOLVED, That the City Auditor's office is hereby instructed to publish any Resolution connected herewith, as may be required by law.

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

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

City Attorney Erik Johnson announced there is a pending litigation matter to be discussed in Executive Session. He said late this afternoon there was a second item that was brought to his attention which is a potential claim the City may want to consider against certain pipe line manufacturers who make ductile iron pipe fittings. He said it is a price fixing type of thing.

Commissioner Wimmer moved the Commissioners meet in Executive Session in the River Room as authorized by NDCC, Section 44-04-19.1 to discuss said pending litigation matter and the potential claim regarding ductile iron pipe fittings (DIPF).

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

At 5:35 p.m. the Board moved to the River Room to discuss the litigation matter in Executive Session.

Members present were: Mahoney, Wimmer, Williams, Piepkorn and Walaker.

The Executive Session closed at 6:40 o'clock p.m. and the meeting was adjourned.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, February 21, 2012.

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

The time at adjournment was 5:29 o'clock p.m.