

FARGO CITY COMMISSION AGENDA  
Monday, March 24, 2008 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO (Channel 99). They are rebroadcast at 7 p.m. each Thursday and again at 8:00 a.m. each Saturday following the meeting and are also included in our video archive at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, March 10, 2008).

\* \* \* Consent Agenda - Approve the Following \* \* \*

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 3/10/08:
  - (1) Relating to Pensions for City Employees Other Than Those in the Police and Fire Pension Systems.
  - (2) Rezoning Certain Parcels of Land Lying in Autumn Fields Addition.
  - (3) Rezoning Certain Parcels of Land Lying in Woodruff's Addition and Rupert's Subdivision - Historic Overlay District.
- b. Receive and file Ordinance Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages (relating to extended stay hotels or motels).
- c. Receive and file Ordinance Relating to Licensing of Re-Roofing Contractors.
- d. Resolution Authorizing Call and Redemption of Lodging Tax Revenue Bonds of 1992.
- e. Resolution Authorizing Call and Redemption of the Refunding Improvement Bond of 1998, Series B.
- f. Precinct inspectors for the June 10, 2008 election.
- g. PEC recommendations.
- h. Memorandum of Understanding with Fargo Catholic Schools Network relative to School Resource Officers.
- i. Employment contract with Greg Anderson as Project Coordinator for the Red River Regional Dispatch Center's CAD/RMS System.
- j. Development and Assessment Agreement with Urban Plains.
- k. Applications for property tax exemptions for improvements made to buildings:
  - (1) Inreit Properties LLLP, 4310 17th Avenue South (3 year).
  - (2) Janis Kirsch, 801 11th Avenue North (5 year).
  - (3) Michael and Tammy Binder, 1527 3rd Avenue South (5 year).
- l. Site Authorization for Delta Waterfowl at the Best Western Doublewood Inn on 4/17/08.

## Applications for Games of Chance:

- (1) Fargo-Moorhead Cosmopolitan Club for raffles from 8/1/08 to 6/30/09.
  - (2) Fargo-Moorhead Cosmopolitan Club for sports pools from 7/1/08 to 12/21/08.
  - (3) El Zagal Arab Patrol for a raffle on 5/15/08.
  - (4) American Indian Science and Engineering Society for a raffle on 4/24/08.
- n. Contracts and bonds for general, electrical and mechanical construction on the Police Department remodeling project.
  - o. Agreement with Fred Martin Hector, Jr. for entry and construction for property located along 52nd Avenue South.
  - p. National Fish and Wildlife Foundation Grant Agreement for Project No. 5153-3.
  - q. NDDOT Cost Participation and Maintenance Agreement for Project No. 5691.
  - r. Corps of Engineers Project Partnership Agreement for Improvement District No. 5229.
  - s. Utility Permit Application with SE Cass Water Resource District for Improvement District No. 5314.
  - t. Bid award for Project No. 5809.
  - u. Bid advertisement for Project No. 5812-01.
  - v. Contracts and bonds for Project Nos. 5771 and 5786.
  - w. Bills.
  - x. Final balancing change orders for Project No. 5676 and Improvement District Nos. 5243-1, 5671-2 and 5742.
  - y. Bid award for Improvement District No. 5792.
  - z. Create Improvement District Nos. 5384, 5770, 5780 and 5793.
  - aa. Contract and bond for Improvement District No. 5583.

## \* \* \* Regular Agenda \* \* \*

1. Recommendation from the City Auditor to accept the validity and sufficiency of petitions to prohibit smoking in indoor workplaces including all bars and truck stops and place the item on the June 10, 2008 ballot.
2. Recommendations from the City Auditor relative to wording for various questions to be placed on the June 10, 2008 ballot:
  - a. Referred Ordinance prohibiting smoking in all public indoor workplaces except for in all-enclosed bar areas which prohibit entry of any customers under the age of 21; in designated areas of truck stops restricted for use of professional drivers and their adult companions only; and in JT Cigarro Tobacco Bar.
  - b. Initiated Ordinance prohibiting smoking in indoor workplaces including all bars and truck stops.
  - c. Proposed Home Rule amendment regarding initiated or referred Ordinances.
  - d. Question regarding publishing City Commission minutes.

3. Public Hearings - 5:15 p.m.:

- a. WITHDRAWN this was the time and date for a continued hearing on the application to transfer the Class "FA" Alcoholic Beverage License held by Grandma's, Inc. d/b/a Grandma's Saloon & Grill to FTS Fargo, Inc. d/b/a Hooters, 1649 38th Street South.
  - b. Renaissance Zone Project for Charles Homme at 505 Broadway, #309.
  - c. Renaissance Zone Project for B. Joanne Schlanser at 505 Broadway, #306.
  - d. Plat of Country Meadows Second Subdivision (8417 and 8505 25th Street South).  
(1) Approval recommended by the Planning Commission on 3/12/08.
  - e. Annexation of 153.38 acres of land in parts of the east half of Section 12, Township 138 North, Range 49 West.  
(1) Receive protests.
4. Recommendation to appoint Dr. Nicholas Dorsher to the Board of Health.
  5. Recommendation to reappoint Don Kilander to the Airport Authority.
  6. Consider utilization of electronic vs. paper copies of consent agenda items.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least three business days in advance of public meetings to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at [www.cityoffargo.com/commission](http://www.cityoffargo.com/commission)

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**MEMORANDUM**

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TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Petition to prohibit smoking in indoor workplaces including all bars and truck stops

DATE: March 14, 2008

The Auditor's Office received a petition to prohibit smoking in indoor workplaces including all bars and truck stops. The Auditor's Office examined the validity and sufficiency of the petition during the early evening hours on Thursday, March 13, 2008.

During this procedure we examined 3,690 signatures and contacted, by phone, approximately 15.19% of the required number of petitioners needed to initiate an ordinance. Our phone conversations verified that the signer indeed signed the petition and verified their address and that they are qualified to vote in the City of Fargo.

The Auditor's Office is of the opinion that the petitions are valid and sufficient and the requisite numbers of signatures were gathered (2,850).

**Recommended Motion:**

**Accept the validity and sufficiency of the petition to prohibit smoking in indoor workplaces including all bars and truck stops and place the item on the June 10, 2008 ballot.**

**MEMORANDUM**

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TO: BOARD OF CITY COMMISSIONERS

FROM: STEVEN SPRAGUE, CITY AUDITOR

SUBJECT: BALLOT WORDING FOR REFERRED ORDINANCE PROHIBITING SMOKING IN ALL PUBLIC INDOOR WORKPLACES EXCEPT FOR AN ALL ENCLOSED BAR AREAS WHICH PROHIBIT ENTRY OF ANY CUSTOMERS UNDER THE AGE OF 21; IN DESIGNATED AREAS OF TRUCK STOPS RESTRICTED FOR USE OF PROFESSIONAL DRIVERS AND THEIR ADULT COMPANIONS ONLY; AND IN JT CIGARRO.

DATE: MARCH 14, 2008

Attached is the suggested ballot wording for the referred ordinance prohibiting smoking in all public indoor workplaces except for an all enclosed bar areas which prohibit entry of any customers under the age of 21; in designated areas of truck stops restricted for use of professional drivers and their adult companions only; and in JT Cigarro Tobacco Bar for the upcoming City of Fargo election to be held June 10, 2008.

The ballot wording was reviewed by the City Attorney.

If you have any questions, please contact me.

**Recommended Motion:**

**Approve the ballot wording for the referred ordinance prohibiting smoking in all public indoor workplaces except for an all enclosed bar areas which prohibit entry of any customers under the age of 21; in designated areas of truck stops restricted for use of professional drivers and their adult companions only; and in JT Cigarro Tobacco Bar for the June 10, 2008 City of Fargo Election.**





## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

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### MEMORANDUM

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TO: BOARD OF CITY COMMISSIONERS

FROM: STEVEN SPRAGUE, CITY AUDITOR

SUBJECT: BALLOT WORDING FOR INITIATED ORDINANCE PROHIBITING SMOKING IN  
INDOOR WORKPLACES INCLUDING ALL BARS AND TRUCK STOPS

DATE: MARCH 14, 2008

Attached is the suggested ballot wording for the initiated ordinance prohibiting smoking in indoor workplaces including all bars and truck stops for the upcoming City of Fargo election to be held June 10, 2008.

The ballot wording was reviewed by the City Attorney.

If you have any questions, please contact me.

**Recommended Motion:**

**Approve the ballot wording for the initiated ordinance prohibiting smoking in indoor workplaces including all bars and truck stops for the June 10, 2008 City of Fargo Election.**



**INITIATED ORDINANCE**

**RELATING TO PROHIBITING SMOKING IN INDOOR WORKPLACES  
INCLUDING ALL BARS AND TRUCK STOPS.**

The Board of City Commissioners of the City of Fargo, on March 24, 2008 received an initiated ordinance relating to prohibiting smoking in indoor workplaces including all bars and truck stops and certain places of public access rented for private functions, which ordinance is intended to repeal and reenact Article 10-11 of the Fargo Municipal Code. Under this ordinance smoking would be permitted in private areas and in places of employment that are private residences (except those of certain licensed child care operators), retail tobacco stores, designated smoking hotel or motel rooms, outdoor areas of employment (except arenas) and in situations that are part of a traditional American Indian spiritual or cultural ceremony. Said ordinance was published with a Notice of Initiated Ordinance in The Forum on the 26th day of May, 2008.

A "YES" vote means you approve the initiated ordinance as published in The Forum on the 26th day of May, 2008.

A "NO" vote means you reject the initiated ordinance as published in The Forum on the 26th day of May, 2008.

**SHALL THIS ORDINANCE BE APPROVED?**

( ) **YES**

( ) **NO**

gc

**MEMORANDUM**

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TO: BOARD OF CITY COMMISSIONERS  
FROM: STEVEN SPRAGUE, CITY AUDITOR  
SUBJECT: BALLOT WORDING HOME RULE CHARTER AMENDMENT  
DATE: March 14, 2008

Attached is the suggested ballot wording for the proposed Home Rule Charter Amendment regarding initiated or referred ordinances for the Primary Election to be held June 10, 2008 in the City of Fargo.

The ballot wording has been reviewed by the City Attorney's office.

If you have any questions, please contact me.

**Recommended Motion:**

**Approve the ballot wording for the proposed Home Rule Charter amendment regarding initiated or referred ordinances for the June 10, 2008 Primary Election in the City of Fargo.**



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**MEMORANDUM**

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TO: BOARD OF CITY COMMISSIONERS  
FROM: STEVEN SPRAGUE, CITY AUDITOR  
SUBJECT: BALLOT WORDING PUBLISHING CITY COMMISSION MINUTES  
DATE: March 14, 2008

Attached is the suggested ballot wording for the question regarding publishing City Commission minutes for the Primary Election to be held June 10, 2008 in the City of Fargo.

The ballot wording is recommended by the Attorney General's office.

If you have any questions, please contact me.

**Recommended Motion:**

**Approve the ballot wording for the question regarding publishing City Commission minutes for the June 10, 2008 Primary Election in the City of Fargo.**



**MEMORANDUM**

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TO: Board of City Commissioners  
FROM: Steven Sprague, City Auditor  
SUBJECT: Grandma's Liquor license transfer to Hooter's  
DATE: March 19, 2008

On December 28<sup>th</sup> the Auditor's office received an application for the transfer of the Grandma's liquor license to Hooter's. Shortly before the scheduled hearing at Liquor Control the City was notified by the applicant that there was a significant change in the ownership group of the company applying for the transfer.

The applicant was notified that they would have to reapply for the transfer of the license. The applicant has informed the City that they intend to reapply.

At the applicants' request, please remove the liquor license transfer request from the agenda.

**Recommended Motion:**

**At the applicants' request, please remove the liquor license transfer request from the agenda.**



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## Memorandum

**Date:** 20 March 2007  
**To:** Fargo City Commission  
**From:** Robert C. Stein  
**Re:** Renaissance Zone Project Applications

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The following Renaissance Zone projects were reviewed by the Renaissance Zone Authority and approval was recommended:

1. Charles Homme (Project 168-F) proposal for the purchase of a single-family residential unit located at 505 Broadway # 309. **The application is included as Attachment 1.** This project application met all of the state and local requirements for approval: the use is consistent with the goals and objectives of the Fargo Renaissance Zone Development Plan; the exterior was completely rehabilitated; and the investment surpassed the state and local guidelines. The Certificates of Good Standing from the State Tax Department are included.

**Recommended Action: to approve the Renaissance Zone project application of Charles Homme, and to grant the income tax credits and property tax exemptions as recommended by the Renaissance Zone Authority.**

2. B. Joanne Schlanser (Project 169-F) proposal for the purchase of a single-family residential unit located at 505 Broadway # 306. **The application is included as Attachment 2.** This project application met all of the state and local requirements for approval: the use is consistent with the goals and objectives of the Fargo Renaissance Zone Development Plan; the exterior was completely rehabilitated; and the investment surpassed the state and local guidelines. The Certificates of Good Standing from the State Tax Department are included.

**Recommended Action: to approve the Renaissance Zone project application of B. Joanne Schlanser, and to grant the income tax credits and property tax exemptions as recommended by the Renaissance Zone Authority.**

Each of the projects met the State and local requirements for designation as a Renaissance Zone project in the City of Fargo. The projects met the minimum criteria set forth in the Fargo Renaissance Zone Development Plan and were consistent with the established goals and objectives. Further, both of the projects met the primary goals of the Renaissance Zone Development Plan which include “high priority land use; targeted areas; investment guidelines; and relocation”. The projects addressed several of the Plan objectives including the following: Activity Generator, Walkable District, Ground Floor Uses, Neighborhood Center, User Needs, Safe Streets – Safe Districts, Ground Floor Uses, Downtown Entryways, The Place To Be, and several others. The projects addressed the Vision of the Plan, namely Economic Vitality and Vibrant City Center. The establishment of concentrated residential activity at this location will add to the pedestrian-friendly surroundings and overall safety of Downtown Fargo.

If you have any further questions, please contact me at 476-6688.

**CITY OF FARGO RENAISSANCE ZONE  
RESIDENTIAL PROPERTY PROJECT APPLICATION**

***Attn: This application must be approved by all local and state review entities prior to purchase.***

- 1. Street address, legal description, and Renaissance Zone Block number of proposed project. If the proposed project involves more than one parcel, please provide relevant information for each parcel.

Street Address: 505 Broadway N. #308/9 CK

Legal Description: See Attachment A

Renaissance Zone Block No.: 1

- 2. Current property owner(s).

Sterling Development Group Two, LLC

- 3. Name of applicant(s), mailing address, phone, email, and SSAN.

Name of Applicant(s) SSAN: Charles Homme

Mailing Address 505 Broadway #309 Fargo ND 58102

Phone:

Email Address:

- 4. Current use of property.

Vacant

- 5. Square footage of the lot, the building, and the dwelling unit.

Square footage of lot: 53,061 ft<sup>2</sup>

Square footage of building 65,494 ft<sup>2</sup>

Square footage of dwelling unit: 2,056 ft<sup>2</sup>

- 6. Describe the impact this project has on any historical properties.

This project is not a historic preservation and renovation project, however the design was sensitive to the historic characteristics and context of the building.

- 7. Type of project (purchase of residential property).

Purchase of residential property.

- 8. Project Description. What is the expected date of purchase and occupancy. Will this be your primary place of residence?

What is the anticipated date of purchase? 12/27/2007

Will this be your primary residence? Yes

- 9. Describe how the project enhances the stated Renaissance Zone goals and objectives, being as specific as possible (see Attachment C).

Our purchase of a residential unit in the Historic Ford Building fully supports the vision and goals identified by the Renaissance Zone Plan. Residential development in the downtown area is supported by our purchase of this space, living, working and shopping downtown.

The Remodeling of the Historic Ford Building gives a tremendous boost to the north end of Broadway and will foster further renovation. The restoration of the exterior of the building is a fulfillment of the vision and goals of the Zone.

10. Describe how the project fits under the Zone’s development guidelines (Attachment D).

This purchase is in a building that has been approved as a Zone project and is one of the high priority land uses identified in the project review guidelines – large, upscale residential units.

11. List of public and private financial commitments. If the project is funded by the Renaissance Zone Fund, describe type of funding and amounts.

Private funds and commercial loans will be used for this purchase. There will be no involvement of the Renaissance Zone Fund.

12. Estimated tax impact of Zone incentives to the applicant: List the current true and full value of the building, the current annual property tax on the building, the estimated value of the building after improvements have been completed, and the estimated five-year impact. Estimate the potential annual income tax savings.

Current true and full value of the building:	Not applicable
Value of dwelling unit:	\$584,980.29
Estimated 5-year property tax impact:	\$11,700 annually
Estimated 5-year income tax impact:	\$10,000 annually

13. Provide evidence that the applicant is current on state and local taxes (Certificate of Good Standing from State Tax Commissioner (see Attachment E) and receipt showing proof that local taxes have been paid.

**Submit Project Proposals to:**  
Department of Planning and Development, 200 N 3<sup>rd</sup> Street, Fargo, ND 58102  
Phone 701-241-1474

**ATTACHMENT A**  
**TO RENAISSANCE ZONE APPLICATION**  
**HISTORIC FORD BUILDING PROPERTY**  
**LEGAL DESCRIPTION**

The following real property is situated in the County of Cass, State of North Dakota, more fully described as:

**PARCEL ONE:**

Lots Three (3), Ten (10), Eleven (11) and Twelve (12), in Block Thirty-four (34), of Keeney and Devitt's Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

**AND**

**PARCEL TWO:**

Part of Lots One (1) and Two (2), in Block Thirty-four (34), of Keeney & Devitt's Second Addition to the City of Fargo, situate in the County of Cass and State of North Dakota, together with a portion of the North-South alley in said Block Thirty-four, more particularly described as follows, to-wit: Beginning at the Northwest corner of said Lot One (1), thence East along the North line of said Lot One (1), and the Easterly extension thereof, and along the North line of said Lot Two (2) a distance of 425 feet, more or less, to the Northeast corner of said Lot Two (2); thence South at right angles 25 feet, more or less, to the intersection with a line drawn parallel with and distant 15.0 feet Northerly, measured at right angles from The Burlington Northern and Santa Fe Railway Company's most Northerly spur tract centerline, as now located and constructed; thence Westerly along said parallel line 365 feet, more or less, to a point 60.0 feet East, as measured at right angles from the West line of said Lot One (1); thence South parallel with the West line of said Lot One (1) to the South line of said Lot One (1); thence West along said South line to the Southwest corner of said Lot One (1); thence North along the West line of said Lot One (1), to the Point of Beginning.



STATE OF NORTH DAKOTA  
**OFFICE OF STATE TAX COMMISSIONER**

Cory Fong, Commissioner

March 12, 2008

Ref: L0844575744

CHARLES A. HOMME  
505 BROADWAY N STE 309  
FARGO ND 58102-4487

**RENAISSANCE ZONE CERTIFICATE OF GOOD STANDING**  
(STATE INCOME AND SALES TAXES ONLY)

This letter is evidence of good standing as required by the North Dakota Division of Community Services for purposes of obtaining final approval of a renaissance zone project.

As of the date of this letter, the records in the office of the North Dakota Tax Commissioner do not show probable cause to believe that any income taxes (including income tax withheld from wages) or sales and use taxes are due and owing to the State of North Dakota by the following taxpayer:

Taxpayer's Name: Charles A. Homme  
SSN or FEIN:

The enclosed copy of this letter must be submitted (as part of the zone project application) to the local zone authority for the renaissance zone in which the proposed zone project will be located. Please keep this original letter for your records.

By: /s/ Joseph J. Becker  
Joseph J. Becker  
Individual Income Tax Section  
Phone: (701) 328-3451  
E-mail: jjbecker@nd.gov

Enclosure

**CITY OF FARGO RENAISSANCE ZONE  
RESIDENTIAL PROPERTY PROJECT APPLICATION**

***Attn: This application must be approved by all local and state review entities prior to purchase.***

1. Street address, legal description, and Renaissance Zone Block number of proposed project. If the proposed project involves more than one parcel, please provide relevant information for each parcel.

Street Address: 505 Broadway N. #306

Legal Description: See Attachment A

Renaissance Zone Block No.: 1

2. Current property owner(s).

Sterling Development Group Two, LLC

3. Name of applicant(s), mailing address, phone, email, and SSAN.

Name of Applicant(s) SSAN: .

B. Joanne Schlanser

Mailing Address 709 19<sup>th</sup> Ave. S.

Fargo, ND 58103

Phone:

4. Current use of property.

Vacant

5. Square footage of the lot, the building, and the dwelling unit.

Square footage of lot: 53,061 ft<sup>2</sup>

Square footage of building 65,494 ft<sup>2</sup>

Square footage of dwelling unit: 1,841 ft<sup>2</sup>

6. Describe the impact this project has on any historical properties.

This project is not a historic preservation and renovation project, however the design was sensitive to the historic characteristics and context of the building.

7. Type of project (purchase of residential property).

Purchase of residential property.

8. Project Description. What is the expected date of purchase and occupancy. Will this be your primary place of residence?

What is the anticipated date of purchase? April, 2008

Will this be your primary residence? Yes

9. Describe how the project enhances the stated Renaissance Zone goals and objectives, being as specific as possible (see Attachment C).

Our purchase of a residential unit in the Historic Ford Building fully supports the vision and goals identified by the Renaissance Zone Plan. Residential development in the downtown area is supported by our purchase of this space, living, working and shopping downtown.

The Remodeling of the Historic Ford Building gives a tremendous boost to the north end of Broadway and will foster further renovation. The restoration of the exterior of the building is a fulfillment of the vision and goals of the Zone.

**ATTACHMENT A  
TO RENAISSANCE ZONE APPLICATION**

**HISTORIC FORD BUILDING PROPERTY  
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Part of Lots One (1) and Two (2), in Block Thirty-four (34), of Keeney & Devitt's Second Addition to the City of Fargo, situate in the County of Cass and State of North Dakota, together with a portion of the North-South alley in said Block Thirty-four, more particularly described as follows, to-wit: Beginning at the Northwest corner of said Lot One (1), thence East along the North line of said Lot One (1), and the Easterly extension thereof, and along the North line of said Lot Two (2) a distance of 425 feet, more or less, to the Northeast corner of said Lot Two (2); thence South at right angles 25 feet, more or less, to the intersection with a line drawn parallel with and distant 15.0 feet Northerly, measured at right angles from The Burlington Northern and Santa Fe Railway Company's most Northerly spur tract centerline, as now located and constructed; thence Westerly along said parallel line 365 feet, more or less, to a point 60.0 feet East, as measured at right angles from the West line of said Lot One (1); thence South parallel with the West line of said Lot One (1) to the South line of said Lot One (1); thence West along said South line to the Southwest corner of said Lot One (1); thence North along the West line of said Lot One (1), to the Point of Beginning.

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City of Fargo Staff Report			
<b>Item No:</b>	2008-03-06	<b>Date:</b>	03/03/08 As updated on 03/20/08
<b>Title:</b>	Country Meadows Second Subdivision	<b>Staff Contact:</b>	Jim Hinderaker
<b>Location:</b>	8417 25th Street South		
<b>Owner(s)/Applicant:</b>	Ivar & Becky Berge Donald & Eunice Berge	<b>Engineer:</b>	Moore Engineering, Inc.
<b>Reason for Request:</b>	Major Subdivision		
<b>Status:</b>	City Commission Public Hearing		
Existing		Proposed	
<b>Land Use:</b>	Single Family Residential	<b>Land Use:</b>	Unchanged
<b>Zoning:</b>	Agricultural	<b>Zoning:</b>	Unchanged
<b>Uses Allowed:</b>	Agricultural district is intended to accommodate agricultural land uses and provide an interim zoning classification for lands pending a determination of an appropriate permanent zoning designation.	<b>Uses Allowed:</b>	Unchanged
<b>Maximum Density Allowed:</b>	0.1 units per acre	<b>Maximum Density Allowed:</b>	Unchanged
<b>Area Plans:</b>	<p>An update to the Growth Plan for the Urban Fringe and Extraterritorial Area (ET) was approved by the City Commission on June 4, 2007. The plan recommends a low to mid density residential future land use for the subject property. The newly adopted growth plan also adopts a two tier approach to future growth of the ET area. The subject property is located within tier two, which has been designated as the "Restricted Growth Sector". While the intent of the tier system is to encourage development within the intended growth sector and to discourage growth within tier two, this does not mean that development will be eliminated from the restricted growth sector but that very careful consideration will be given to any proposals within tier two.</p> <p>The plan suggests that the costs of extending infrastructure into tier two should not be undertaken lightly and should follow an orderly process of evaluation of the city's needs. The plan also suggests that careful control of the restricted growth sector is paramount in creating an efficient and sustainable city with a high quality of life, adding that any development that does occur within tier two should take into account the likely redevelopment of the property as the ET is urbanized. Efforts should be made to ensure that rural development plans ahead for future infrastructure so as not to preclude future development.</p> <p>On February 19, 2008, a neighborhood meeting was held where all property owners within the Southeast Quarter of Section 14, Township 138 North, Range 49 West of Stanley Township, Cass County, North Dakota had an opportunity to comment and provide input regarding the future road network needs of the quarter section and as it relates to redevelopment of the subject property at urban densities. During the meeting, staff reviewed the current limitations found within this quarter section and the importance of proper planning to ensure that these properties are able to redevelop of urban densities at some point in the future. While to date no formal written comments have been received, staff has had numerous conversations with the property owners who have stressed a desire to establish a transportation plan in this area. With regards to the subject property, proposed Country Meadows 2<sup>nd</sup> Subdivision retains the 70 foot ingress/egress access easement that runs east-west through the center of the property. This easement is the logical location for a new street at approximately the quarter section line when the property is ultimately redeveloped at urban densities.</p>		
<b>Schools and Parks:</b>	The subject property is located within Fargo School District No. 1. The Growth Plan identifies that neighborhood parks should be located within each quarter section.		
<b>Staff Analysis:</b>	<b>Subdivision</b> The LDC stipulates that the following criteria is met before a major plat can be approved:		

- 1. Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

Per Ordinance No. 2926, the subject property was brought under the City of Fargo's extraterritorial jurisdiction on August 10, 1998. Fargo zoned the property AG, Agricultural; however, the subject property is approximately 15 acres in size and therefore does not meet the current minimum density standards of the Land Development Code. Staff believes that the zoning initially established for the subject property has been misapplied as the property has consistently been reviewed as residential as is evidenced by the issuance of two building permits for new homes after the agricultural zoning was applied in 1998.

The city is currently in the process of expanding its extraterritorial (ET) boundaries south of the subject property. Once completed, the city will assign a zone district classification to those properties that will then be officially within the extraterritorial jurisdictional boundaries of the City of Fargo. In conjunction with this process, staff will also initiate a zone change to bring the subject property, as well as other properties that may have been misidentified as agricultural, into compliance with the LDC by applying a zone district classification that more accurately defines the existing and legally established use. To that end, staff finds that the proposed residential development to be consistent with the 2007 Growth Plan. **(Criteria Satisfied)**

- 2. Section 20-0907.C of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.D of the LDC further stipulates that a Major Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

Article 20-06 specifically addresses subdivision design and improvements. The article also appears to be a blanket provision to ensure that local, state and other governmental regulations are being adhered to and met prior to the approval of development. Staff finds that the proposal is in compliance the standards of Article 20-06. All applicable utilities and services are currently available to the proposed development.

In addition, provisions have been made (70-foot access easement) that ensure the ability to redevelop the subject property at urban densities. Staff also finds that the proposal is in compliance, with the adopted Area Plans; with the applicable zoning districts; and all other applicable requirement of the Land Development Code. Also, as part of the platting process, the petitioners are vacating the existing 60-feet of dedicated road right-of-way along 25<sup>th</sup> Street South, as shown on the recorded Country Meadows Subdivision and immediately re-dedicating an additional 15 feet for a full 75-feet of road right-of-way for the use of the public. **(Criteria Satisfied)**

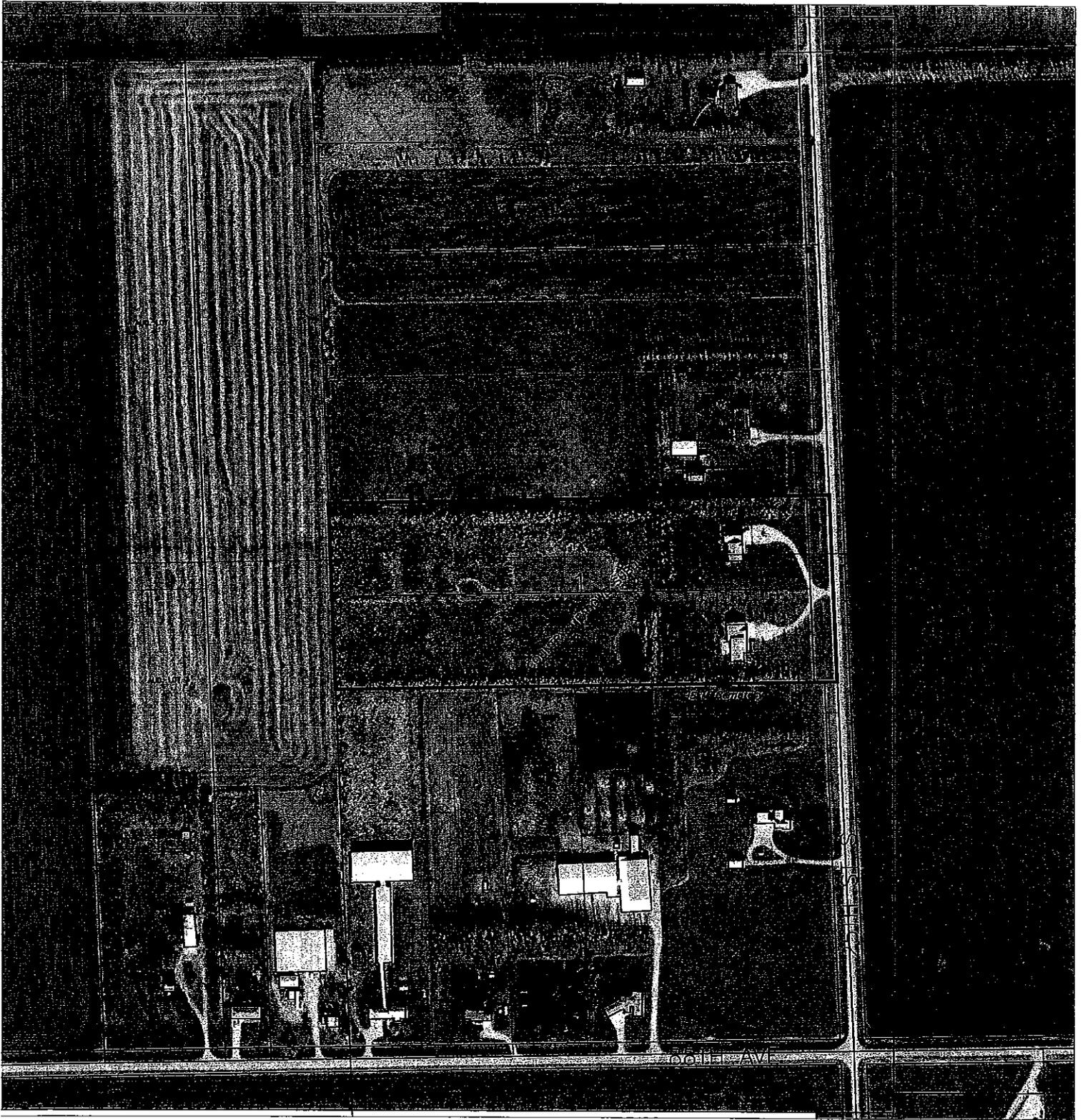
**Planning Commission Recommendation:**

March 12, 2008: In a unanimous decision, the Planning Commission recommended approval to the City Commission to approve the County Meadow 2<sup>nd</sup> Subdivision plat on the basis that the proposal satisfactorily complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code."

**Staff Recommendation:**

Suggested Motion "To accept the findings and recommendations of staff and the Planning Commission and hereby move to approve the County Meadow 2<sup>nd</sup> Subdivision plat on the basis that the proposal satisfactorily complies with the

	adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code."
<b>City Commission:</b>	March 24, 2008



Country Meadows Second, Plat, Replat and  
Vacation Plat; a replat of Lots 1 and 2, Block 1, and a  
Vacation of 25th St S in Country Meadows Subdivision.  
Located at 8417 and 8505 25th St S

Property

Planning Commission - March 12 , 2008

# Plat

replat of lots 1-2, block 1, & vacation of 25th St  
8417 & 8505 25th St S

# Country Meadows 2nd



## Legend

- |     |      |                   |      |
|-----|------|-------------------|------|
| AG  | MR-2 | LI                | SR-3 |
| DMU | MR-3 | MHP               | SR-4 |
| GC  | NC   | MR-1              | SR-5 |
| GI  | NO   | City Limits       |      |
| GO  | P/I  | Proposed Property |      |
| LC  | SR-2 |                   |      |



**Fargo Planning Commission**  
**March 12, 2008**  
**Agenda Item 2008-03-06**



**MEMORANDUM**

*3e*

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: PLANNING DEPARTMENT**

**DATE: MARCH 20, 2008**

**SUBJECT: ANNEXATION OF PROPERTY**

On January 30, 2008, the City Commission adopted a resolution to annex a portion of properties located in Section 12, Township 138 North, Range 49 West, Cass County, North Dakota. The properties in question are owned by the City of Fargo, Fred M Hector, Jr., and Gerald F Johnson, etal. A copy of the Resolution of Annexation and a map of the area are attached.

Notice of the resolution/hearing was published in the newspaper and copies were sent to all owners of property in the annexation area. The purpose of the hearing is to determine if protests to the annexation have been filed. In the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of the adoption of the resolution, the territory described in the resolution becomes a part of the city.

The last day to file a written protest was the close of business on Monday, March 12, 2008. The Garaas Law Firm, representing Fred M Hector, Jr., and Earlyne L Hector, filed a protest petition with the City Auditors Office on March 4, 2008. A copy of the protest petition is attached. No other protest petitions have been filed regarding this annexation.

Property Owner	Acreage included in Annexation	Percent of total acreage included in Annexation	Protest Petition Filed	Percentage of Total Protest
City of Fargo	6.16 acres	4.0 percent	No	0
Fred M. Hector, Jr	9.09 acres	5.9 percent	Yes	5.9 Percent
Gerald F Johnson, etal	138.13 acres	90.0 percent	No	0
Totals	153.38	99.9 percent (not 100 percent due to rounded of numbers)		5.9 Percent

The recommended action is to determine that there are insufficient protests to this proposed annexation and direct staff to file and record with the County Recorder a copy of the resolution and an accurate map of the annexed area that has been certified by the executive officer of the City.





**RESOLUTION OF ANNEXATION**

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, with about ninety-five thousand (95,000) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 153.38 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, the following described land:

Parts of the East Half (E 1/2) of Section Twelve (12), Township One Hundred Thirty-eight (138) North, Range Forty-nine (49) West of the 5th Principal Meridian, Cass County, ND, being more fully described as follows:

Beginning at a point on the corporate limit line of the City of Fargo on the West line of the East half of said Section 12, said point located on a line parallel to and 426' South of the North line of said Section 12; thence South along the West line of the East half of said Section 12 a distance of 4857' more or less, to the Southwest (SW) corner of the East half of Section 12; thence East on the South line of the East half of Section 12 a distance of 2064' more or less, to the SW corner of Walsh's First Subdivision; thence North on the West line of Walsh's First Subdivision a distance of 295.00' (platted distance) to the NW corner of Lot 1, Block 1 of Walsh's First Subdivision; thence East along the North line of said Lot 1, Block 1 a distance of 235.00' (platted distance) to the NE corner of said Walsh's First Subdivision and the West line of Chrisan First Subdivision; thence North along said West line a distance of 962.41' more or less, to the NW corner of Lot 1, Block 2 of said Chrisan First Subdivision; thence East on the North line of said Lot 1, Block 2 a distance of 170' (platted distance) to the NE corner of said Block 2; thence North a distance of 70' (platted distance) to the SE corner of Lot 10, Block 1 of Chrisan First Subdivision; thence West on the South line of said Lot 10, Block 1 a distance of 170' (platted distance) to the SW corner of said Block 1; thence North on

the West line of Block 1 a distance of 1204.00' (platted distance) to the NW corner of Lot 1, Block 1 of said Chrisan First Subdivision; thence East along North line of said Block 1 a distance of 169.74' (platted distance) to the NE corner of said Block 1; thence North along the extension of the East line of Block 1 a distance of 100' (platted distance) to the Northeast (NE) corner of Chrisan First Subdivision, said point also the point of intersection with the North line of the SE 1/4 of said Section 12; thence West along the North line of said SE 1/4 a distance of 2160' more or less, to a point on a line parallel to and 300' East of the West line of Section 12; thence North along said line parallel to and 300' East of the West line of Section 12 a distance of 2215' more or less, to a point on a line parallel to and 426' South of the North line of Section 12 and the corporate limit line of the City of Fargo, thence West on said corporate limit line a distance of 300' more or less, to the point of beginning.

Comprising 153.38 Acres, more or less.

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 once each week for two successive weeks, and a hearing be held on the 24th day of March, 2008, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota.



**GARAAS LAW FIRM**  
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1314 23rd Street South  
Fargo, North Dakota 58103-3796

Jonathan T. Garaas  
David Garaas

March 4, 2008

Telephone  
Area Code 701  
293-7211

City Auditor Steve Sprague  
City of Fargo's Auditor's Office  
City Hall  
200 North 3<sup>rd</sup> Street  
Fargo, North Dakota 58102  
Hand Delivery

Mr. Erik R. Johnson  
Office of the City Attorney  
505 Broadway, Suite 206  
Fargo, North Dakota 58102

**RE: Future Annexation – South Side - Hector  
Lands**

Dear Mr. Johnson and Auditor Sprague:

I am writing as the attorney for Mr. and Mrs. Fred M. Hector, Jr., as it relates to your letter of February 5, 2008, and the legal publication of February 11, 2008, relating to proposed annexation of lands owned by Fred M. Hector and Earlyne L. Hector.

Mr. and Mrs. Hector appear in protest of any annexation of their lands for legal and factual reasons. **THIS LETTER SHOULD BE CONSIDERED THEIR PROTEST AGAINST ANNEXATION ARISING OUT OF JANUARY 30, 2008, PROCEEDINGS.**

On January 31, 2008, I wrote on behalf of my clients in response to earlier erroneous assertions relating to conversations of January 24, 2008, involving the City of Fargo's representatives and representatives of Mr. and Mrs. Hector. Those comments are hereby incorporated by reference. We noted that on January 24, 2008, there was no conversation involving David Garaas, Dan Plambeck, and/or Jonathan T. Garaas wherein "we (meaning Hector representatives) discussed the idea that the city will be annexing to the south of the Glen Van Enk subdivision (located immediately adjacent to 64<sup>th</sup> Avenue South)." In fact, Jonathan T. Garaas asked what lands were proposed to be annexed to the City of Fargo, and the cryptic response was that the City of Fargo was talking to all of the owners of land in the area; later there was reference to the School District's request for annexation, and another possible request by Stan Ryland, the owner of lands to the west of 25<sup>th</sup> Street.

Contrary to a claim set forth in Mr. Johnson's original letter, at no point in our discussions did we indicate, on behalf of the Hectors, "that the Hectors would prefer a relatively narrow strip of annexation to reach down through the Hector property to gain contiguity with annexation of property

to the south.” The significance of this statement is hereafter discussed.

Our stated preference, which reflects the position of the Hectors, was that no annexation take place at all; and, that the prior Hector request for exclusion of the “Frontier Quarter” was not a stunt, and was intentionally done because the Hectors gain nothing by the inclusion of their land(s) inside the city limits.

On January 24, 2008, it was a representative of the City of Fargo that indicated that a narrow strip of land for annexation was possible along 25<sup>th</sup> Street – **not inside Section 12 where no streets exist at all** – so that infrastructure could be installed to service the School District land.

During the January 24, 2008, meeting, we discussed the issue of deferral of special assessments should any of the Hector lands be annexed in the future. It was our understanding that Mr. Johnson, acting on behalf of the City of Fargo, was going to put something into writing so that the Hectors could consider whatever future annexation proposals were to be thereafter advanced by the City of Fargo.

We have seen nothing to alleviate the Hector concerns concerning annexation of Hector lands before the special meeting for annexation, and we were not even notified in advance of the meeting so that we could appear before the City Commission. Annexation to Fargo provides nothing but headache(s), and substantial financial expense, to Fred M. Hector and Earlyne L. Hector.

As earlier mentioned, Mr. Johnson’s letter identifies the folly of the current annexation effort when he inaccurately portrayed the Hectors’ position: “that the Hectors would prefer a relatively narrow strip of annexation to reach down through the Hector property to gain contiguity with annexation of property to the south.” Such position was not advanced by the Hectors, but concedes the City of Fargo recognizes the need for “contiguity” should it seek “annexation of property to the south.”

N.D.C.C. § 40-51.2-03, entitled “Annexation by petition of owners and electors”, provides:

“Upon a written petition signed by not less than three-fourths of the qualified electors or by the owners of not less than three-fourths in assessed value of the property in any territory contiguous or adjacent to any incorporated municipality and not embraced within the limits thereof, the governing body of the municipality, by ordinance, may annex such territory to the municipality.”

This statute prevents annexation under the presented circumstances because no petitioner was a “contiguous” or “adjacent” owner. While the request of the landowners to the south of the Hector land was verbally announced as the reason for this annexation effort, the City of Fargo attempts to avoid this known legal obstacle to annexation by impliedly invoking N.D.C.C. § 40-51.2-07. It is our belief that this “ribbon” annexation is contrary to not only the City of Fargo’s announced policies

which seek to avoid “leap-frog development”, but also, Due Process of Law as protected by the Constitutions of North Dakota and the United States of America.

Fred M. Hector, and his wife Earlyne, own a large contiguous tract of land bordered on the east by the Red River of the North, on the west by 25<sup>th</sup> Street South, and on the north by the Fargo city limits [and/or lands owned by the City of Fargo not yet annexed to Fargo].

The Hector's own additional lands within the City of Fargo along 64th Avenue South that are not herein included in these calculations. If those lands were included, the percentage of assessed value would be even greater.

I have enclosed a map that identifies this large and contiguous land owned by my client(s) outside of the Fargo city limits. It is our belief that the City of Fargo must stop its pursuit of the annexation or submit the matter to a committee for mediation as provided in N.D.C.C. § 40-51.2-07.1 because the assessed valuation of all Hector property affected by the annexation far exceeds the 25% statutory trigger. The current annexation action taken by the City of Fargo guts the Hector property, so that all of this large and contiguous Hector property is affected by this initial annexation step.

My table, based upon current Cass County website information follows:

<b>Assessed Valuation based upon Cass County Website</b>			
	Assessed Valuation	Totals	% of Total Assessed Value per Owner
<b>Hector property</b>			
Parcel #6400000050000	\$ 24,150.00		
Parcel #64000001280000	\$ 28,600.00		
Parcel #64000001284010	\$ 51,700.00		
		\$ 104,450.00	<b>58.04%</b>
<b>City of Fargo property</b>			
Parcel #64000001240000	\$ 15,200.00	\$ 15,200.00	8.45%
<b>Johnson Property</b>			
Parcel #64000001290010	\$ 60,300.00	\$ 60,300.00	33.51%

<b>Assessed Valuation based upon Cass County Website</b>			
	Assessed Valuation	Totals	% of Total Assessed Value per Owner
Totals	\$ 179,950.00	\$ 179,950.00	100.00%

You may dispute our rationale in identifying all of the contiguous Hector land as set forth in the table. The results are the same if only the parcel where the ribbon annexation is taking place is included as shown using the same table as the source material for the calculations:

<b>Assessed Valuation based upon Cass County Website</b>			
	Assessed Valuation	Totals	% of Total Assessed Value per Owner
<b>Hector property</b>			
Parcel #6400000050000			
Parcel #64000001280000	\$ 28,600.00		
Parcel #64000001284010			
		\$ 28,600.00	<b>27.47%</b>
<b>City of Fargo property</b>			
Parcel #64000001240000	\$ 15,200.00	\$ 15,200.00	14.60%
<b>Johnson Property</b>			
Parcel #64000001290010	\$ 60,300.00	\$ 60,300.00	57.93%
Totals	\$ 104,100.00	\$ 104,100.00	100.00%

Clearly, the statutory trigger exists. Aside from the impropriety of the annexation attempt because it promotes leap-frog development, and other reasons (some of which are herein mentioned), it should not proceed because of the statutory mandate(s).

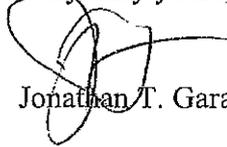
In a January, 2008, telephone call involving the undersigned and attorney Dan Plambeck, also

representing the Hectors, protesting the lack of advance notice to the Hectors, Fargo City Planner James Gilmour said the decision to go forward with this annexation was to prevent the City of Briarwood from further extending its extraterritorial jurisdiction in November, 2008, at the end of the existing extraterritorial zoning agreement. The Hectors do not want their property used as a pawn in municipal authority disputes involving Briarwood, North Dakota.

The Hectors also protest the annexation of their agricultural lands for another reason. Despite clear legislative directive that "all lands in the annexed area which were classified as agricultural lands immediately before the annexation proceedings until those lands are put to another use" [N.D.C.C. § 40-51.2-07(3)], the City did otherwise. The Hectors learned only days before the unannounced January meeting of the Fargo City Commission that other earlier annexed agricultural lands owned by the Hectors have been treated, and taxed for special assessment purposes, as commercial property -- hundreds of thousands of tax dollars are involved. This discovery was extremely upsetting, particularly when the City Commission had twice-rejected Hector applications for commercial zoning for the very same property.

If you have any questions concerning this matter, please feel free to contact me at any time.

Very truly yours,



Jonathan T. Garaas

JTG:j

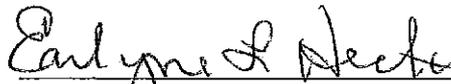
Enclosures

Fred M. Hector, Jr., and his wife, Earlyne L. Hector, have read the above and foregoing objection and hereby adopt the same as their expression of objection to annexation.



Fred M. Hector, Jr.

March 4, 2008



Earlyne L. Hector

March 4, 2008

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March 13, 2008

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Hand Delivery

Mr. Erik R. Johnson  
Office of the City Attorney  
505 Broadway, Suite 206  
Fargo, North Dakota 58102

**RE: Future Annexation – South Side - Hector  
Lands**

Dear Mr. Johnson and Auditor Sprague:

I am writing as the attorney for Mr. and Mrs. Fred M. Hector, Jr., in further protest to the proposed annexation as set forth in my letter of March 4, 2008.

As a result of comment(s) made by City Planner James Gilmour on March 12, 2008, further objections exist, including, but not limited to, the following:

1. The City of Fargo did not have the right to proceed with an annexation by resolution of the city [as is being done] until after the termination of the landowner petition referenced in the Special Meeting Permanent Minutes, Page No. 18. Moreover, City Planner Gilmour testified that the landowners were merely wanting to “shop” their property to sell to a developer – the developer is unknown, the development proposal has not been made, and a landowner need not be annexed to sell land. Frey v. City of Jamestown, 548 N.W.2d 784 (N.D. 1996); Weeks v. Hetland, et al. (City of Fargo et al. Interveners), 202 N.W. 807 (N.D. 1925).
2. City Planner James Gilmour asserts that quantity of territory alone gives rise to possible objection by property owners. If true, such concept violates the equal protection clause of the United States Constitution [14<sup>th</sup> Amendment], and/or it equivalent North Dakota State Constitution provision [Article I, § 21]. The annexation statutes of North Dakota should be read together so that landowner's recognized value of property cannot be ignored in favor of geographical boundaries asserting “the bigger the better” or “the bigger wins”. The North Dakota Supreme Court – at the invitation

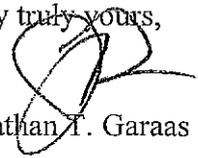
of the City of Fargo in City of West Fargo v. City of Fargo, 251 N.W.2d 918, 920 (N.D. 1977) recognized the City of Fargo's protest based upon more than "25 percent of the electors living in the 2,673-acre tract, or owners of more than 25 percent of the assessed valuation of the land located therein." Use of such standard for protest, at the urging of Fargo, recognizes the utilization of the assessed value was, and is, appropriate. This specific case also recognized mandated mediation because of the 25% rule. Hectors' invocation of the mediation process is statutorily appropriate – and the City of Fargo is judicially estopped from asserting otherwise because of its prior position in similar litigation.

3. City Planner Gilmour testified that the lands of the Hectors were not necessary for placement of any utilities or infrastructure; there was no contemplated plan that would provide for municipal services to the Hector lands. N.D.C.C. § 40-51.2-04 provides for exclusion of lands by petition of the owner when the land has not been platted and no municipal improvements have been made or constructed thereon or adjacent thereto, the governing body of the municipality may exclude such territory. When it is not even contemplated to be used for municipal purposes, it should not be originally included without the consent of the landowner so that the landowner does not have to incur the expense of later requesting such exclusion. Under the principles of Williams v. Town of Salina, 113 P.3d 482, 485 (Ok. 2005), "(f)or statutory contiguity to be met where a *narrow corridor* is used to gain access to discontinuous tracts of land, *the corridor itself must have a tangible municipal value or purpose at the time of annexation*. The contiguity requirement is not satisfied by means of a territorial appendage that connects several remote tracts of land to the annexing municipality, but has little relationship to a beneficial municipal purpose... We note that courts are generally loath to find one territory to be contiguous to another where the only link between the two is forged by a narrow corridor."
4. For emphasis, the City of Fargo cannot even invoke N.D.C.C. § 40-51.2-07 because the requirement of contiguity or adjacent does not exist. See also, #3 above.

All prior objections are hereby incorporated by reference.

If you have any questions concerning this matter, please feel free to contact me at any time.

Very truly yours,

  
Jonathan T. Garaas

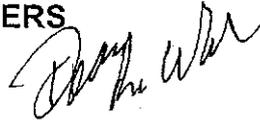
JTG:j

4

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR DENNIS WALAKER



DATE: MARCH 12, 2008

SUBJECT: BOARD OF HEALTH APPOINTMENT

The term of Dr. Paul Tronsgard on the Board of Health expired on December 31, 2007. State law provides for membership on the Board to include one dentist and Dr. Tronsgard agreed to continue his service on the Board until another dentist could be recruited.

Nicholas Dorsher, DDS has now agreed to serve on the Board and I am recommending his appointment. Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** To approve the appointment of Dr. Nicholas Dorsher as a member of the Board of Health for a three-year term ending December 31, 2010.

wwapptboh07nd

5

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR DENNIS R. WALAKER



DATE: MARCH 10, 2007

SUBJECT: AIRPORT AUTHORITY APPOINTMENT

The term of Don Kilander on the Airport Authority expires on April 8, 2008. Mr. Kilander is willing to serve another term and I am recommending his reappointment for a five-year term ending April 8, 2013.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the reappointment of Don Kilander as a member of the Airport Authority for a five-year term ending April 8, 2013.

wwapptaa08