

change would be a savings to the department annual budget of \$3,504 (\$292 per month).

PEC recommends the approval of this request effective immediately.

Police Department request to reorganize Community Service Officers (CSO) staff due to a retirement - Keith Ternes and Dave Todd request the elimination of the CSO I, II, III levels and assign all staff to one CSO position description equivalent in pay to the current CSO II (B22-2 paid at B23). This requested change would be a savings to the department annual budget of \$6,669.

PEC recommends the approval of this request effective immediately.

- c. Sale of NRI Purchase Rehab property at 804 8th Street North for \$68,900.
- d. Amendment of Recipient Agreement for the 66-74 Broadway Storefront Rehabilitation project.
- e. Applications for five-year property tax exemptions for improvements made to buildings:
 - (1) Kevin Olson, 1346 1st Avenue South.
 - (2) Neil and Debra Nieman, 432 14th Avenue South.
 - (3) Beatrice Roberts, 1517 12th Street South.
 - (4) Donald and Nancy Kinslow, 1514 12th Avenue South.
- f. Change Orders for the Fargodome projects: No. 5 (general) for an increase of \$2,057 for the escalator, meeting rooms and "cut-through project" and No. 1 (electrical) for an increase of \$8,963 for the sound system project.
- g. Applications for Games of Chance:
 - (1) Dakota Resource Council for a raffle on 3/27/07; Public Spirited Resolution.
 - (2) Cathedral of St. Mary for bingo and a raffle on 4/15/07.
 - (3) Fargo North Girls Fastpitch Softball for a calendar raffle from 4/12/07 to 5/18/07; Public Spirited Resolution.
 - (4) Clara Barton/Hawthorne for bingo on 2/24/07.
 - (5) Red River Valley Figure Skating Club for a raffle on 3/25/07.
- h. Purchase of 4 buses at a cost of \$300,000 to \$315,000.
- i. Bid award in the amount of \$85,000 to Enviro Tech Remediation Service, Inc. for asbestos removal at the Fargo Library.
- j. Relinquishment of Utility Easement and Easement for Cass County Electric Cooperative along the south boundary of the old landfill.
- k. Occupancy Permits for residents in the Ridgewood area: Elizabeth Bushell-55 Woodland Drive North; Craig and Cindy Hanson-63 Woodland Drive North; Chet and Betty Levenson-25 Woodland Drive North; Dennis and Diane

Wiesenborn-1607 Elm Street North; Mark and Barbara McCourt-19 Woodland Drive North; Darlene Fortune-15 Woodland Drive North.

- I. Final balancing change orders for the landfill transfer station and baling facility: General Construction in the amount of \$96,233.00, Mechanical Construction in the amount of \$68,878.46 and Electrical Construction in the amount of \$46,035.00.
- m. Bills in the amount of \$4,069,789.08.

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. 5694 (On 8th Street North from 11th to 12th Avenues):

Commissioner Coates moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5694:

Adopt Resolution Creating Improvement District No. 5694:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5694, in the City of Fargo, North Dakota, be created

On 8th Street North from 11th to 12th Avenue North.

COMPRISING:

Lots 13 through 22, Block 3.

Lots 1 through 10, Block 4.

All in Chapins Huntington Subdivision.

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. 5694, 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. 5694:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5694, 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 \$408,946.25.)

Order Plans and Specifications for Improvement District No. 5694:

Direct City Engineer to prepare Plans and Specifications for the

construction of Improvement District No. 5694, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5694:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5694, 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. 5694, 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. 5694 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 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 5694:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5694, 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.

Appearance by Residents of 1521 and 1601 6th Avenue South Regarding Alleged Damage to their Homes as a Result of a City Construction Project:

The Board received communications from Kevin Klevberg, 1521 6th Avenue South, and Josh Ochocki, 1601 6th Avenue South, regarding alleged damage to their property as the result of a City construction project.

Cincinnati Insurance, representing the City's contractor Dakota Underground, submitted a final report upon completion of its investigation of Mr. Klevberg's claim. Russell Hedstrom, Cincinnati's Claim Representative, stated upon examination of Mr. Klevberg's information, Cincinnati's examination of the property, an inspection by a structural engineer, review of Dakota Underground's work, and careful consideration of the matter, Cincinnati is denying the claim. He said the conditions at Klevberg's property were either pre-existing or directly related to the soil conditions in the area and were neither a result of nor affected by any of the work performed by Dakota Underground.

Senior Claims Specialist Timothy Coulman, representing the City's insurance company, stated they retained Crawford Claims Management Services and their inspector concluded there is no evidence that work performed by Dakota Underground's project contributed to the condition of Mr. Klevberg's dwelling.

Mr. Klevberg stated the lack of follow-through with the process regarding his claim of damage caused by Dakota Underground to his home's foundation and walls has been frustrating. He said the City should provide some form of representation to homeowners when the contractor's insurance company denies the claim.

City Engineer Mark Bittner stated the City is not responsible for the process between the contractor and their insurance company. He stated the contractor's insurance company determined Mr. Klevberg's damage was not caused by the City.

City Attorney Erik Johnson stated the question of when and what caused the damage is hard to determine. He stated the City's responsibility is to see that the contractor handled the claim properly.

Mr. Bittner stated the City has received complaints on other construction projects but the City has seldom been asked to intervene. He agreed the problem with this particular situation is determination of fault.

There was discussion regarding what can be done to help Mr. Klevberg and other people in similar situations.

The City Commission suggested that staff look into the matter further to help Mr. Klevberg sort through the process.

Parcels of Land in Beautiful Savior Second Addition Rezoned (2601 and 2855 23rd Avenue South):

At a Hearing held on January 10, 2007 the Fargo Planning Commission recommended approval of a change in zoning from GC, General Commercial and P/I, Public and Institutional to GC, General Commercial on Lot 2, Block 1 and to P/I, Public and Institutional on Lot 1, Block 1, Beautiful Savior Second Addition.

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

Commissioner 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 rezoning be approved.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Beautiful Savior Second Addition 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 Beautiful Savior Second Addition to the City of Fargo be placed on first reading.

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

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

Certain Parcels of Land in Osgood River Addition Rezoned (4409, 4419, 4429, 4435, 4449, 4461, 4473 and 4485 66th Street South):

At a Hearing held on January 10, 2007 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-2, Single Dwelling on Lots 1 through 8, Block 1, Osgood River Addition.

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

Commissioner 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 rezoning be approved.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Osgood River Addition 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 Osgood River Addition to the City of Fargo be placed on first reading.

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

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

Resolution Adopted Approving Plat of Urban Plains Rec Facility Addition to the City of Fargo, Cass County, North Dakota (49th Street and 32nd Avenue South):

Commissioner Coates offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Urban Plains Rec Facility Addition", containing 7 Lots, 1 Block and 26.34 acres more or less, located at 49th Street South and 32nd Avenue South.

WHEREAS, A Hearing was scheduled to be held January 10, 2007, by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on January 29, 2007 and February 5, 2007, that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., February 12, 2007, at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the Plat entitled "Urban Plains Rec Facility Addition" be and the same is hereby in all things affirmed and approved, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

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

2007 Community Development Action Plan and City Human Service and Arts Fund Recommendation Approved:

A Hearing had been set for this day and hour on the 2007 Action Plan update for housing and community development resources which will be used in the next fiscal year in accordance with the community's Consolidated Plan update.

The Board received a communication from Senior Planner Dan Mahli stating the Community Development Committee is recommending approval of the 2007 Community Development Action Plan and Human Service and Arts Fund budget, which he attached. He said projects in the 2007 Action Plan include the following:

HOUSING REHABILITATION - \$450,000 to be available for rehabilitation of existing owner-occupied housing units. This includes \$100,000 in CDBG and \$350,000 in HOME funds.

DOWNPAYMENT ASSISTANCE - The City will apply to the State of ND for \$40,000 in American Dream Downpayment Initiative funds to assist lower income families purchase homes.

TENANT BASED RENTAL ASSISTANCE - \$75,000 in HOME funds for rent vouchers to assist long-term homeless individuals secure permanent housing.

AFFORDABLE HOUSING PROJECTS:

Beyond Shelter, Inc. CHDO Projects - \$100,000 in HOME funds for Bluestem Homes and \$100,000 in HOME funds for a senior housing project in north Fargo.

Habitat for Humanity - \$60,000 in HOME funds to cover lot costs.

Home Builders Care Foundation - \$15,000 in CDBG funds to convert a rental unit to owner occupancy and sell to a low/moderate income household.

YWCA of Cass Clay - \$18,350 in HOME funds to repair an emergency transitional housing facility.

Special Projects: Workforce Housing/Homelessness - \$156,656 of HOME and \$310,140 of CDBG funds for housing and related projects that address priorities established around homelessness and workforce housing.

DOWNTOWN PROJECTS:

Fargo Theatre Roof - \$110,000 in CDBG funds to replace the Fargo Theatre roof.

Storefront Rehab - \$39,000 in CDBG funds for storefront rehab projects.

PUBLIC SERVICE PROJECTS:

Village Financial Service Center - \$30,000 in CDBG and \$10,000 in HOME funds to support the Homebuyer and Tenant Education programs.

Cultural Diversity Resources - \$40,000 in CDBG funds to help fund community connector and leadership programs.

CHARISM - \$40,000 of CDBG funds to help fund a refugee service coordinator and outreach.

Immigrant Development Center - \$15,000 in CDBG funds to fund entrepreneurial training.

Metropolitan Transportation Initiative - \$10,000 in CDBG funds to support transportation services for low income individuals in Fargo.

Skills and Technology Center - \$5,000 in CDBG funds for job skills training and development programs for refugees and low income individuals.

Fair Housing of the Dakotas - \$1,000 in CDBG funds for fair housing education activities.

FACILITIES/CAPITAL:

Nokomis Child Care Center - \$40,000 in CDBG funds to reconfigure its two facilities to provide for an infant-care room at each site.

Mert Armstrong Center - \$21,240 in CDBG funds to repair the roof at the Mert Armstrong Center.

ADMINISTRATION:

\$132,000 in CDBG funds for project development, planning, and administrative costs associated with the delivery of the CDBG program. HOME funds will provide an additional \$48,000 for administration.

Commissioner Coates moved the 2007 Community Development Action Plan recommendation be approved and staff be directed to submit it to the US Department of Housing and Urban Development.

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

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

Commissioner Coates moved the City Human Service and Arts Fund recommendation be approved.

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

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

Renaissance Zone Project Application for Bruce and Kathy Hall Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Bruce and Kathy Hall at 505 Broadway, Suite 301.

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 Bruce and Kathy Hall 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 Wimmer moved the Renaissance Zone application filed by Bruce and Kathy Hall for a project located at 505 Broadway, Suite 301 be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

Renaissance Zone Project Application for Advanced Fire Protection, Inc. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project application filed by Advanced Fire Protection, Inc. for a business leasing property as part of a zone project at 505 Broadway, Suite 209.

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 Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations

within the zone". He said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". He stated the Renaissance Zone Authority felt that lease projects such as the application from Advanced Fire Protection, Inc. would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. He said staff review found the applicant has met the aforementioned requirements. He said the project addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Wimmer moved the Renaissance Zone Project application filed by Advanced Fire Protection, Inc. for a project located at 505 Broadway, Suite 209 be approved and the income tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

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

At 6:02 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Second Reading and Final Adoption of an Ordinance Relating to Storm Water Management:

Commissioner Williams moved that the proposed Ordinance Amending Articles 37-01, 37-02, 37-03 and 37-04 of Chapter 37 of the Fargo Municipal Code Relating to Storm Water Management which was placed on its first reading January 29, 2007 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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

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

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

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

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

Resolution Adopted Approving Permit Fees, Late Permit Fees and Noncompliance Fees -- Storm Water Management:

Commissioner Williams moved the Resolution entitled "Resolution Approving Permit Fees, Late Permit Fees, and Noncompliance Fees -- Storm Water Management" and referred to as Attachment "A" be adopted and attached hereto.

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

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

Guide to Erosion and Sediment Control Practices Adopted:

Commissioner Williams moved the Guide to Erosion and Sediment Control Practices be adopted.

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

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

Request from FM City Development LLC for a Tax Increment Financing District to Assist in the Development of a Commercial and Apartment Project at 1414, 1416, and 1420 12th Avenue North.

The Board received a communication from Roger Gilbertson, President of FM City Development LLC, requesting the creation of a Tax Increment Financing (TIF) district to assist in the development of a commercial and apartment project located at 1414, 1416, and 1420 12th Avenue North, across from NDSU. He stated \$750,000 in Tax Increment Financing would assist with demolition, site improvements, architect fees, attorney fees, administration fees and additional funds for a pedestrian walkway. Mr. Gilbertson said the proposed development would remove two older rental properties and replace them with a three story building consisting of 9,100 square feet of commercial space on the main floor and 14 apartment units above the commercial space. He said NDSU has worked with them on design and conditions that would benefit both the development and the school. NDSU has expressed support for the project which adds housing for the campus and provides a safer walkway from the "T" lot parking to campus, he said. Mr. Gilbertson said the properties are currently valued at \$232,000 and the new value of the development will exceed \$1.8 million.

Mr. Gilbertson stated the development would include 31 parking places and also student housing for 42 students. He said the increased property value would increase the tax base from \$5,000 to \$50,000.

Planning Director Jim Gilmour said the benefit of this project will be the development of blighted property and the reconstruction of 12th Avenue for driveways.

There was discussion regarding concern for these properties being 100 years old and possibly having historical value. Mr. Gilmour stated it was not a historical district.

Commissioner Coates said this is a good opportunity to convert two rentals into mixed retail and apartments as well as an opportunity to partner with NDSU.

Commissioner Wimmer moved City staff be directed to draft a renewal plan for redevelopment of the property.

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.

Industrial and Municipal Permit Applications to be Submitted for the Reuse of Wastewater Treatment Plant Effluent:

The Board received a communication from Enterprise Director Bruce Grubb stating City staff was recently contacted by a group proposing to construct an ethanol plant near Casselton. Mr. Grubb stated the group's initial inquiry regarded the City's ability and interest in providing up to 3 million gallons per day (mgd) of treated drinking water to the ethanol plant and it was determined that the Water Treatment Plant has sufficient capacity to provide the requested water, however, the proposed location is in the Cass Rural Water Users District (CRWUD) franchise service area. He said since the City presently has a bulk water sales agreement and a water tower land lease agreement with CRWUD, their manager was contacted to discuss the possibility of selling the requested water to them. Mr. Grubb stated, based on the likely sale price for treated drinking water, the ethanol group indicated the price exceeded their financial model. He said staff offered the possibility of using treated effluent since the Wastewater Treatment Plant discharges at an average rate of 12 mgd and meets the Federal Clean Water Act quality standards. He said the concept would involve the sale of effluent to CRWUD who, in turn, would sell the effluent to the ethanol plant. Mr. Grubb stated City staff had some concerns on a regulatory level regarding the need for acquiring a permit through the North Dakota State Water Commission (NDSWC) to allow reuse of the effluent. On January 18, 2007, he said, staff met with representatives from the NDSWC and Attorney General's office and were informed that an "industrial" permit for the reuse of the effluent would be required in this case. He said City staff and attorneys reviewed the technical and regulatory issues in this matter and elected to submit two permit applications related to the reuse of the effluent. He said the applications include an "industrial" permit for 4 mgd and a "municipal" permit for 4 mgd and the municipal permit would allow the City to reuse treated effluent in the event a future need arises such as severe drought conditions or water shortages. Mr. Grubb submitted copies of the draft permit applications for the Board's reference.

Commissioner Williams moved the submittal of an industrial permit application and a municipal permit application for the reuse of WWTP effluent in the amount of 4,480 acre-feet (4 mgd) each be approved.

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

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

2007 Legislative Issues Discussed:

City Administrator Pat Zavoral reviewed the matrix indicating the 2007 Legislative bills the City supports, opposes and monitors. He said 190 bills are currently being watched that have some implications to the operations of the City. He said March 1st is City Day at the Legislature and he encouraged elected City officials to attend this event.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, February 26, 2007.

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

The time at adjournment was 6:55 o'clock p.m.