

- d. Applications for tax exemptions for improvements made to buildings:
 - (1) Kurtis and Barbara Hemelstrand, 63 Prairiewood Drive (3 year).
 - (2) Ronald and Cheryl Zimprich, 2806 9th Street North (5 year).
 - (3) Edward and Sharon Deibert, 3249 Elm Street North (5 Year).
 - (4) Brendan and Maggie Kelly, 706 8th Street South (5 year).
 - (5) Matthew and Janess Sveet, 362 9th Avenue South (5 year).
- e. Requests from the Cass Clay Healthy People Initiative to hang banners in the skyway from 7/5/12 to 7/16/12 and from 8/16/12 to 8/26/12 to promote Streets Alive!.
- f. Amended Site Authorization for Red River Human Services Foundation at The Hub.
- g. Applications for Games of Chance:
 - (1) Aubrey Arechigo Benefit Fund for a raffle on 5/5/12; Public Spirited Resolution.
 - (2) Lincoln Elementary PTA for a raffle on 4/13/12.
- h. Amendment to the contract for services in the amount of \$50,000.00 with BNIM for the GO2030 Fargo Comprehensive Plan update.
- i. Grant application to the Federal Transit Administration for \$1,269,200.00 and commitment to provide \$260,800.00 in local funds, if the grant is approved.
- j. Professional Service Agreement with Communication Service for the Deaf, Inc. for 2012.
- k. Health Department budget adjustment in the amount of \$4,800.00 and Purchase of Service Agreement with the University of Wisconsin Population Health Institute for a project to increase local public health utilization.
- l. Revised agreement with Fargo Catholic School Network for a School Resource Officer assigned to Shanley High School.
- m. Purchase Agreement and Release of All Claims with Brad and Kari Rasmus for permanent easement (Project No. 5958-02).
- n. Purchase Agreement with Derek A. Sunderland and Tammy J. Sunderland for temporary and permanent easements (Project No. 5949-3).
- o. Acceptance of quote from Industrial Builders, Inc. in the amount of \$15,969.00 for bird netting improvements on the 10th Street Underpass at Main Avenue with a completion date of April 1, 2012.
- p. Bid advertisement for Project No. 6105.
- q. Bills in the amount of \$4,950,673.01.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Piepkorn 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. 6092 (Lots 1-32, Block 3, Holes First Addition between 3rd and 4th Streets North from 13th to 14th Avenues North):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 6092:

Adopt Resolution Creating Improvement District No. 6092:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6092 in the City of Fargo, North Dakota, be created

From 3rd to 4th Streets North between 13th and 14th Avenues, in Holes First Addition.

COMPRISING:

Lots 1 through 32, Block 3.

All in Holes 1st 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. 6092 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. 6092:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6092 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 \$184,800.00.)

Order Plans and Specifications for Improvement District No. 6092:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6092 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6092:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6092 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. 6092 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. 6092 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. 6092:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6092 in the City of Fargo, North Dakota.

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

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

Asphalt Wearing Course and Incidentals Improvement District No. 6099 (Various Locations in North Fargo):

Commissioner Mahoney moved the following action be taken in connection with Asphalt Wearing Course and Incidentals Improvement District No. 6099:

Adopt Resolution Creating Improvement District No. 6099:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6099 in the City of Fargo, North Dakota, be created

On 3rd Avenue North from a point located 300 feet east of 43rd Street North to 45th Street North.

On 43rd Street North from 3rd Avenue North to 7th Avenue North.
On 43 1/2 Street North from 3rd Avenue North to 7th Avenue North.

COMPRISING:

Lots 6 through 15, Block 5A.
Lots 1 through 18, Block 6A.
Lots 1 through 9, Block 7A.
Lots 7 through 23, Block 8A.
All platted in E.G. Clapp 1st Addition.

Lot 1, Block 1, Lucken 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. 6099 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. 6099:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6099 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 \$251,500.00.)

Order Plans and Specifications for Improvement District No. 6099:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6099 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6099:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6099 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. 6099 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 Improvement District No. 6099 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 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. 6099:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6099 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Piepkorn and Walaker 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. 6100 (On 11th Street South from 5th Avenue to 8th Avenue South and On 7th Avenue South from 10th Street to University Drive):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6100:

Adopt Resolution Creating Improvement District No. 6100:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6100 in the City of Fargo, North Dakota, be created

On 11th Street South from 5th Avenue to 8th Avenue South.
On 7th Avenue South from 10th Street to University Drive.

COMPRISING:

Lots 1 and 2, Block 40.
Lots 6 through 11, Block 41.
Northern Pacific Kings Subdivision

Lots 1 through 12, Block A.
Lots 6 through 12, Block B.
Lots 14 through 30, Block C.

Lots 1 and 11 through 22, Block D.
Chas A. Roberts 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. 6100 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. 6100:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6100 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 \$617,500.00.)

Order Plans and Specifications for Improvement District No. 6100:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6100 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6100:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6100 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. 6100 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. 6100 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 Street Sales Tax and approximately 42% 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. 6100:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6100 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Piepkorn and Walaker 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. 6110 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6110:

Adopt Resolution Creating Improvement District No. 6110:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6110 in the City of Fargo, North Dakota, be created

On 1st Avenue South from 12th Street South to 10th Street South
 On 2nd Avenue South from University Drive South to 10th Street South
 On 12th Street South from Main Avenue to 3rd Avenue South
 On 11th Street South from Main Avenue to 2nd Avenue South

COMPRISING:

Lots 5 through 12, Block 10
 Lots 1 and 2, Block 11
 Lots 5 through 12, Block 11
 Blocks 12 and 13 Inclusive
 Lots 1 through 12, Block 14
 Lots 1 through 12, Block 15
 Lots 1 through 12, Block 26
 Lots 1 through 8, Block 27
 Block 28 Inclusive

All platted in Original Townsite of the City of Fargo, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6110 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. 6110:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6110 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 \$1,880,000.00.)

Order Plans and Specifications for Improvement District No. 6110:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6110 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6110:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6110 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. 6110 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. 6110 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 Street Sales Tax and approximately 38% 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. 6110:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6110 in the City of Fargo, North Dakota.

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

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

City Attorney's Office Directed to Prepare the Language for the Extension of the 1/2 Cent Sales Tax on the June Ballot:

Mayor Walaker said he believes that the November election is too late to bring forth the issue of the extension of the 1/2 cent sales tax and it is the Presidential election time. He said June would be a better time as he feels that it is more of a local election. Infrastructure and the City's goal of bringing flood protection to 42 1/2 feet are extremely important, he said, however he does not feel that waiting for funding from the federal government is the answer.

City Administrator Pat Zavoral said every time the City has put a sales tax before the public the City has not defined the projects specifically that it will be used for, rather it has tried to be as generic as possible with the language to allow for infrastructure and flood protection. He said the last 1/2 cent sales tax was for flood protection, which was initiated prior to the diversion being adopted as a solution, therefore, going forward with the extension the question again is whether it should be used for infrastructure or for flood protection. He said he would be a little cautious defining what projects it should be used for and would recommend being as open as possible with the language used. Mr. Zavoral said for purposes of funding for the diversion there will be a need for not only the extension of this 1/2 cent sales tax, but also the extension of the 1/2 cent sales tax that expires in 2028.

City Engineer Mark Bittner said he would like to emphasize that the tax that is expiring is the 1/2 cent sales tax that was originally designated for infrastructure. He said there is a need for both infrastructure and flood protection and what is being suggested is that if the City does not extend the sales tax that is going to expire then the City will have to stifle some of the other projects which he does not feel would be appropriate.

Commissioner Piepkorn said the one thing he thought the money was going to be used for is flood protection and to help pay for the diversion, however, the City still does not know how much money all of the partners are going to be in for. He said his main concern is that the City has fully funded their share of the diversion; however, none of the other entities have contributed into the pot. He said he does not feel that this is a necessary tax at this time.

Commissioner Wimmer said he would hate to see the funding stream slow down and feels that waiting to extend the tax would be hard to do.

Commissioner Williams said he was involved in sales tax discussions before he was elected and thirty days is not an adequate amount of time. He said when

discussion started for determining the development of the 1% infrastructure sales tax in 2006 the discussions started a year before it was presented to the voters. He said he thinks there may be a need for another 1/2 cent sales tax, however, there has not been enough work done to identify the needs. He said with a well prepared plan he is confident that the City could make their case to the voters; however, he does not feel that there would be enough answers in thirty days.

Commissioner Wimmer moved the City Attorney's Office be directed to prepare the language for extension of the 1/2 cent sales tax to be placed on the June ballot and that appropriate staff be directed to schedule an informational meeting of the City Commission in the next two weeks.

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

Commissioner Piepkorn voted nay.

The motion was declared carried.

Hearing on the Application Filed by International Market Plaza for a Property Tax Exemption Continued to April 16, 2012:

This was the time and date set for a Hearing on the application filed by International Market Plaza for a property tax exemption; however, the City Assessor has requested that the Hearing be continued to April 16, 2012.

Commissioner Wimmer moved the Hearing be continued to 5:15 o'clock p.m. on Monday, April 16, 2012.

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

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

Parcels of Land in J D Dahle Second Subdivision Rezoned (2001 and 2021 Dakota Drive North):

At a Hearing held on February 7, 2012 the Fargo Planning Commission recommended approval of a change in zoning from SR-4, Single-Dwelling and LI, Limited Industrial to UMU, University Mixed Use on Lots 1-3, Block 1, J D Dahle Second Subdivision.

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 Wimmer 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 Wimmer, Piepkorn, Williams, Mahoney and Walaker 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 J D Dahle Second Subdivision, Fargo, Cass County, North Dakota:

Commissioner Wimmer 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 J D Dahle Second Subdivision, Fargo, Cass County, North Dakota be placed on first reading.

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.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 19, 2012.

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

The time at adjournment was 5:59 o'clock p.m.