

- f. Police Department budget adjustment and contract with the North Dakota Department of Emergency Services for grant funding in the amount of \$16,516.80 for reprogramming communication channels for police radios (CFDA #97.067).
- g. Health Department budget adjustment in the amount of \$18,000.00 and contract with the North Dakota Department of Health Relating to Family Planning Services (FP 93.217; MCH 93.994).
- h. Agreement with the North Dakota Department of Health for the Women's Way Program (CFDA #93.919).
- i. Agreement with Union State Bank for transit advertising on buses for 2012 and an option for 2013.
- j. Application filed by Kristopher and Nicole Bakkegard for a five-year tax exemption for improvements made to a building at 1604 8th Street South.
- k. Resolution Approving a Plat of Comstock First Addition (Attachment "A").
- l. Fourth Amendment to the Harwood Sewer Agreement.
- m. Applications for Games of Chance:
 - (1) Fargo Babe Ruth League, Inc. for a calendar raffle from 5/1/12 to 6/30/12.
 - (2) Fargo Babe Ruth League, Inc. for a raffle on 5/5/12.
 - (3) North Dakota Autism Center, Inc. for a raffle on 4/27/12.
 - (4) El Zagal Arab Patrol for a raffle on 5/17/12.
 - (5) NDSU Residence Hall Assoc. for bingo and a raffle on 4/19/12.
 - (6) Roger Maris Celebrity Golf Tournament for a raffle on 6/25/12.
- n. Contract with Cougar Tree Care, Inc. to provide 2012 residential brush chipping program assistance to the Forestry Department.
- o. Contract with Lawn Maintenance Services for 2012 and 2013 mowing seasons at various locations where property has been acquired through flood buyouts.
- p. Increase in the Cass Rural Water Users District wholesale water rate.
- q. Purchase of the ICP-OES laboratory instrument for the Water Treatment Plant from Thermo Electron for \$73,705.40.
- r. Change Order No. 2 for a time extension to Grant's Mechanical, Inc. for the mechanical contract for Project No. 5725.
- s. Change Order No. 4 for a time extension to Rice Lake Construction Group for the general contract for Project No. 5725.

- t. Change Order No. 1 for an increase of \$7,500.00 for Project No. 5982.
- u. Engineering Services Contract Amendment No. 3 in the amount of \$17,300.00 for Project No. 5946.
- v. Bid awards for Project Nos. 6058 to PKG Contracting, Inc. in the amount of \$1,584,000.00; 6135 to Roadway Services, Inc. in the amount of \$48,009.00; SW 12-01 to Terra Engineering and Construction Corporation in the amount of \$283,630.10; and SW 12-02 to Northern Improvement Company in the amount of \$686,750.00.
- w. Change Order No. 2 for an increase of \$3,916.00 for Project No. 5951-02.
- x. Encroachment Agreement with Ferguson Enterprises for a sign.
- y. Bills in the amount of \$5,002,545.27.

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. 6071: 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. 6071 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on February 13 and 20, 2012 and protests representing 53 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 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. 6072: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on February 13 and 20, 2012 and protests representing 4.8 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 insufficient.

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.

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 14, 2012 and the bids were found to be as follows:

Adelman Concrete and Excavating Bid:	West Fargo, ND \$80,841.45
Heston Contracting, Inc. Bid:	Frazee, MN \$90,244.29
Key Contracting Bid:	Fargo, ND \$91,055.00
H & S Contracting, Inc. Bid:	Moorhead, MN \$92,056.85
Paras Contracting, Inc. Bid:	Fargo, ND \$92,067.45
Opp Construction Company Bid:	Fargo, ND \$105,409.10
Dakota Underground Company Bid:	Fargo, ND \$114,551.00

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 Awarded to Adelman Concrete and Excavating in the Amount of \$80,841.45:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 14, 2012 for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 shows the bid of Adelman Concrete and Excavating of West Fargo, North Dakota, in the sum of \$80,841.45 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Adelman Concrete and Excavating in the sum of \$80,841.45 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 6072 in the City of Fargo, North Dakota, be and the same is hereby awarded to Adelman Concrete and Excavating for the sum of \$80,841.45, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 13 and 20, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061.

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.

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 14, 2012 and the bids were found to be as follows:

Northern Improvement Company
Bid:

Fargo, ND
\$631,781.69

Border States Paving, Inc.
Bid:

Fargo, ND
\$651,833.62

Central Specialties, Inc.
Bid:

Alexandria, MN
\$690,828.58

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 Awarded to Northern Improvement Company in the Amount of \$631,781.69:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 14, 2012 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 6061 shows the bid of Northern Improvement Company of Fargo, North Dakota, in the sum of \$631,781.69 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Northern Improvement Company in the sum of \$631,781.69 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for 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 awarded to Northern Improvement Company for the sum of \$631,781.69, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 13 and 20, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094.

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.

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 14, 2012 and the bids were found to be as follows:

Border States Paving, Inc. Bid:	Fargo, ND \$461,542.31
Northern Improvement Company Bid:	Fargo, ND \$464,345.48
Central Specialties, Inc. Bid:	Alexandria, MN \$480,806.07

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094 Awarded to Border States Paving, Inc. in the Amount of \$461,542.31:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 14, 2012 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094 shows the bid of Border States Paving, Inc. of Fargo, North Dakota, in the sum of \$461,542.31 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Border States Paving, Inc. in the sum of \$461,542.31 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 6094 in the City of Fargo, North Dakota, be and the same is hereby awarded to Border States Paving, Inc. for the sum of \$461,542.31, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Seal Coat and Incidentals Improvement District No. 6103:

The Statutory Resolution of Necessity for the construction of Seal Coat and Incidentals Improvement District No. 6103 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 13 and 20, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Seal Coat and Incidentals Improvement District No. 6103.

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.

Bids Received for Seal Coat and Incidentals Improvement District No. 6103:

The bids for Seal Coat and Incidentals Improvement District No. 6103 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 14, 2012 and the bids were found to be as follows:

Pearson Brothers, Inc.	Hanover, MN
Bid:	\$802,847.39

Asphalt Surface Technologies Corporation	St. Cloud, MN
Bid:	\$834,755.80

Contract for Seal Coat and Incidentals Improvement District No. 6103 Awarded to Pearson Brothers, Inc. in the Amount of \$802,847.39:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Seal Coat and Incidentals Improvement District No. 6103; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 14, 2012 for Seal Coat and Incidentals Improvement District No. 6103 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Seal Coat and Incidentals Improvement District No. 6103 shows the bid of Pearson Brothers, Inc. of Hanover, Minnesota, in the sum of \$802,847.39 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Pearson Brothers, Inc. in the sum of \$802,847.39 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Seal Coat and Incidentals Improvement District No. 6103 in the City of Fargo, North Dakota, be and the same is hereby awarded to Pearson Brothers, Inc. for the sum of \$802,847.39, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on January 30 and February 6, 2012 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106.

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.

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 14, 2012 and the bids were found to be as follows:

Tom's Backhoe Service, Inc. Bid:	Brainerd, MN \$1,672,957.70
Shermans LLC Bid:	West Fargo, ND \$1,860,439.14
George E. Haggart, Inc. Bid:	Fargo, ND \$1,898,564.20
Dakota Underground Company Bid:	Fargo, ND \$1,934,348.70
Border States Paving, Inc. Bid:	Fargo, ND \$1,946,344.44

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106 Awarded to Tom's Backhoe Service, Inc. in the Amount of \$1,672,957.70:

Commissioner Mahoney offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 14, 2012 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106 shows the bid of Tom's Backhoe Service, Inc. of Brainerd, Minnesota, in the sum of \$1,672,957.70 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Tom's Backhoe Service, Inc. in the sum of \$1,672,957.70 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6106 in the City of Fargo, North Dakota, be and the same is hereby awarded to Tom's Backhoe Service, Inc. for the sum of \$1,672,957.70, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

Final Balancing Change Order No. 4 for Improvement District No. 5966-01 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 4 for an increase of \$39,302.62 for Improvement District No. 5966-01.

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.

Final Balancing Change Order No. 1 for Improvement District No. 5985 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$4,493.09 for Improvement District No. 5985.

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.

Mill and Overlay and Incidentals Improvement District No. 6098 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Mill and Overlay and Incidentals Improvement District No. 6098:

Adopt Resolution Creating Improvement District No. 6098:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6098 in the City of Fargo, North Dakota, be created

On Page Drive South from 13th Avenue South to West Gateway Circle South.
On Gateway Drive South from 13th Avenue South to West Gateway Circle South.

On West Gateway Circle South from Gateway Drive South to 17th Avenue South.

On East Gateway Circle South from Gateway Drive South to 17th Avenue South.

On Villa Drive South from Gateway Drive South to East Gateway Circle South.

On Eastgate Drive South from East Gateway Circle South to East Gateway Circle South.

On Southgate Drive South from East Gateway Circle South to West Gateway Circle South.

On Westgate Drive South from West Gateway Circle South to 32nd Street South.

On Southgate Drive South from West Gateway Circle South to West Gateway Circle South.

On Sungate Drive South from East Gateway Circle South to Southgate Drive South.

On 17th Avenue South from East Gateway Circle South to 300' east of 32nd Street South.

On East Gateway Circle South from 17th Avenue South to Southgate Drive South.

COMPRISING:

Lots 1 through 4, inclusive, Block 1.

Lots 1 through 4, inclusive, Block 2.

Lot 7, Block 2.

All in Replat of Block 1 Westgate Village.

Lots 1 through 13, inclusive, Block A.

Lots 1 and 2, Block B.

All in Replat of Blocks 2 and 7 Westgate Village.

Lots 2 through 10, inclusive, Block 1A.

Lots 1 through 4, inclusive, Block 2A.

All in Replat of Block 3 of Westgate Village.

Lots 1 through 26, inclusive, Block 4.

Lots 1 through 21, inclusive, Block 5.

Lots 1 through 20, inclusive, Block 6.

Lots 1 through 17, inclusive, Block 8.

Lots 1 through 11, inclusive, Block 9.

Lots 1 through 26, inclusive, Block 10.

Lots 1 through 25, inclusive, Block 11.
Lots 1 through 17, inclusive, Block 12.
All in Westgate Village.

Lots 1 through 12, inclusive, Block 1.
Lots 1 through 8, inclusive, Block 2.
All in Westgate Park Addition.

Lots 1 through 13, inclusive, Block 1.
Lots A and B, Block 1.
Lots 1 through 22, Block 2.
Lot B, Block 2.
All in Cobblestone Court.

Lots 1 through 15, inclusive, Block 1.
Lots 4 through 29, inclusive, Block 2.
Lot 1, Block 3.
Lots 1 through 28, inclusive, Block 4.
Lots 1 through 14, inclusive, Block 6.
Lots 1 through 10, inclusive, Block 7.
Lot 1, Block 8.
Lots 18 through 34, inclusive, Block 14.
Lots 1 through 27, inclusive, Block 15.
Lot 1, Block 16.
Lots 1 through 12, inclusive, Block 17.
Lot 1, Block 18.
Lots A, B, C, D, E and F.
All in Prairiewood Addition.

Lots 1 through 12, inclusive, Block 19.
All in Replat of Lot 1 Block 5 of Prairiewood Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Mill and Overlay and Incidentals Improvement District No. 6098 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. 6098:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6098 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 \$1,050,000.00.)

Order Plans and Specifications for Improvement District No. 6098:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6098 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6098:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6098 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. 6098 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 Mill and Overlay 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 Mill and Overlay and Incidentals Improvement District No. 6098 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 Mill and Overlay 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. 6098:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6098 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.

Second Reading and Final Adoption of an Ordinance Rezoning Certain Parcels of Land Lying in J D Dahle Second Subdivision, Fargo, Cass County, North Dakota:

Senior Planner Jim Hinderaker said the item was placed on the Regular Agenda rather than the Consent Agenda to allow the adjacent property owner an opportunity to speak about concerns with the easement crossing their property. Since that time, he said, sufficient right-of-way has been established for the proposed pedestrian trail and the property owner no longer has concerns.

Commissioner Wimmer moved that the proposed Ordinance Rezoning Certain Parcels of Land Lying in J D Dahle Second Subdivision, Fargo, Cass County, North Dakota, which was placed on its first reading March 5, 2012 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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.

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

On the vote being taken on the question of the final passage and adoption of the Ordinance, Commissioners Wimmer, Piepkorn, Williams, Mahoney and Walaker voted aye.

No Commissioner being absent and none voting nay, the Ordinance was duly passed and adopted.

Resolution Adopted Supporting the Red River Natural Resource Framework Plan:

Red River Basin Commission Executive Director Lance Yohe provided a synopsis of the Red River Natural Resources Framework Plan. He said the plan was developed as a tool that contributes to developing a unified voice for the basin in regard to land and water issues. The Red River Basin Commission Board consists of 41 members, each representing the principal federal and state/provincial governments, he said, as well as Tribes, First Nations, local elected officials (towns, cities, counties, rural municipalities), and subdivisions of governments representing soil and water management districts or agencies. He said the goal is to get everyone on all three levels of government working together and he is asking for support in the form of a resolution from local governments to help achieve basin wide goals. He said so far he has collected close to 200 Resolutions of Support from around the basin.

In answer to a question from Commissioner Mahoney regarding how the Red River Basin Commission manages conflicted topics like drainage and flooding, Mr. Yohe said it is a difficult challenge. He said the recommendation to the water boards has been to look at drainage, and efforts like having gates on drain tile would help in handling the timing of water movement. Drought implications are being looked at, he said, as well as flooding, water quality and drainage.

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The land and water resources within the Red River Basin are crucial to the health of the economy, the resilience and prosperity of communities, the health of fish and wildlife, and the well being, health and enjoyment of everyone who lives, works, and visits the basin. The complex geopolitical nature of the Red River

Basin presents challenges to effective integrated land and water management. To overcome these challenges, we need to work together across boundaries in a spirit of cooperation and friendship to achieve common goals for land and water management. The Red River Basin Resolution is a good-faith agreement among basin residents and organizations and is not a legally binding document nor does it interfere with any existing laws, agreements, treaties, or policies; and

WHEREAS, We recognize that our actions today impact the legacy we leave the next generation; and

WHEREAS, We realize that working together allows us to develop and implement creative solutions to problems that work toward the betterment of the whole basin; and

WHEREAS, The Red River Basin Commission (RRBC) is a unique organization that facilitates a cooperative approach within the basin as a well established forum for identifying, developing and implementing solutions to cross boundary issues; and

WHEREAS, The RRBC has developed the Red River Basin Natural Resource Framework Plan (RRB-NRFP) through in-depth basin-wide consultation as a guideline to help unite the basin in achieving a collaborative and cooperative approach to land and water management within the basin.

NOW THEREFORE, BE IT RESOLVED, That the Board of City Commissioners of the City of Fargo hereby declares support for the RRB-NRFP in principle as a guideline for moving forward with a shared vision for the future.

BE IT FURTHER RESOLVED, That the Board of City Commissioners will do our part by implementing projects, programs and actions in our area as we are able that will contribute to this shared vision.

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

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

Renaissance Zone Project for 23 Broadway LLP Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for 23 Broadway LLP at 23 Broadway.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by 23 Broadway LLP meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. He said the applicant is proposing to convert the upper three levels of the building at the corner of Broadway and NP Avenue from office to residential rental. The project does not include parking, he said, but is less than a block from the Ground Transportation Center. Mr. Stein recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by 23 Broadway LLP for a project located at 23 Broadway be approved and the income tax

and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project for Keith and Rondi McGovern Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Keith and Rondi McGovern at 1002 1st Avenue South.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by Keith and Rondi McGovern meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. He said it is a unique project, converting 29,000 square feet of former laundry space to a single family residence with an attached garage. Mr. Stein recommended that the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by Keith and Rondi McGovern for a project located at 1002 1st Avenue South be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Parcels of Land in CBC Addition Rezoned (3535 25th Street South):

At a Hearing held on January 3, 2012 the Fargo Planning Commission recommended approval of a change in zoning from MR-3 Multi-Dwelling to LC Limited Commercial on Lot 2, Block 1, CBC 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 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 and the Planning Commission be accepted and the rezoning be approved with the Conditional Overlay requirements listed in the Ordinance on the basis that it satisfactorily complies with the Comprehensive Plans, 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 CBC Addition, 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 CBC Addition, 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.

Resolution Adopted Approving CBC Addition (3535 25th Street South):

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, A Plat has been filed in the office of the City Auditor entitled "CBC Addition" containing 2 Lots, 1 Block, and 7.02 acres of land more or less, located at 3535 25th Street South; and

WHEREAS, A Hearing was held January 3, 2012 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 March 5 and 12, 2012 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., March 19, 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 "CBC 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 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.

Ordinance Amending Sections 20-0501, 0502, 0503 and 0610 and Enacting Section 20-0508 of Articles 20-05 and 20-06 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Regarding Dimensional Standards and Subdivision Design and Improvements (River Setback Provisions) Received and Filed:

The Board received a communication from City Attorney Erik Johnson outlining the draft ordinance which incorporates river setback revisions into the Land Development Code. Mr. Johnson said the Ordinance has been discussed at numerous meetings and numerous comments have been received. He said the Ordinance is modeled after the Cass County Watercourse Setback Ordinance and the intention is for the Ordinance to be placed before the Planning Commission at its April 3rd meeting then returned to the Board of City Commissioners for a public hearing.

Homebuilders Association of Fargo-Moorhead Director of Public Affairs Rocky Schneider stated the Association agrees with the majority of the provisions in the Ordinance; however, there are concerns with technical issues involving existing homes and insurance rules using percentages of loss for rebuilding. Also, he said, access to mortgages on uninsurable houses and ability to sell homes could be affected. He said he is visiting with Mr. Johnson about applying grandfathered status as a solution.

Mr. Johnson said the way the Ordinance is currently drafted, as long as a structure is 100 feet from the floodway and more than 50% destroyed, rebuilding would be at the discretion of the City Commission. He said that could still impact prospective buyers or lenders.

Commissioner Williams moved the Ordinance Amending Sections 20-0501, 0502, 0503 and 0610 and Enacting Section 20-0508 of Articles 20-05 and 20-06 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Regarding Dimensional Standards and Subdivision Design and Improvements (River Setback Provisions) be received and filed.

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

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

Resolution Adopted for an Amendment to the Home Rule Charter to Create Sales, Gross Receipts and Use Tax for Public Infrastructure Including Flood Protection:

City Attorney Erik Johnson said at the last City Commission meeting he was directed to prepare the language for an extension of the 1/2 cent sales tax to be placed on the June ballot. He said the draft Resolution he prepared establishes a 1/2 cent City sales tax with the authorized funds to be used for infrastructure capital improvements, including flood protection, as determined by the City Commission and calls for collection of the sales tax for a 20 year period commencing January 1, 2013. In order for the Sales Tax Resolution to be properly placed on the ballot for a City-wide vote on June 12, 2012, he said, it must be published at least 60 days before that vote. He said if the Resolution were handled at a regular meeting of the City Commission, it would need to be approved at the April 2 meeting so that it could be published in a timely manner in the newspaper.

Director of Finance Kent Costin gave an overview of past sales tax authorizations. He said the one percent authorization that runs for 20 years funding a

utility master plan is a very detailed 20 year plan that has been successful in funding water and wastewater projects. He said the Engineering Department staff laid out a similar long term capital improvement plan at the recent informational meeting for infrastructure and streets. He said the potential loss of the existing 1/2 cent sales tax could mean a large hole in the funding equation for infrastructure projects, particularly for streets, and could result in the need to prioritize project decisions with the available funding.

Senior Engineer April Walker stated the deficit for projects is about \$349 million for the 20 year period. She said about \$230 million is needed for internal flood control to raise protection to 42.5 feet and does not come from diversion costs. She said there is not a financing plan in place for the five year flood control plan.

Mayor Walaker said there are water mains, storm sewers and streets that have not been looked at in years, as well as the glaring need for the City to continue to get protection above the 100-year flood level. He said \$19-20 million will leave the community each year for flood insurance if the protection level is not attained.

Commissioner Piepkorn said there is a whole list of issues to be looked at, such as funding for firefighter and police positions coming off grants plus a need for rebuilding the old portion of City Hall. He said he has a problem with the sales tax extension being pushed through so quickly. He stated there is \$11 million collected each year from the flood control sales tax to protect to the 42.5 feet level. He said even though it may take six or seven years instead of four or five years to achieve that goal, there is not money for everything.

Commissioner Williams said time should be taken to analyze the process through GO2030 community planning. He said it is important to protect what the City has and to prioritize and analyze to get the best return for the investment. He said land where infrastructure already exists should be utilized rather than subsidizing premature expansion where protection is needed and he does not support buying out homes near the river where the homeowner refuses to allow dikes simply because it destroys the view.

City Engineer Mark Bittner said there is a deficit in the flood sales tax due to the need to react to three years of spring flooding. He said finishing the work started in neighborhoods in the 2009, 2010 and 2011 floods is a priority. Also, he said, several miles each year have been replaced since the street replacement program began in the 1990's, yet 50 miles remain. He stated streets are extremely expensive to repair, particularly the main corridors, and without funding, it may become necessary to increase special assessments or cut programs and he does not believe that is what the citizens want.

At 6:15 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Mayor Walaker commented that no one can foresee what will happen with diversion funding from Congress and without that funding he does not feel the diversion can happen. Investment in our infrastructure needs to continue, he said, and as much property as possible needs to be removed from flood insurance requirements. He said there is no benefit to delay the sales tax vote until November and if Measure No. 2, the proposal eliminating North Dakota property taxes, is passed

in the June election, meetings will happen very soon afterwards to find funding sources.

Commissioner Williams said the Board must be good stewards of the taxpayer's money. He said the extension would not go into effect until 2013 and he does not see rushing.

Commissioner Wimmer said there is a lot of consensus and the Board will have input in how the funds are spent if the sales tax is extended by the citizens. He said positive things are happening with the progress of the diversion.

Commissioner Piepkorn said he supports the voters making the decision; however, he does not support moving the issue so quickly to the June election and feels it will not pass. He predicted there will be a need for at least another 1/2 cent sales tax when the diversion happens.

Commissioner Mahoney said the City has been raised to a level where citizens expect good infrastructure and services. He said he agrees with the Mayor that the issue should be put on the ballot in June and let the voters decide.

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, The City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, which has adopted a Home Rule Charter, pursuant to the authority of N.D.C.C. Chapter 40-05.1; and

WHEREAS, Pursuant to the authority of N.D.C.C. §40-05.1-07, the Board of City Commissioners wish to propose an amendment to the Home Rule Charter of the city which would implement a sales, gross receipts and use tax to generate proceeds to be used for improvements of the city's infrastructure, including flood protection;

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, as follows:

That Article 3 of the Home Rule Charter of the City of Fargo be amended to add paragraph U to read as follows:

- U. To impose a retail sales, gross receipts and use tax subject to the following limitations:
 1. Sales, gross receipts and uses taxed shall be limited to those which are taxed by the State of North Dakota pursuant to Chapters 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2 of the North Dakota Century Code.
 2. The amount of tax shall not exceed one-half of one percent (1/2%) of the gross receipts and purchases which are taxed by the State of North Dakota pursuant to Chapters 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2 of the North Dakota Century Code, nor shall the tax exceed twelve and 50/100 dollars (\$12.50) on any single purchase, subject to Section 57-01-02.1 of the North Dakota Century Code; and subject to collection as in Section 57-39.2-08.2 of the North Dakota Century Code. The retail sales, gross receipts

and use tax imposed shall be computed and collected in the same manner provided by law for the collection of the state sales, gross receipts and use tax.

3. A sales, gross receipts and use tax which is imposed pursuant to the authority granted herein shall extend for a period of twenty years from and after January 1, 2013, and end on December 31, 2032.
4. The proceeds of a sales, gross receipts and use tax, which is imposed pursuant to the authority granted herein, shall be utilized for such infrastructure capital improvements as the governing body of the city may select. Infrastructure capital improvements shall mean expenditures for streets and traffic management; water supply and treatment needs including construction or expansion of water treatment facilities; water distribution system needs; sewerage treatment and collection system needs, including construction or expansion of sewage treatment facilities, and flood protection or flood risk mitigation projects, and related improvements and activities. Flood risk protection or flood risk mitigation projects, and related improvements and activities, shall mean expenditures to reduce or mitigate the risk to the city from flood events, to provide protection from such flood events, including without limitation the providing for retention of water. Such expenditures may be used to acquire property; enter into agreements; make, install, construct or build improvements and engage in projects and activities as are necessary and appropriate for such purposes. Interest earnings on such proceeds may be utilized for other such capital improvements. Proceeds from such tax may be used to make direct payment for such infrastructure improvements or may be pledged to amortize bonds or other debt instruments which may be sold to finance such costs.
5. Revenues raised and collected pursuant to authority granted herein, less administrative expenses, and interest earnings on such revenues, shall be deposited in a separate infrastructure fund to be established, and shall be utilized as directed by the governing body of the city for the purposes set forth herein.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for

the City of Fargo (1) within thirty (30) days of the approval hereof or (2) prior to sixty (60) days prior to the next city election, whichever is earlier.

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

Commissioners Williams and Piepkorn voted nay.

The Resolution was adopted.

Ken Pawluk Reappointed to the Airport Authority:

The Board received a communication from Mayor Walaker recommending that Ken Pawluk be reappointed to the Airport Authority.

Commissioner Piepkorn moved Ken Pawluk be reappointed to the Airport Authority for a five-year term ending April 8, 2017.

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

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

John Paulsen and Troy Goergen Reappointed to the Fargo Dome Authority:

The Board received a communication from Mayor Walaker recommending that John Paulsen and Troy Goergen be reappointed to the Fargo Dome Authority.

Commissioner Piepkorn moved John Paulsen and Troy Goergen be reappointed to the Fargo Dome Authority for four-year terms ending April 1, 2016.

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

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

Board of Equalization to Meet at 7:30 a.m. on Tuesday, April 10, 2012:

Commissioner Mahoney moved the Board of Equalization meet at 7:30 o'clock a.m. on Tuesday, April 10, 2012.

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

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

First Reading of an Ordinance Amending Section 6-0105 of Article 6-01 of Chapter 6 of the Fargo Municipal Code Relating to Police Pensions:

Commissioner Mahoney said he requested the item be moved from the Consent Agenda to the Regular Agenda as an opportunity to inform the public that employees of the Police Department are required to contribute 8.0% of their total salary annually toward the Police Pension Fund.

Commissioner Mahoney moved first reading of an Ordinance Amending Section 6-0105 of Article 6-01 of Chapter 6 of the Fargo Municipal Code Relating to Police Pensions.

Second by Piepkorn. On call of the roll Commissioners Mahoney, Piepkorn, Williams, Wimmer 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, April 2, 2012.

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

The time at adjournment was 6:35 o'clock p.m.