

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

**Regular Meeting: Monday: April 21, 2008:**

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, April 21, 2008.

The Commissioners present or absent were as shown following:

Present: Coates, Mahoney, Williams, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

**Order of Agenda Approved:**

Commissioner Coates moved the Order of the Agenda be approved omitting Item No. 2 in the Regular Agenda.

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

**Minutes Approved:**

Commissioner Coates moved that the Minutes of the Regular Meeting of the Board held on April 7, 2008 be approved as read.

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

**Consent Agenda Approved:**

Commissioner Coates moved the Consent Agenda be approved as follows:

- a. 1st reading of an Ordinance Amending Section 7-0302 of Article 7-03 of Chapter 7 of the Fargo Municipal Code Relating to Civil Service.
- b. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 4/7/08:
  - (1) Rezoning Certain Parcels of Land Lying in Keeney and Devitts 2nd Addition and Adjacent Areas to the City of Fargo.
  - (2) Rezoning Certain Parcels of Land Lying in the Southwest Quarter of the Northwest Quarter of Section 14, Township 138 North, Range 49 West, Cass County, North Dakota.
  - (3) Amending Sections 20-1002.D and 20-1004.B of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Non-Conforming Uses and Non-Conforming Structures.

- c. 2nd reading, waive reading and final adoption of an Ordinance Enacting Article 25-36 of Chapter 25 of the Fargo Municipal Code Relating to Licensing of Re-roofing Contractors; 1st reading, 3/24/08 (delay until 5/5/08).
- d. Receive and file Notice of Appeal from Decision of Local Governing Body filed by Fred and Earlyne Hector vs. the City of Fargo.
- e. Receive and file Year to Date-Budget to Actual report for March 2008.
- f. Site Authorizations for Games of Chance:
  - (1) Red River Human Services Foundation at The Hub and The Northern.
  - (2) Plains Art Museum at The Bowler, Prairie Rose Inn and Big Top Bingo.
  - (3) Jon Greenley Amvets Post #7 at the Amvets.
- g. Applications for Games of Chance:
  - (1) Knights of Columbus #6570 for a calendar raffle through 6/30/08.
  - (2) Handi-Wheels Transportation, Inc. for a raffle on 5/31/08.
  - (3) Order of the Eastern Star of North Dakota Grand Chapter for a raffle on 6/10/09; Public Spirited Resolution.
- h. Request for Proposals for the disposition of property at 1012 9th Street North.
- i. NRI High School Build Project at 316 11th Street North.
- j. Forgiveness of Housing Rehab Program assistance of \$10,000 at 1545 13 1/2 Street South due to a demonstrated hardship.
- k. Receive and file amendment to the limited franchise agreement with Cass County Electric adding area annexed by the City on 3/24/08.
- l. Fire Department budget adjustment in the amount of \$3,839.25 for haz mat training.
- m. Application filed by Corwyn and Debra Mulvaney for a five-year exemption from taxation for improvements made to a building at 1141 7th Street North.
- n. Appoint Ryan Huber, Jesse Nicholas and Joshua Brottlund as special police officers for NDSU.
- o. Resolution authorizing the 2008-2009 City of Fargo Deer Management Program (Attachment "A").
- p. Change Orders for the libraries and Clapp Park Senior Center:
  - (1) G-5 for an increase of \$868.00 for the Main Library
  - (2) M-3 for an increase of \$4,918.70 for the Main Library.
  - (3) G-5 for an increase of \$8,548.00 for the Dr. James Carlson Library.
  - (4) G-6 for an increase of \$5,156.00 for the Clapp Park Senior Center.
  - (5) M-2 for an increase of \$2,474.50 for the Main Library.

- (6) G-4 for an increase of \$24,900.00 for the Main Library.
- q. Change Orders for the Police Department Remodeling Project:
  - (1) G-1 for an increase of \$5,060.95.
  - (2) M-1 for an increase of \$2,470.00.
  - (3) E-1 for an increase of \$1,624.00.
  - (4) E-2 for an increase of \$1,389.00.
- r. Bid awards for water main repair materials to Northern Water Works in the amount of \$6,553.58 and to Fargo Water Equipment in the amount of \$40,373.59.
- s. Recycling Agreement with Minnkota Recycling.
- t. Agreement for Special Improvements with Rommesmo Family LLP for Prairie Grove Addition.
- u. Agreement Regarding Special Assessments with Prairie Grove, LLC/Rommesmo Family Limited Partnership.
- v. Agreement Regarding Special Assessments for the "Frontier Quarter" (52nd Avenue Project).
- w. Agreement for Entry and Construction on the "Frontier Quarter" and School District property together with Farm Lease Contract (52nd Avenue Project).
- x. Purchase Agreement with Sunset Memorial Gardens regarding right-of-way acquisition.
- y. Project Concept Report for Riverwood Addition Shared Use Path Project.
- z. Corps of Engineers Project Management Plan for the Red River Feasibility Study of upstream retention options.
- aa. Emergency repairs at Storm Lift No. 8 (Project No. 5828).
- bb. Contract with GoodPointe Technology in the amount of \$174,444 for Pavement Management System Street Condition Survey Update.
- cc. Bid concurrence for Project No. 5731-1 to Industrial Builders in the amount of \$274,103 and bid awards for Project Nos. 5801 to Adelman Concrete and Excavating in the amount of \$190,337.50, 5802 to Adelman Concrete and Excavating in the amount of \$210,862.00, 5812-01 to Specialized Contracting, Inc. in the amount of \$229,994.58 and SW 08-01(Cell 12 Construction) to Jensen Brothers Construction in the amount of \$394,860.00.
- dd. Contracts and bonds for Project Nos. 5809 and 5816.

ee. Bills in the amount of \$3,695,089.51.

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

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

**Final Balancing Change Order for Improvement District No. 5694 Approved:**

Commissioner Coates moved approval of Final Balancing Change Order No. 1 for a decrease of \$11,954.42 for Improvement District No. 5694.

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

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

**Final Balancing Change Order for Improvement District No. 5697 Approved:**

Commissioner Coates moved approval of Final Balancing Change Order No. 1 for a decrease of \$13,297.76 for Improvement District No. 5697.

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

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

**Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384:**

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 16, 2008 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$539,587.50
MIC Bid:	Moorhead, MN \$554,604.00
Rising Sun Construction, Inc. Bid:	Fargo, ND \$578,616.25
Dakota Underground Bid:	Fargo, ND \$596,273.50
United Crane and Excavation, Inc. Bid:	Grand Forks, ND \$596,571.88
Earth Developers, Inc. Bid:	Fargo, ND \$605,704.00

George E. Haggart, Inc. Bid:	Fargo, ND \$608,416.00
Shermans, Inc. Bid:	West Fargo, ND \$698,686.85
Robert Gibb and Sons, Inc. Bid:	Fargo, ND \$758,444.00

**Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384 Awarded to Master Construction Company, Inc. in the Amount of \$539,587.50:**

Commissioner Coates offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 16, 2008 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$539,587.50 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 Master Construction Company, Inc. in the sum of \$539,587.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5384 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$539,587.50, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Coates, Williams, Wimmer, Mahoney 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. 5760:**

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5760 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 17 and 24, 2008 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Coates 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. 5760.

Second by Williams. On call of the roll Commissioners Coates, Williams, Wimmer, Mahoney 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. 5760:**

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5760 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 16, 2008 and the bids were found to be as follows:

Northern Improvement Company Bid:	Fargo, ND \$664,901.03
Central Specialties, Inc. Bid:	Alexandria, MN \$671,766.73
Aggregate Industries Bid:	Moorhead, MN \$716,380.00
Master Construction Company, Inc. Bid:	Fargo, ND \$717,857.55
Border States Paving, Inc. Bid:	Fargo, ND \$717,989.03
Strata Corporation Bid:	Grand Forks, ND \$796,408.23

**Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5760 Awarded to Northern Improvement in the Amount of \$664,901.03:**

Commissioner Coates 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. 5760; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 16, 2008 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5760 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. 5760 shows the bid of Northern Improvement of Fargo, North Dakota, in the sum of \$664,901.03 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 in the sum of \$664,901.03 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. 5760 in the City of Fargo, North Dakota, be and the same is hereby awarded to Northern Improvement for the sum of \$664,901.03, 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 Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Coates, Williams, Wimmer, Mahoney and Walaker voted aye.

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

**Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5385 (30th Avenue South from 39th to 41st Streets):**

Commissioner Coates moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5385:

Adopt Resolution Creating Improvement District No. 5385:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5385, in the City of Fargo, North Dakota, be created

On 30<sup>th</sup> Avenue South from 41<sup>st</sup> Street to 100' north of the east/west quarter line of Section 22, Township 139N, Range 49W.

**COMPRISING:**

The south 1400' of unplatted land lying in the northeast quarter (NE ¼) of Section 22, Township 139N, Range 49W.

All unplatted land lying in the southeast quarter (SE ¼) of Section 22, Township, 139N, Range 49W.

Lot 2, Block 1.  
J.A.M. Addition

Lots 1 through 3, inclusive, Block 1.  
Lots 1 and 2, Block 2.  
Lots 1 and 2, Block 3.  
All in Adams 6<sup>th</sup> Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5385, 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. 5385:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5385, 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 \$855,744.)

**Order Plans and Specifications for Improvement District No. 5385:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5385, in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5385:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5385, 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. 5385, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

**Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Necessary:**

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

That it be and is hereby declared necessary to construct Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals, Improvement District No. 5385 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That a portion of said Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals improvement is to be paid from Sales Tax Money, and approximately 95% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. 5385:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5385, in the City of Fargo, North Dakota.

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

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

**Storm Sewer, Paving, Street Lights, Traffic Signal Improvements and Incidentals Improvement District No. 5746 (7th Avenue North from 45th Street to 1300 Feet West):**

Commissioner Coates moved the following action be taken in connection with Storm Sewer, Paving, Street Lights, Traffic Signal Improvements and Incidentals Improvement District No. 5746:

**Adopt Resolution Creating Improvement District No. 5746:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5746, in the City of Fargo, North Dakota, be created

On 7<sup>th</sup> Avenue North from 45<sup>th</sup> Street to West Fargo.

**COMPRISING:**

The NE  $\frac{1}{4}$  of Section 4 and the SE  $\frac{1}{4}$  of Section 4, T139N, R49W, from the north line of said quarter to the Burlington Northern Railway right-of-way line.

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

NOW, THEREFORE, BE IT RESOLVED, That Storm Sewer, Paving, Street Lights, Traffic Signal Improvements and Incidentals Improvement District No. 5746, 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. 5746:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5746, 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 \$904,503.)

**Order Plans and Specifications for Improvement District No. 5746:**

Direct City Engineer to prepare Plans and Specifications for the

construction of Improvement District No. 5746, in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5746:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5746, 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. 5746, 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 Storm Sewer, Paving, Street Lights, Traffic Signal Improvements 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 Storm Sewer, Paving, Street Lights, Traffic Signal Improvements & Incidentals, Improvement District No. 5746 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

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

Protests against the proposed Storm Sewer, Paving, Street Lights, Traffic Signal Improvements must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. 5746:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5746, in the City of Fargo, North Dakota.

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

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

**Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5775 (Maple Valley Addition):**

Commissioner Coates moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5775:

**Adopt Resolution Creating Improvement District No. 5775:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5775, in the City of Fargo, North Dakota, be created

On 63<sup>rd</sup> Avenue South, between 33<sup>rd</sup> Street South and 36<sup>th</sup> Street South.  
Maple Valley Drive South between 63<sup>rd</sup> Avenue South and Autumn Drive South.

Autumn Drive South between 58<sup>th</sup> Court South and Maple Valley Drive South.

**COMPRISING:**

Lots 23 through 43, inclusive, Block 1.

Lots 1 through 12, inclusive, Block 3.

Lots 1 through 12, inclusive, Block 4.

Lots 25 through 40, inclusive, Block 5.

Lot 22, Block 6.

Lots 2 and 3, Block 7.

Lots 2 through 48, inclusive, Block 8, and the northern 300' of Lot 1, Block 8.

All platted in Maple Valley Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5775, 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. 5775:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5775, 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 \$792,000.)

**Order Plans and Specifications for Improvement District No. 5775:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5775, in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5775:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5775, 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. 5775, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

**Direct City Auditor's Office to Call for Bids for Improvement District No. 5775:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5775, in the City of Fargo, North Dakota.

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

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

**Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5783 (Various Locations in South Fargo):**

Commissioner Coates moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5783:

**Adopt Resolution Creating Improvement District No. 5783:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5783, in the City of Fargo, North Dakota, be created

On 10<sup>th</sup> Street South from 13<sup>th</sup> to 18<sup>th</sup> Avenue South.

On 14<sup>th</sup> Avenue South from 9<sup>th</sup> to 10<sup>th</sup> Street South.

On 16<sup>th</sup> Avenue South from 9<sup>th</sup> to 10<sup>th</sup> Street South

On 11<sup>th</sup> Street South from 17<sup>th</sup> to 18<sup>th</sup> Avenue South.

**COMPRISING:**

Lots 10 through 19, inclusive, Block 5

Lots 1 through 7, inclusive, Block 6

Lots 1 through 13, inclusive, Block 9

Lots 14 through 26, inclusive, Block 10

Lots 14 through 26, inclusive, Block 19

Lots 1 through 13, inclusive, Block 20

All in Huntington's Addition.

Lots 7 through 10  
All in Stern's Subdivision of Auditors Lot 2

Lots 1 through 8, inclusive, Block 2  
Lot South 250' of West 168' of Block 2  
Lots 9 through 16, inclusive, Block 3  
All in Lewis Addition.

Lots 12 through 22, inclusive, Block 5  
Lots 1 through 23, inclusive, Block 6  
Lots 1 through 12, inclusive, Block 7  
All in Fargo Investment Company 1<sup>st</sup> Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5783, 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. 5783:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5783, 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 \$2,032,500.)

**Order Plans and Specifications for Improvement District No. 5783:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5783, in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5783:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5783, 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. 5783, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

**Adopt Resolution Declaring Water Main Replacement, Street Reconstruction and Incidentals Necessary:**

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

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction & Incidentals, Improvement District No. 5783 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That a portion of said Water Main Replacement, Street Reconstruction & Incidentals improvement is to be paid from Street Sales Tax and approximately 40% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction & Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. 5783:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5783, in the City of Fargo, North Dakota.

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

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

**Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5797 (Autumn Fields and Bethany South First Additions):**

Commissioner Coates moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5797:

**Adopt Resolution Creating Improvement District No. 5797:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5797, in the City of Fargo, North Dakota, be created

On 28<sup>th</sup> Avenue from 42nd Street to Saffron Drive South  
 On 30<sup>th</sup> Avenue from 42nd Street to 1350' west of 42<sup>nd</sup> Street  
 On Saffron Drive from 28<sup>th</sup> Avenue to 30<sup>th</sup> Avenue South  
 On Sienna Drive from 30<sup>th</sup> Avenue to 32<sup>nd</sup> Avenue South  
 On Russett Avenue from Sienna Drive to 43<sup>rd</sup> Street South  
 On 31<sup>st</sup> Avenue from 42<sup>nd</sup> Avenue to 43<sup>rd</sup> Street South  
 On Auburn Avenue from Sienna Drive to 43<sup>rd</sup> Street South  
 On 43<sup>rd</sup> Street from 30<sup>th</sup> Avenue to 32<sup>nd</sup> Avenue South

**COMPRISING:**

Lots 1 through 23, inclusive, Block 1.  
Lots 1 through 10, inclusive, Block 2.  
Lots 1 through 10, inclusive, Block 3.  
Lots 1 through 11, inclusive, Block 4.  
Lots 1 through 22, inclusive, Block 5.  
Lots 1 through 19, inclusive, Block 6.  
Lots 1 through 9, inclusive, Block 7.  
All in Autumn Fields Addition.

Lot 1, inclusive, Block 1.  
All in Bethany South First Addition.  
Lot 1, inclusive, Block 2.  
All in Calico Prairie Addition.

Lot 2 through 6, inclusive, Block 1.  
All in King 2<sup>nd</sup> Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5797, 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. 5797:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5797, 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 \$2,169,500.)

**Order Plans and Specifications for Improvement District No. 5797:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5797, in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5797:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5797, 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. 5797, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

**Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Necessary:**

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

That it be and is hereby declared necessary to construct Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals, Improvement District No. 5797 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That a portion of said Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals improvement is to be paid from Sales Tax, and approximately 97% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

**Direct City Auditor's Office to Call for Bids for Improvement District No. 5797:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5797, in the City of Fargo, North Dakota.

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

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

**Storm Sewer, Sanitary Force Main, Street Reconstruction and Incidentals Improvement District No. 5824 (Drain 40 from 2nd to 5th Avenues South):**

Commissioner Coates moved the following action be taken in connection with Storm Sewer, Sanitary Force Main, Street Reconstruction and Incidentals Improvement District No. 5824:

**Adopt Resolution Creating Improvement District No. 5824:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5824, in the City of Fargo, North Dakota, be created

Within Drain 40 and along 45<sup>th</sup> Street S.W. from just south of 2<sup>nd</sup> Ave S.W. along 45<sup>th</sup> Street to approximately 300' north of 5<sup>th</sup> Ave S.W.

Within an easement on Lot 1, Block 1, 45<sup>th</sup> Street Park Third Addition from Drain 40 to and including the south end of Lot 5, Block 1, 45<sup>th</sup> Street Park Third Addition to 43 ½ St SW.

**COMPRISING:**

A part of the north half (N ½) of Section 10, Township 139 North, Range 49 West of the 5<sup>th</sup> Principal Meridian to be platted as follows:

Lots 1 through 5, inclusive, Block 1, 45<sup>th</sup> Street Park Third Addition

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

NOW, THEREFORE, BE IT RESOLVED, That Storm Sewer, Sanitary Force Main, Street Reconstruction and Incidentals Improvement District No. 5824, 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. 5824:**

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5824, 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 \$1,971,478.75.)

**Order Plans and Specifications for Improvement District No. 5824:**

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5824, in the City of Fargo, North Dakota.

**Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5824:**

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5824, 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. 5824, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

**Approve Consulting Engineering Contract:**

Approve consulting engineering contract with Moore Engineering.

**Direct City Auditor's Office to Call for Bids for Improvement District No. 5824:**

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5824, in the City of Fargo, North Dakota.

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

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

**Contract for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-12 Approved:**

Commissioner Coates moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-12 in the City of Fargo, North Dakota.

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

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

**Contract Bond for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-12 Approved:**

Commissioner Coates moved approval of the following described Contract Bond as to sufficiency:

United Fire and Casualty Company, in the amount of \$75,032.50, for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-12 in the City of Fargo, North Dakota.

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

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

**Contract for Water Main and Incidentals Improvement District No. 5785 Approved:**

Commissioner Coates moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main and Incidentals Improvement District No. 5785 in the City of Fargo, North Dakota.

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

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

**Contract Bond for Water Main and Incidentals Improvement District No. 5785 Approved:**

Commissioner Coates moved approval of the following described Contract Bond as to sufficiency:

United Fire and Casualty Company, in the amount of \$85,485.00, for Water Main and Incidentals Improvement District No. 5785 in the City of Fargo, North Dakota.

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

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

**Ruth Bachmeier Appointed Public Health Director:**

The Board received a communication from Commissioner Mahoney stating the Public Health Director Search Committee reviewed the applications for the position of Public Health Director. He said a national search was undertaken with 19 people expressing interest in the position. He said interviews were conducted with three candidates and it is the recommendation of the Committee that Interim Director Ruth Bachmeier be appointed Public Health Director.

Commissioner Mahoney moved Ruth Bachmeier be appointed Public Health Director effective April 21, 2008.

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

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

**Item No. 2 Omitted:**

Item No. 2 (Human Relations Commission update on activities) was omitted.

**Proposed Skyway Use Policy:**

The Board received a communication from City Administrator Pat Zavoral submitting a proposed Skyway Use Policy for the City-owned skyways. He said events in the skyway over the past years have led staff to draft this policy to provide guidance for City staff and property owners in which the skyway is located. He said this policy includes guidance as to hours of operation, what type of signage is allowed, how outside parties can use the skyways, prohibition of animals and procedures for using the skyway for special events. Mr. Zavoral stated he is requesting the City Commission discuss this policy and accept public comment before final adoption.

Commissioner Wimmer stated a policy will allow the City Commission to consider requests for people wanting to hold various events in the skyway.

Commissioner Wimmer moved the Skyway Use Policy be approved as follows:

“This space is a public right-of-way; therefore, free flow of pedestrian traffic during normal operational hours should be a priority.

The use of rollerblades, roller skates and bicycles in the skyway is prohibited. The display of advertising/promotional signage is allowed only for those businesses owning or leasing a space in a building directly connecting to the skyway. This signage can only be presented within the building the business occupies,

No outside advertising is allowed within the skyway or on the outside of the skyway above the streets.

Skyway building owners or tenants may hold "sidewalk sales" as long as they are contained within the skyway portion of their building and public movement of pedestrians, is maintained.

Use of the skyway by interested parties having no ownership in skyway buildings is allowed if permitted by the Fargo City Commission.

The request for skyway usage by outside parties must include the purpose of the request, the time and date of its proposed usage, and a hold harmless pledge to the city from any accidents or destruction of property.

All requests should be made to the City Auditor 15 days in advance of the event to allow for City Commission review.

Finally, pets are not allowed in the skyway unless they are service animals."

Second by Coates.

There was discussion regarding the hours the skyway is open to the public.

Mr. Zavoral stated there should be some base hours for the skyway and requests can be considered by the City Commission for extended hours.

Commissioner Coates stated the hours are not part of the proposed policy.

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

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

**Application Filed by CNH America, LLC for Payment in Lieu of Tax Exemption Approved:**

A Hearing had been set for this day and hour on an application filed by CNH America, LLC for payment in lieu of property tax exemption for an expansion to their facility at 3401 1st Avenue North.

No written protests have been filed for the attention of the Board.

The Board determined that no person is present at this Hearing to protest or offer objection thereto.

Commissioner Wimmer moved that the application filed by CNH America, LLC for a 10 year payment in lieu of tax exemption pursuant to Chapter 40-57.1, NDCC be approved as follows:

Year 1 through 5 - \$0

Year 6 through 10 - \$40,166

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

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

**Request for an Extension of the Class "CD" Alcoholic Beverage License Held by the Old Broadway Corporation d/b/a Just One Approved:**

A Hearing had been set for this day and hour on an application to consider the location change of the Just One Class "CD" Alcoholic Beverage License issued to the Old Broadway Corporation d/b/a Just One to be located at 64 Broadway notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

The Board received a communication from Randy Thorson, President, Old Broadway Corporation, stating the Old Broadway Corporation recently requested that the Just One Class "CD" Alcoholic Beverage License be transferred to 64 Broadway, however, the building has been purchased by Scott Hennen who will be renovating the building to house his media company and radio station. He said at this time, he feels it is more important to jump start the revitalization of this block of Broadway and, therefore, he has elected to sell the building to Mr. Hennen. He said he is requesting an extension of the Class "CD" Alcoholic Beverage License at 16 Broadway for an additional six month period until a permanent location can be secured for the license.

Commissioner Wimmer moved the request for a six month extension be approved.

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

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

**Petition Requesting the Rezoning of Parcels of Land in Arndts-Devener Subdivision Approved (922 40th Street North): Issue to be Reviewed in One Year:**

A Hearing had been held by the Fargo Planning Commission on March 12, 2008, for the purpose of considering a petition requesting that the zoning be changed from GI, General Industrial to LI, Limited Industrial, on the south 180 feet of the north 364 feet of the east 410 feet of Lot 6, Arndts-Devener Subdivision, and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the change in zoning as petitioned for be denied.

The City Auditor's Office published a Notice of Hearing stating April 7, 2007 is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

At the April 7, 2007 meeting, the Hearing was continued to this day and hour.

Written protests to the change in zoning as petitioned for had been received by the Fargo Planning Commission, such protests representing 22.34 per cent of the legal protest area.

Senior Planner Jim Hinderaker stated Dave Lerud, the applicant requesting the zoning change, is the owner of Games Galore who is a tenant of the warehouse/office building owned by Keith Ernst. Mr. Hinderaker said Games Galore stores, transports and rents inflatable play equipment for children's parties which are located at an off-site location. He said Mr. Lerud would like to add a retail sales and service use by

adding an indoor entertainment component which he defines as a family fun center. He said Mr. Lerud would like to convert up to 6000 square feet in order to be able to hold private parties in the winter months on site where the business can use the inflatable play equipment at the 922 40th Street North location. Mr. Hinderaker stated the contextual setting is important as part of the analysis. He said the property to the north has Ernst Trenching, the property owner's contractor service company; the property to the east across 40th Street has Magnum, a freight movement company; the property to the south is vacant but is used for construction equipment storage; and the property to the west is an asphalt plant. He said there was a concern from Magnum Companies regarding the potential conflict of the industrial truck traffic and Games Galore's on-site clientele and the applicant has suggested they limit their proposal to private parties versus being open to serve the general public. Mr. Hinderaker stated the indoor entertainment facility could not be used without reservations and this will potentially eliminate children from being at the site unsupervised. He said staff agrees it would be best to limit general public access and, therefore, recommends a Conditional Overlay which will increase the compatibility between commercial and industrial uses and address unique considerations specific to the site. He said it is proposed that specifically the retail sales and service component of this particular business be limited to private parties at this location only. Mr. Hinderaker stated staff is recommending approval with a Conditional Overlay.

Don Jemtrud with Magnum Companies stated safety is very important to his company. He said big wheel trucks do not mix well with traffic from young adults. He said they are concerned with the people's safety and do not want to jeopardize anyone's life.

Jen Anderson with Magnum Companies also stated her concerns regarding safety issues. She questioned what would stop a child from using a bicycle to attend a party at that location.

Commissioner Coates stated that road is shared by everyone and there is nothing to stop kids from using bikes on the street anyway. She said people cannot be prevented from using the street. She said it is a matter of sharing a public right-of-way.

There was discussion regarding a year's trial period.

Commissioner Coates 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, The Fargo Planning Commission denied the request on March 12, 2008; and

WHEREAS, Written protests to the change in zoning as petitioned for had been received by the Fargo Planning Commission, such protests representing 22.34 per cent of the legal protest area.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC and that this issue come back to the Commission in one year for review.

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

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

At 6:05 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

**First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Arndts-Devener Subdivision to the City of Fargo:**

Commissioner Coates 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 Arndts-Devener Subdivision to the City of Fargo be placed on first reading.

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

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

**Special Assessment List for 2007 New Construction of City Ordered Sidewalks Approved (Project No. 5716):**

A Hearing had been set for this day and hour on the special assessment list for the 2007 New Construction of City Ordered Sidewalks in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Coates moved that the special assessment list for the 2007 New Construction of City Ordered Sidewalks be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

**Special Assessment List for 2007 Reconstruction of City Ordered Sidewalks Project Approved (Project No. 5717):**

A Hearing had been set for this day and hour on the special assessment list for the 2007 Reconstruction of City Ordered Sidewalks in the City of Fargo, North Dakota, on which special assessment list a Hearing had been held by the Special Assessment Commission after which it had been confirmed and filed with the Board of City Commissioners.

No appeals have been filed in writing against any item appearing on such special assessment list and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Coates moved that the special assessment list for the 2007 Reconstruction of City Ordered Sidewalks be and the same is hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

### **Special Assessment Lists for Various Improvement Districts Approved:**

A Hearing had been set for this day and hour on the special assessment lists for the construction of the following Improvement Districts in the City of Fargo, North Dakota, on which special assessment lists Hearings had been held by the Special Assessment Commission after which they had been confirmed and filed with the Board of City Commissioners:

Railroad Crossing Safety, Quiet Zone and Incidentals Improvement District No. 5243.

Storm Sewer and Incidentals No. 5497.

Concrete Curb and Gutter, Asphalt Pavement and Incidentals No. 5592.

Concrete Curb and Gutter, Asphalt Pavement, Utilities, Street Lights, Sidewalks and Incidentals No. 5668.

Street Reconstruction and Incidentals No. 5680.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals No. 5689.

Seal Coat and Incidentals No. 5709.

NDSU – 17th Avenue North Street Replacement No. 5723.

Asphalt Alley Paving and Incidentals No. 5753.

P.C. Concrete Alley Paving and Incidentals No. 5756.

No appeals have been filed in writing against any item appearing on such special assessment lists and no person is present at this Hearing to appeal or offer any objection thereto.

Commissioner Mahoney moved that the special assessment lists for the construction of the above listed Improvement Districts be and the same are hereby approved and confirmed and ordered filed in the office of the City Auditor, that the City Auditor's Office be instructed to proceed to collect the assessments in the manner provided by law and that the interest rate be set at 1% per annum over the net rate on bonds financing said projects.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, May 5, 2008.

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

The time at adjournment was 6:17 o'clock p.m.