

Coverage being provided for the Diversion Authority, Cass County and the Cass County Joint Water Resource District.

- e. Applications for tax exemptions for improvements made to buildings:
 - (1) Franklin Froysland, 1618 14 1/2 Street South (5 year).
 - (2) Bradley and Debra Hanson, 94 Meadowlark Lane (3 year).
 - (3) Chris Hoppe, 1453 7th Street North (5 year).
 - (4) Paul Finstad, 122 Prairiewood Drive (3 year).
 - (5) Eugene and Bonnie Deibert, 1337 9th Street South (5 year).
 - (6) DH Investments, 1422 17th Street South (5 year).
 - (7) Don and Kris Corcoran, 2113 7th Street North (5 year).
 - (8) Mary Aaland, 1103 Broadway North (5 year).
 - (9) Mark and Erica Usselman, 716 4th Street South (5 year).
- f. Resolution approving a Plat of Figlewicz Enterprises First Addition (Attachment "A").
- g. Sale of property at 2502 58th Avenue South for \$200,000.00.
- h. Extension of FMLA leave for Fire Captain Ellis Aakre until April 1, 2012.
- i. Agreement with Jobs HQ, Forum Communications Company for employment advertising at an annual cost of \$20,000.00.
- j. Amended Site Authorization for Red River Human Services Foundation at The Hub.
- k. Applications for Games of Chance:
 - (1) Saddle and Sirloin Club for a raffle on 3/12/12.
 - (2) MDA Motorcycle Run for a raffle on 6/9/12.
 - (3) FM Walleyes Unlimited Inc. for a raffle on 4/19/12.
 - (4) Bennett Elementary PTA for bingo on 3/9/12.
 - (5) Atonement Lutheran Church for a raffle on 3/21/12.
 - (6) Delta Upsilon for a raffle on 4/22/12.
 - (7) Kiwanis Club of Lake Agassiz for a raffle on 4/23/12.
 - (8) Clara Barton Hawthorne Elementary School for bingo and a raffle on 3/24/12.
- l. Engineering Services Contract Amendment No. 1 for an increase of \$74,903.00 for Project No. 5884.
- m. Amended NDDOT Cost Participation and Maintenance Agreement for the Red River lift bridge replacement (Project No. 5884).
- n. Engineering Services Contract Amendment No. 2 for an increase of \$28,100.00 for Project No. 5840.

- o. Engineering Services Contract with Houston Engineering, Inc. in the amount of \$11,088.00 for Project No. 5944-04.
- p. On-street bike lane recommendations from staff with exceptions to University Drive and 10th Street (moved to the Regular Agenda).
- q. Access request from the Airport Authority to use the intersection of 18th and 19th Avenues North for runway reconstruction.
- r. Engineering Services Contract Amendment with KLJ in the amount of \$120,000.00 for Project No. 6043 previously filed as Project No. 5073-08.
- s. Receive and file PWPEC's ROA and accept revisions to the City of Fargo Standard Specifications for Construction updating the General Instructions to Bidders and Contract.
- t. Bid advertisement for Project No. 6058.
- u. Bills in the amount of \$3,823,150.88.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 5823 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$132,361.92 for Improvement District No. 5823.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 5806 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$81,734.74 for Improvement District No. 5806.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6070: Protests Received and Declared Sufficient to Protest Project Out:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. 6070 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on January 16 and 23, 2012 and protests representing 51.98 percent of the

legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved the protests be received and filed and declared sufficient to protest the project out.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6062 (Block 7 Hector's Between Elm and Oak Streets from 11th to 12th Avenues West):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 6062:

Adopt Resolution Creating Improvement District No. 6062:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6062 in the City of Fargo, North Dakota, be created

From Elm to Oak Street North between 11th and 12th Avenues, in Hector's Addition.

COMPRISING:

Lots 1 through 24, Block 7.

All in Hector's 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. 6062 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. 6062:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6062 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 \$118,800.00.)

Order Plans and Specifications for Improvement District No. 6062:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6062 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6062:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6062 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. 6062 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. 6062 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 21 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. 6062:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6062 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

P.C. Concrete Alley Paving and Incidentals Improvement District No. 6068 (Block 8, Holes 1st Addition Between 1st and 2nd Streets North From 12th to 13th Avenues North):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 6068:

Adopt Resolution Creating Improvement District No. 6068:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6068 in the City of Fargo, North Dakota, be created

From 1st to 2nd Streets North between 12th and 13th Avenues, in Holes First Addition.

COMPRISING:

Lots 1 through 32, Block 8.
All in Holes First 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. 6068 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. 6068:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6068 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 \$174,240.00.)

Order Plans and Specifications for Improvement District No. 6068:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6068 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6068:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6068 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. 6068 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. 6068 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 21 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. 6068:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6068 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069 (MGB Second Addition):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069:

Adopt Resolution Creating Improvement District No. 6069:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6069 in the City of Fargo, North Dakota, be created

15th Street South between 70th Avenue South and 72nd Avenue South.

71st Avenue South between 15th Street South and 600' East of 15th Street South.

72nd Avenue South between 15th Street South & 600' East of 15th Street South.

COMPRISING:

All lots platted in the MGB 1st Addition bounded to the north by 70th Avenue South and bounded to the south by 73rd Avenue South located in the Southeast quarter of Section 12, Township 138 North, Range 49 West to include that portion to be platted as MGB Second Addition.

All of the foregoing land lying in the City of Fargo, Cass County, North Dakota, said district to include only land lying within the city limits of the City of Fargo and any land lying outside said city limits is deemed not a part of the district.

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6069 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. 6069:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6069 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 \$514,800.00.)

Order Plans and Specifications for Improvement District No. 6069:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6069 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6069:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6069 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. 6069 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. 6069 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 Pavement, Street Lights, Sidewalks and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 6069:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6069 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Asphalt Wearing Course and Incidentals Improvement District No. 6102 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Asphalt Wearing Course and Incidentals Improvement District No. 6102:

Adopt Resolution Creating Improvement District No. 6102:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6102 in the City of Fargo, North Dakota, be created

On Harrison Street South from 36th Avenue South to 38th Avenue South.

On Polk Street South from 36th Avenue South to 38th Avenue South.

On Taylor Street South from 36th Avenue South to 38th Avenue South.

On Fillmore Street South from 36th Avenue South to 38th Avenue South.

On 37th Avenue South from 42nd Street South to Harrison Street South.

On 37th Avenue South from Fillmore Street South to 148' west of Fillmore Street South.

On 38th Avenue South from Harrison Street South to Fillmore Street South.

COMPRISING:

Lots 1 through 9, Block 1.

Lots 1 through 27, Block 2.

Lots 1 through 30, Block 3.

Lots 1 through 33, Block 4.

Lots 1 through 12, Block 5.

Lots 1 through 25, Block 6.

All in Pointe West 3rd Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Asphalt Wearing Course and Incidentals Improvement District No. 6102 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. 6102:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6102 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 \$250,800.00.)

Order Plans and Specifications for Improvement District No. 6102:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6102 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6102:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6102 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. 6102 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 Asphalt Wearing Course 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 Asphalt Wearing Course and Incidentals District No. 6102 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 Asphalt Wearing Course and Incidentals be in writing and must be filed with the City Auditor's Office within 15 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. 6102:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6102 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Award for Purchase of a Wide Format Color Printer, Color Scanner and Software to Liberty Business Systems:

The Board received a communication from Chief Information Officer Ron Gronneberg stating the Engineering Department has been using a Kip engineering scanner/plotter for 7 years and two HP plotters for 12 years. The HP's are passed their end-of-life status, he said, and the Kip will be reaching its end-of-life status this year. He said to deal with the outdated equipment, the RFP process was initiated in January to find a replacement. There were five proposals from three vendors in response to the RFP, he said, and a committee of five City employees, three from Engineering and two from IS, reviewed the proposals, and rated the proposals based on the defined criteria. The highest points, he said, were awarded to Liberty Business Systems for the OCE color plotter/black and white plotter/scanner solution. He said the cost of the proposal is \$75,750.00.

In response to a question from Commissioner Piepkorn regarding the reasoning for the Committee choosing a product higher than the lowest bid, Mr. Gronneberg said the selection was based primarily on product functionality. The bids included varied levels of service contracts, he said, and the product selected includes consumables, as well as parts and labor which, along with its functionality, satisfied the needs of the Engineering Department.

Engineering Tech Shari Krabbenhoft said the Kip product the Engineering Department has used in the past has issues with quality of print, parts issues and down time issues.

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

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Action on the Request For On-Street Bike Lane Recommendations Postponed:

The Board received a Report of Action from the Public Works Projects Evaluation Committee (PWPEC) recommending the planned on-street bike lanes in 2012 move ahead, with the exception of 10th Street and University between 4th Avenue North and 12th Avenue North which should be re-evaluated next year.

Commissioner Piepkorn said he requested this item be moved from the Consent Agenda to the Regular Agenda for discussion on the bike lanes. He said adding bike lanes on busy streets like University Drive and 10th Street North is a

safety issue and a major change that should have been brought to the Board and not placed on the Consent Agenda.

Senior Traffic Engineer Jeremy Gorden said there has been emphasis on the need for more bicycle paths and lanes over the last several years and the objections surprise him. He said he suggested bike lanes in a proposal to the NDDOT during the project phase of the 10th Street North reconstruction project which is now in progress. During reconstruction, he said, traffic from 10th Street will be diverted to University Drive and after the reconstruction is done, the plan is to install permanent striping for bike lanes on University Drive from 12th Avenue to 19th Avenue and on 10th Street from 12th to 17th Avenues.

Commissioner Williams said biking is included in the City's 2030 Comprehensive Plan and it is a culture shift to share the road. This is an opportunity to revisit and review ideas for connectivity, he said.

Commissioner Mahoney said he feels it is reasonable to get the public to weigh in more and give the Commissioners time to review the City's position on bike lanes.

Commissioner Piepkorn said he has received comments from a number of people who feel passionately both for and against bike lanes on University Drive and 10th Street North. He said he is concerned that such major decisions seem to be made unilaterally and this recommendation did not include any breakdown of costs.

City Engineer Mark Bittner said staff works to keep information as pertinent as possible and changes like adding bike lanes are best made during regular construction, as was done by Davies School and on 7th Avenue North.

Mayor Walaker said he does not have a problem with the bike lanes on North University Drive and 10th Street North; however, placing them in those locations will lead to a connection to downtown. He said there are narrow roads and extremely narrow bridges around downtown and the cost of widening structures needs to be explored. There may be other opportunities to avoid bridges, he said, or there may be better, safer routes that can be utilized. He said he is in favor of taking more time to gather information and input.

Commissioner Williams moved action on the request for on-street bike lane recommendations be postponed for six weeks allowing time for additional committee meetings with Commissioners, NDSU student representatives and public input.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Parcels of Land in Osgood Estates Third Addition Rezoned (4100 52nd Street South):

At a Hearing held on December 6, 2011 the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single-Dwelling to SR-5, Single-Dwelling on all of Block 1, Osgood Estates Third Addition.

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

Commissioner Mahoney 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 Mahoney, Williams, Piepkorn and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Osgood Estates Third Addition, Fargo, Cass County, North Dakota:

Commissioner Mahoney 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 Osgood Estates Third Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Resolution Adopted Approving Osgood Estates Third Addition:

Commissioner Mahoney 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 "Osgood Estates Third Addition" containing 40 Lots, 1 Block, and 4.33 acres of land more or less, located at 4100 52nd Street South; and

WHEREAS, A Hearing was held December 6, 2011 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 13 and 20, 2012 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., February 21, 2012 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 "Osgood Estates 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 Register of Deeds of Cass County, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

2012 Community Development Action Plan for Housing and Community Development Approved:

A Hearing had been set for this day and hour on the proposed 2012 Community Development Action Plan for Housing and Community Development resources which will be used in the next fiscal year in accordance with the community's Consolidated Plan update.

The Board received a communication from Senior Planner Dan Mahli stating the Community Development Committee is recommending approval of the submitted 2012 Community Development Action Plan. He stated the proposed budget includes \$665,000 in Community Development Block Grant (CDBG) funds and \$446,000 in HOME funds to be available. Upon City Commission approval, he said, the plans will be forwarded to the US Department of Housing and Urban Development for final review and approval. He said projects in the 2012 Action Plan include the following activities:

HOUSING REHABILITATION - Owner Occupied: \$427,483 to be available for rehabilitation of existing owner occupied housing units. This includes \$125,247 in CDBG and \$302,236 in HOME funds.

SPECIAL ASSESSMENT ASSISTANCE: \$35,000 in CDBG funds to be available to assist lower income families with special assessments.

AFFORDABLE HOUSING PROJECTS:

Beyond Shelter, Inc. CHDO Projects - \$100,000 in HOME funds for construction of affordable senior housing at 4955 28th Avenue South.

DOWNTOWN PROJECTS: \$100,000 in CDBG funds for projects that address slum and blight conditions in downtown Fargo.

PUBLIC SERVICE PROJECTS:

Fargo Homeless Initiatives - \$60,000 in CDBG funds to support Fargo's emergency homeless shelter as well as a police liaison to the homeless population.

Snow Removal Assistance - \$3,000 in CDBG funds to offer emergency snow removal assistance to low income senior households and people with disabilities.

Job Training - \$10,000 in CDBG funds to provide job skills training and development for refugees and low income persons.

Homebuyer and Tenant Education - \$25,000 in CDBG funds to support general and financial education for low income new homebuyers and renters.

FACILITIES/CAPITAL:

Fargo Emergency Food Pantry - \$100,000 in CDBG funds will be used to assist in the relocation of Fargo's emergency food pantry.

Revolving Microloan Fund - \$65,000 in CDBG funds will be used to assist in the start-up or enhancement of small businesses.

Neighborhood Project - \$12,000 in CDBG funds will be used to enhance a low/moderate income neighborhood in Fargo.

ADMINISTRATION: \$130,000 in CDBG funds for project development, planning and administrative costs associated with the delivery of the CDBG program. HOME funds will provide an additional \$44,000 for administration.

Commissioner Piepkorn said he brought the Microloan Fund idea to Mr. Mahli as a way to encourage small business in Fargo after he learned about Boulder, Colorado's program. He thanked Mr. Mahli for the quick implementation of the program.

Mr. Mahli said the funds must to be used to serve households at 80% or below median income. He said either the owner of the business or the employees must be at or below the income requirement before employment. In addition to the \$65,000 included in the CDGB funds, he said, he anticipates about \$200,000 to come from partnering with the Small Business Administration (SBA), as well as technical assistance to operate the fund.

Commissioner Mahoney moved the 2012 Community Development Action Plan be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 5, 2012.

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

The time at adjournment was 5:44 o'clock p.m.