

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: April 7, 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 7, 2008.

The Commissioners present or absent were as shown following:

Present: Coates, Mahoney, Williams, Walaker.

Absent: Wimmer.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Coates moved the Order of the Agenda be approved adding an extra item after the public hearings regarding a donation of a piece of artwork at the new Main Library.

Second by Williams. All the Commissioners present 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 March 24, 2008 and the Special Meeting of the Board held on March 26, 2008 be approved as read.

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

Consent Agenda Approved:

Commissioner Coates moved the Consent Agenda be approved as follows:

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 3/24/08:
 - (1) Enacting Section 25-1509(O) of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Restrictions on Sale, Service or Dispensing of Alcoholic Beverages (relating to extended stay hotels or motels).
 - (2) Enacting Article 25-36 of Chapter 25 of the Fargo Municipal Code Relating to Licensing of Re-Roofing Contractors (delayed until the 4/21/08 meeting).
- b. Receive and file Ordinance Relating to Civil Service.
- c. Health Department budget adjustment in the amount of \$32,150 and contract with the North Dakota Department of Health for start-up expenses for Protect ND Kids (contract #08-598).

- d. Site Authorizations for American Gold Gymnastics at Big D's Bar and Grill and Sidestreet Grille & Pub.
- e. Applications for Games of Chance:
 - (1) YWCA Cass Clay for a raffle on 4/21/08.
 - (2) YWCA Cass Clay for bingo and a raffle on 5/29/08.
 - (3) Roger Maris Celebrity Golf Tournament for a raffle on 6/22/08.
 - (4) SENDCAA Headstart/Early Headstart for a raffle on 5/20/08.
- f. Acceptance of quote from Master Construction Company, Inc. for 2008 Cleanup Week services in the amount of \$33,850.
- g. Change Order No. G02 for an increase of \$17,067.48 for general construction in connection with Phase 1 of the Central Garage Renovation.
- h. House acquisition and removal for flood mitigation purposes at 1202 49th Avenue South.
- i. Project Concept Report for safety improvements at 4 intersections on 13th Avenue South, west of I-29 (Improvement District No. 5811).
- j. Change Order No. 1 for an increase of \$35,595.82 for Project No. 5696.
- k. Final Balancing Change Order for an increase of \$6,072 for Project No. 5560.
- l. Bid award for Project No. 5816 to Roadway Services, Inc. in the amount of \$72,450.00.
- m. Bid advertisement for Project No. 5807-1.
- n. Bills in the amount of \$2,155,115.91.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

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

The bids 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 were opened at 11:30 o'clock a.m., April 1, 2008 and the bids were found to be as follows:

Master Construction Company, Inc.
Bid:

Fargo, ND
\$75,032.50

Industrial Builders, Inc.
Bid:

Fargo, ND
\$95,620.75

Contract for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-12 Awarded to Master Construction Company, Inc. in the Amount of \$75,032.50:

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

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 1, 2008 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; and

WHEREAS, The City Engineer's tabulation of the bids received for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-12 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$75,032.50 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 \$75,032.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract 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, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$75,032.50, 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, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

No Protests Received for Asphalt Wearing Course and Incidentals Improvement District No. 5779:

The Statutory Resolution of Necessity for the construction of Asphalt Wearing Course and Incidentals Improvement District No. 5779 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 3 and 10, 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 Asphalt Wearing Course and Incidentals Improvement District No. 5779.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Bids Received for Asphalt Wearing Course and Incidentals Improvement District No. 5779:

The bids for Asphalt Wearing Course and Incidentals Improvement District No. 5779 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 2, 2008 and the bids were found to be as follows:

Aggregate Industries Bid:	Moorhead, MN \$771,450.69
Northern Improvement Company Bid:	Fargo, ND \$795,692.96
Border States Paving, Inc. Bid:	Fargo, ND \$808,578.97
Central Specialties, Inc. Bid:	Alexandria, MN \$887,259.15
Strata Corporation Bid:	Grand Forks, ND \$960,146.80

Contract for Asphalt Wearing Course and Incidentals Improvement District No. 5779 Awarded to Aggregate Industries in the Amount of \$771,450.69:

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 Asphalt Wearing Course and Incidentals Improvement District No. 5779; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 2, 2008 for Asphalt Wearing Course and Incidentals Improvement District No. 5779 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Asphalt Wearing Course and Incidentals Improvement District No. 5779 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$771,450.69 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Aggregate Industries in the sum of \$771,450.69 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Asphalt Wearing Course and Incidentals Improvement District No. 5779 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$771,450.69, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Williams. On the vote being taken on the question of the adoption of the Resolution Commissioners Coates, Williams, Mahoney and Walaker voted aye. Absent and not voting: Commissioner Wimmer.
The Resolution was adopted.

Bids Received for Water Main Replacement and Incidentals Improvement District No. 5785:

The bids for Water Main Replacement and Incidentals Improvement District No. 5785 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 2, 2008 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$ 85,485.00
Rising Sun Construction, Inc. Bid:	Fargo, ND \$ 88,374.00
George E. Haggart, Inc. Bid:	Fargo, ND \$ 99,702.50
Shermans, LLC Bid:	West Fargo, ND \$102,004.94
Kindred Plumbing and Heating, Inc. Bid:	Kindred, ND \$108,458.75
Dakota Underground Bid:	Fargo, ND \$112,712.50

Contract for Water Main Replacement and Incidentals Improvement District No. 5785 Awarded to Master Construction Company, Inc. in the Amount of \$85,485.00:

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 Water Main Replacement and Incidentals Improvement District No. 5785; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 2, 2008 for Water Main Replacement and Incidentals Improvement District No. 5785 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement and Incidentals Improvement District No. 5785 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$85,485.00 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 \$85,485.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement and Incidentals Improvement District No. 5785 in the City of Fargo, North Dakota, be

and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$85,485.00, 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, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5713 (4th Avenue North from University Drive to 16th Street North and 14th and 15th Streets from 3rd to 5th Avenues North):

Commissioner Coates moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5713:

Adopt Resolution Creating Improvement District No. 5713:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5713, in the City of Fargo, North Dakota, be created

On 4th Avenue North from University Drive to 16th Street North.

On 14th & 15th Street North from 3rd to 5th Avenue North.

COMPRISING:

Lots 4 through 11 and 13 through 24, Block 7.

Lots 10 through 24, Block 8.

Lots 8 through 16, Block 9.

Lots 1 through 10 and 21 through 22, Block 10.

Lots 1 through 12, Block 11.

Lots 1 through 12, Block 12.

All in Reeves Addition.

Lot 4, Block 1, MNPF 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. 5713, 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. 5713:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5713, 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 \$1,584,058.31.)

Order Plans and Specifications for Improvement District No. 5713:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5713, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5713:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5713, 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. 5713, 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. 5713 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 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. 5713:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5713, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Water Main Replacement and Incidentals Improvement District No. 5781 (Woodland Drive North and Plumtree Road North):

Commissioner Coates moved the following action be taken in connection with Water Main Replacement and Incidentals Improvement District No. 5781:

Adopt Resolution Creating Improvement District No. 5781:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5781, in the City of Fargo, North Dakota, be created

On Woodland Drive North.
On Plumtree Road North.

COMPRISING:

Lot 10 through 24, inclusive, Block 1.
Lots 1 through 13, inclusive, Block 2.
Lots 1, 11 through 25, inclusive, Block 3.
Lots 1 through 10, inclusive, Block 4.
All in Ridgewood Addition.

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement and Incidentals Improvement District No. 5781, 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. 5781:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5781, 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 \$490,204.)

Order Plans and Specifications for Improvement District No. 5781:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5781, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5781:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5781, 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. 5781, 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 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 & Incidentals, Improvement District No. 5781 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 & Incidentals improvement is to be paid from Street Sales Tax Funds and approximately 21% 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 & 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. 5781:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5781, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5782 (10th Avenue South from University Drive to 17th Street, 14th and 15th Streets South from 9th to 11th Avenues and 16th Street South from 9th to 10th Avenues):

Commissioner Coates moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5782:

Adopt Resolution Creating Improvement District No. 5782:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5782, in the City of Fargo, North Dakota, be created

On 10th Avenue South from South University Drive to 17th Street.

On 14th Street South from 9th Avenue to 11th Avenue.

On 15th Street South from 9th Avenue to 11th Avenue.

On 16th Street South from 9th Avenue to 10th Avenue.

COMPRISING:

Lots 1 through 7, inclusive, Block 1.

Lots 1 through 12, inclusive, Block 2.

Lots 1 through 15, inclusive, Block 3.

Lots 1 through 10, inclusive, and Lots 20 & 21, Block 4.

All in Aldrich & Roberts Addition.

Lots 1 through 3, inclusive, Block 8.

All in Darlings 1st Addition.

Lots 1 through 15, inclusive, Block 7.

Lots 1 through 15, inclusive, Block 8.

Lots 1 through 8 & 23 through 28, inclusive, Block 9.

Lots 18 through 20, inclusive, Block 10.

All in Darlings 2nd Addition.

Lot 1, Block 1.

All in Carl Ben Eielson Addition.

Lots 4 through 6, inclusive, Block 1.

All in W.D. Sweet's 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. 5782, 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. 5782:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5782, 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 \$1,836,900.)

Order Plans and Specifications for Improvement District No. 5782:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5782, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5782:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5782, 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. 5782, 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. 5782 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 28% 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. 5782:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5782, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5796 (Autumn Fields Addition):

Commissioner Coates moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5796:

Adopt Resolution Creating Improvement District No. 5796:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5796, in the

City of Fargo, North Dakota, be created
On 28th Avenue from 42nd Street to Saffron Drive South
On 30th Avenue from 42nd Street to 1350' west of 42nd Street
On Saffron Drive from 28th Avenue to 30th Avenue South
On Sienna Drive from 30th Avenue to 32nd Avenue South
On Russett Avenue from Sienna Drive to 43rd Street South
On 31st Avenue from 42nd Avenue to 43rd Street South
On Auburn Avenue from Sienna Drive to 43rd Street South
On 43rd Street from 30th Avenue to 32nd 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.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5796, 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. 5796:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5796, 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 \$1,782,000.)

Order Plans and Specifications for Improvement District No. 5796:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5796, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5796:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5796, 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. 5796, 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. 5796:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5796, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

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. 5314-9 Approved:

Commissioner Coates moved approval of the Contract between the City of Fargo and Dakota Underground for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-9 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

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. 5314-9 Approved:

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

United Fire and Casualty Company, in the amount of \$5,732,126.80, for Bridges, PC Concrete Pavement, Grading, Storm Sewer, Water Main Distribution, Signals, Street Lighting, Bike Trail and Incidentals Improvement District No. 5314-9 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Seal Coat and Incidentals Improvement District No. 5778 Approved:

Commissioner Coates moved approval of the Contract between the City of Fargo and Pearsons Brothers, Inc. for Seal Coat and Incidentals Improvement District No. 5778 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Contract Bond for Seal Coat and Incidentals Improvement District No. 5778 Approved:

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

Merchants Bonding Company, in the amount of \$348,165.76, for Seal Coat and Incidentals Improvement District No. 5778 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5792 Approved:

Commissioner Coates moved approval of the Contract between the City of Fargo and MIC for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5792 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5792 Approved:

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

Granite RE, Inc., in the amount of \$146,333.20, for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5792 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.
The motion was declared carried.

Language for Questions on the June 10, 2008 Ballot Approved:

The Board received a communication from City Attorney Erik Johnson submitting the following forms of ballot for the Board's review and approval for the June 10, 2008 election:

1. Referred Ordinance (except for bars, JT Cigarro, etc.) ballot language.
2. Initiated Ordinance (more comprehensive smoking ban) ballot language.
3. Home Rule Charter Amendment ballot language.
4. Publication of Minutes ballot question.

Mr. Johnson stated as guidance for the drafting of the initiated and referred ordinance he reviewed the provisions of Chapter 40-12, NDCC and he believes these proposals

substantially conform to the suggested language contained in that chapter. He said he used a similar style for the Home Rule Charter Amendment.

Commissioner Mahoney moved the form of ballots be approved as presented by Mr. Johnson.

Second by Coates.

Randy Thorson, 4202 Timberline Drive, said he looked at the letter from Mr. Johnson and the subsequent ballot questions. He said the more restrictive smoking ordinance was worded well but the less restrictive smoking ordinance, which is worded as follows, was not worded quite as well and was a little wordy:

“Shall Ordinance number 4639 relating to prohibiting smoking in public indoor workplaces in the City of Fargo except for an all-enclosed bar area which prohibits entry of 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 J.T. Cigarro Tobacco Bar, all as published in The Forum on the 26th day of May, 2008, be adopted?”

Mr. Thorson suggested the section at the end of the Referred Ordinance that says “approved by the Board of City Commissioners” would be better placed after J.T. Cigarro to simplify it. As far as the Home Rule Charter Amendment, he said, the State Century Code states the question should be asked first. The two questions, he said, should be consistent so he asked to have the question in the amendment first and separate the two paragraphs.

Barry Nelson, 902 42nd Avenue North, said he represents the “Share the Air” group that brought the petitions for the Initiated Ordinance for a complete smoking ban. He said the smoking ban petitions were brought forward because people had complained the last vote was confusing and this time the ballot questions should be simplified.

Commissioner Mahoney moved the motion be amended to change the ballot question for the Home Rule Charter Amendment putting the sentence beginning with “Currently, Article 4(F)...” after the question of “Shall Article 4(F) of the Home Rule Charter of the City of Fargo be amended ...” as a separate paragraph and the ballot question would then read as follows:

“Shall Article 4(F) of the Home Rule Charter of the City of Fargo be amended to provide that initiated or referred ordinances approved by a vote of the voters may only be repealed or amended by a vote of the voters all as provided in the Notice of Proposed Home Rule Charter Amendment as published in The Forum on the 26th day of May, 2008?”

Currently, Article 4(F) of the Home Rule Charter of the City of Fargo provides that an initiated or referred ordinance approved by the voters may be repealed or amended by a two-thirds majority of the City Commissioners within one year of the effective date of the initiated or referred ordinance and by simple majority thereafter.”

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

On call of the roll on the original motion as amended Commissioners Coates, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Renaissance Zone Project Application for John and Dawn Wakefield Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for John and Dawn Wakefield at 505 Broadway, #308.

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

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

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by John and Dawn Wakefield meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended that the project be approved.

Commissioner Coates moved the Renaissance Zone application filed by John and Dawn Wakefield for a project located at 505 Broadway, #308 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Hearing on the Rezoning of Parcels of Land in Arndts-Devener Subdivision Continued to April 21, 2008 (922 40th Street North):

This was the time and date set for a Hearing on the rezoning of parcels of land in Arndts-Devener Subdivision, however, the petitioner has requested that the Hearing be continued to April 21, 2008.

Commissioner Williams moved the Hearing be continued to April 21, 2008.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Parcels of Land in Keeney and Devitts 2nd Addition and Adjacent Areas to the City of Fargo Rezoned (608, 614 and 620 9th Avenue North; 719, 727, 731 and 815 7th Street North; 315 and 613 7th Avenue North; 601 5th Street North, 624 and 701 4th Street North; 812 and 820 Broadway North; 601, 617 and 717 4th Street North; and 604 and 619 Broadway North):

At a Hearing held on March 12, 2008 the Fargo Planning Commission recommended approval of the following change in zoning:

620 9th Avenue North, the legal description for which is as follows: an unplatted lot in the NW1/4 of Section 6, Township 139 North, Range 48 West, East of Block 13, Harwoods 2nd Addition, the North 80 feet of Lot 10; as to a certain property located at 614 9th Avenue North, the legal description for which is as follows: an unplatted lot in the NW1/4 of Section 6, Township 139 North, Range 48 West, the North 137 feet of Lot 7 of the NW1/4 of Section 6, Township 139 North, Range 48 West; as to certain property located at 608 9th Avenue North, the legal description for which is as follows: an unplatted lot in the NW1/4 of Section 6, Township 139 North, Range 48 West, 12 feet of Lot 4 of the NW1/4 of Section 6, Township 139 North, Range 48 West of Auditors Subdivision of Block 14 Harwoods 2nd Addition; as to certain property located at 815 7th Street North, the legal description for which is as follows: an unplatted lot in the NW1/4 of Section 6, Township 139 North, Range 48 West, the South 40 feet of Lot 10, Harwoods 2nd Addition; as to certain property located at 731 7th Street North, the legal description for which is as follows: the West 95 feet of Lot 10 and West 95 feet of the N1/2 of Lot 11, Block 1, Park Addition; as to certain property located at 727 7th Street North, the legal description for which is as follows: the West 95 feet of Lot 12 and the West 95 feet of the S1/2 of Lot 11, Block 1, Park Addition; as to certain property located at 719 7th Street North, the legal description for which is as follows: Lots 1 & 15, Block 1, Park Addition; as to certain property located at 613 7th Avenue North, the legal description for which is as follows: Lots 16, 17, 18, & the W1/2 of the vacated alley adjacent, Block 1, Park Addition; as to certain property located at 601 5th Street North, the legal description for which is as follows: Lot 1, less the North 12.3 feet, Block 36, Keeney & Devitts 2nd Addition; as to certain property located at 624 4th Street North, the legal description for which is as follows: the North 12.3 feet of Lot 1 & all of the vacated alley lying between Lots 1-10, per vacated plat 1988 & the East 40 feet of vacated 5th Street North lying adjacent to Lots 7-10 & the North 12.3 feet of Lot 1, Block 36, Keeney & Devitts 2nd Addition; as to certain property located at 701 4th Street North, the legal description for which is as follows: on Lots 8, 9, & 10, Block 17, Hectors Addition; as to certain property located at 315 7th Avenue North, the legal description for which is as follows: an unplatted lot in the NE1/4 of Section 6, Township 139 North, Range 48 West lying between Lot 10, Block 17, Hectors Addition & Lots 9-12 including, Block 3, Dewitts Addition also known as Lot 5, is hereby rezoned from "MR-3", Multi-Dwelling, District to "DMU", Downtown Mixed Use, District; and 820 Broadway North, the legal description of which is as follows: an unplatted lot in the NW1/4 of Section 6, Township 139 North, Range 48 West, the S1/2 of Lot 4, except for the West 12 feet of Block 14, Harwood 2nd Addition, the NW1/4 of Section 6, Township 139 North, Range 48 West, & Lot 5 of Auditors Subdivision of Block 14, Harwood 2nd Addition; as to certain property located at 812 Broadway North, the legal description for which is as follows: an unplatted lot West of Auditors Lots 6 & 7 of the NW1/4 of Section 6, Township 139 North, Range 48 West & beginning at the Southeast corner of Lot 9 of the NW1/4 of Section 6, Township 139 North, Range 48 West according to the plat thereof then North 18 feet 6 inches then West 21 feet then South 23 feet 6 inches then East 6 feet then North 5 feet then East 15 feet to point of beginning; as to certain property located at 601 4th Street North, the legal description for which is as follows: on the South 3.83 feet of Lot 9 & all of Lots 10 & 1, Block 37, Keeney & Devitts 2nd Addition; as to certain property located at 617 4th Street North, the legal description for which is as follows: Lots 7, 8, & the North 46.17 feet of Lot 9, Block 37, Keeney & Devitts Addition; as to certain property located at 717 4th Street

North, the legal description for which is as follows: Lots 3-7, Block 17, Hectors Addition is hereby rezoned from "LC", Limited Commercial, District to "DMU", Downtown Mixed Use, District; and 604 Broadway North, the legal description for which is as follows: Lot D & land adjacent on the east beginning on the Northeast corner of Block D of Chapin, Johnson, Barretts Addition, then running in an Easterly Direction on a prolongation of the North line of Block D, to the West line of Broadway, then South along the West line of Broadway to a point on said line reaching a prolong Easterly of the South line of Block D, then in a Northerly course along the East line of Block D to the beginning of Chapin, Johnson, Barrets Addition; as to certain property located at 619 Broadway North, the legal description for which is as follows: Lots 1-10 & the vacated alley & one-half of vacated 5th Street North adjacent, Block 35, Keeney & Devitts 2nd Addition is hereby rezoned from "P/I", Public/Institutional, District to "DMU", Downtown Mixed Use, District.

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

Senior Planner Jim Hinderaker said the rezoning request will bring these properties into compliance.

Commissioner Williams said it is a good idea to rezone property for its proper use. He questioned if there were any concerns about tearing down buildings for parking lots.

Mr. Hinderaker said MeritCare will have to look at building up and not out to meet future parking needs.

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, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that review criteria of Section 20-0906.F (1-4) has been met.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Keeney and Devitts 2nd Addition and Adjacent Areas 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 Keeney and Devitts 2nd Addition and Adjacent Areas to the City of Fargo be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Parcels of Land in the Southwest Quarter of the Northwest Quarter of Section 14, Township 138 North, Range 49 West Rezoned (3598 76th Avenue South):

At a Hearing held on March 12, 2008 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to GC, General Commercial on the southwest quarter of the northwest quarter less right-of-way of Section 14, Township 138 North, Range 49 West, less NDDOT I-29 property.

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

Senior Planner Jim Hinderaker said this request is in line with the City Growth Plan and there was no opposition.

In response to a question from Commissioner Coates regarding rezoning in the Extraterritorial Area now instead of later, Mr. Hinderaker said it is harder to rezone after housing is built.

Commissioner Williams said he is concerned with the possibility of truck stops being built in this area and the chance of truck traffic problems like what occurred on 13th Avenue South and 45th Street South.

In response to Commissioner Williams' question regarding adding language now to prevent truck stops, Mr. Hinderaker said limitations can be done at the time of platting and he would take Commissioner Williams' concern back to Planning.

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, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that review criteria of Section 20-0906.F (1-4) has been met.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in the Southwest Quarter of the Northwest Quarter of Section 14, Township 138 North, Range 49 West, Cass County, North Dakota:

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 the Southwest Quarter of the Northwest Quarter of Section 14, Township 138 North, Range 49 West, Cass County, North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Text Amendment to Sections 20-1002.D and 20-1004.B of the Land Development Code Approved:

A Hearing had been held by the Fargo Planning Commission on March 12, 2008 for the purpose of considering a request for a text amendment to Section 20-1002, Subparagraph D.3 of Article 20-10 of Chapter 20, Section 20-1004, Subparagraph B.1 of Article 20-10 of Chapter 20 of the Land Development Code to allow legal nonconforming residential uses/structure to be rebuilt if damaged or destroyed by more than 50 percent of the structure's value and the Fargo Planning Commission at such Hearing recommended to the Board of City Commissioners that the request be approved.

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

There have been no written or verbal protests to the request and no one is present to protest thereto.

Senior Planner Jim Hinderaker said discussion has been taking place the last 1 to 1 1/2 years with lenders regarding nonconforming structures. The text amendment, he said, gives the property owners an avenue to rebuild.

Commissioner Coates moved the request be approved on the basis the proposed Text Amendment complies with Section 20-0904.E (1-3) of the Land Development Code.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

First Reading of an Ordinance Relating to Non-Conforming Uses and Non-Conforming Structures:

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 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 be placed on first reading.

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

Absent and not voting Commissioner Wimmer.

The motion was declared carried.

Ordinance Relating to Impounding of Vehicles Referred to the City Attorney:

The Board received a communication from Senior Planner Robert Stein stating at its September 12, 2005 meeting the Commission approved the implementation of a graduated fine system. He said implementation of the system required upgrades to the handheld ticket writers and staff was directed to research and acquire the needed technology. Through this process, he continued, it was determined the City's citation management system should be upgraded. Mr. Stein said following an RFP selection process, Duncan Solutions was selected as the vendor that could best provide the upgraded citation management system. He said that system is currently being

implemented and it is anticipated it will be up and running by May 15, 2008. Mr. Stein stated certain changes to the Municipal Code were needed in order to implement the new citation management system and graduated fines. He said other changes to the Code were included upon recommendation of the Parking Commission and Auditor's Office. Mr. Stein submitted the Ordinance which includes the following changes:

Section 2.11.A Allows a graduated fine structure for parking zone violations in the downtown area.

Section 2.11.B The fee for violation of Section 8-1006 (Fire Lane Violations) is increased from \$15 to \$20.

Section 3.8-1004.2 Impoundment by use of the "denver boot" is authorized.

Mr. Stein said the graduated parking fine concept was initially suggested because 75% to 85% of the downtown parking spaces are taken by downtown employees. He said a waiver for first time violators plus a friendly reminder for other parking options in the downtown area would help people transition to the graduated system. Also, he said, impoundment of cars by using the denver boot would get the attention of repeat offenders and force them to pay outstanding fines without towing the vehicle.

In response to a question from Commissioner Williams regarding the recent ruling on Fargo overcharging for traffic violations and the possibility of this Ordinance being questioned, City Attorney Erik Johnson said parking restrictions in the Century Code refer to parking strictly on the State Capitol grounds so similar problems would not arise in the case of this Ordinance.

Mr. Stein said the City of Bismarck uses a graduated fine system and he was told it works quite well. In 2005, he said, the City of Fargo formed a 15 person committee made up of City staff, private sector people and business owners to study downtown parking issues. Public meetings were held in the downtown area, he said, and there was good support for graduated fines because repeat offenders are targeted instead of business customers. He also said the new handheld scanning system will identify repeat offenders. The Parking Commission, he said, will do a public relations campaign to educate the public about the new Ordinance.

David Anderson, President of the Downtown Community Partnership, said the Ordinance change is customer friendly and the first time violation waiver is a kinder approach.

Mr. Johnson said he will take another two weeks to review the items and will bring the Ordinance back on April 21, 2008.

Commissioner Williams moved the Ordinance Relating to Impoundment of Vehicles be received and filed and referred to the City Attorney for review.

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

Commissioner Mahoney voted nay.

Absent and not voting nay: Commissioner Wimmer.

The motion was declared

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

After recess: All Commissioners present except Commissioner Wimmer. Mayor Walaker presiding.

Donation Agreement With Wellspring for the World, Inc. for Artwork and Kiosk in the New Main Library Approved:

The Board received a communication from Library Director Tim Dirks stating on March 28, 2008 the Fargo Public Library Board of Directors approved, by electronic vote, the Agreement from Wellspring for the World, Inc. for the donation of a piece of artwork and an informational kiosk to be placed in the new Main Library. He said the Fargo Public Library Board of Directors is requesting that the City Commission approve the Donation Agreement, which he attached.

Jon Offutt, 1014 7th Street South, unveiled the model of the artwork and said the piece will be approximately 12 feet high and 11 feet wide and will be located along the north corridor of the new library. The mission of Wellspring for the World, Inc., he said, is to raise funds for clean water wells in Africa. There will also be an electronic kiosk, he said, to educate the public on the mission of the organization, to show the making of the art and for fundraising.

Commissioner Coates said this agreement solidifies the verbal agreement between Wellspring and the Library Board.

Commissioner Coates moved the Donation Agreement with Wellspring for the World, Inc. be approved.

Second by Williams.

In response to a question from Commissioner Mahoney regarding the possibility of other groups coming forward with offers of artwork for the library, Commissioner Coates said the requests would be handled case by case.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Scope of Work and Cost Proposals for Consulting Engineering Services for the Southside Flood Control Project Approved:

The Board received a communication from City Engineer Mark Bittner submitting a Status Report for the Southside Flood Control Project, District 5073.

Mr. Bittner summarized the Status Report on recent activities associated with the project development on the Southside Flood Control project. He said public input from the presentations over the last two months has been more favorable but the public wants a commitment for zero stage impact of the Red River. In general, he said, the public is in favor of the project compared to the cost of flood insurance. Moore Engineering is working on the base plan, he said, but additional analysis is needed on cost benefits. Mr. Bittner requested approval of additional consulting engineering services.

Senior Engineer April Walker said FEMA is in the process of remapping the flood plain and hopes to release the map by the fall of 2008. She said Engineering will ask FEMA to review the preferred option against the remap once the City decides on a project option. She said the City has a responsibility to regulate building within the floodplain so she presented data reflecting the difference in flood insurance costs before and after the completion of the proposed project.

In response to a question from Commissioner Coates regarding the funding for the additional analysis, Mr. Bittner said the City has an agreement with Southeast

Cass Rural Water where they would reimburse the City upon having the project turned over to them. He said FEMA and the State of North Dakota will each contribute \$500,000.

In response to a question from Commissioner Williams regarding the timeline of the project, Mr. Bittner said they had hoped to have the project option selected by May 1st but it will take 30 days for 4 consultants to complete the additional analysis and there will be more meetings for public input with the hope to have a preliminary report by June 1, 2008. He said the permitting process could begin by July 1, 2008.

Ms. Walker said the Corps of Engineers has executed the agreement to begin demolition of eight homes in the Ridgewood Project.

Commissioner Williams moved the Scope of Work and Cost Proposals for consulting engineering services be approved as follows:

Moore Engineering - \$900,000
Base Project Preliminary Design

Houston Engineering - \$222,000
River Corridor Subdivisions
32nd to 40th Avenues South
Selkirk Settlement
Briarwood
Chrisan East
Forest River
Channel Extension Permitting
Public Meetings
Technical Report Writing

Kadmas Lee & Jackson - \$227,500
South University Drive – 40th to 52nd Avenues South
Flood control elements of street reconstruction
River Corridor Subdivisions
South Acres
River Vili
Riverview

Ulteig Engineers - \$210,020
Cost-benefit analysis
Do-nothing impacts
Alternatives to Red River Channel Extension

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, April 21, 2008.

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

The time at adjournment was 6:53 o'clock p.m.