

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

**Regular Meeting: Monday: February 26, 2007:**

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, February 26, 2007.

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 adding a bid award concurrence for Improvement District No. 4313-25 at the end of the Consent Agenda and three annexation and one extraterritorial items at the beginning of 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 February 12, 2007 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 Rules and Regulations of Civil Service.
- b. 2nd reading, waive reading and final adoption of Ordinances Rezoning Certain Parcels of Land Lying in the following Additions:
  - (1) Beautiful Savior Second Addition to the City of Fargo.
  - (2) Osgood River Addition to the City of Fargo.
- c. Application filed by J & J Leasing for a 3-year property tax exemption for improvements made to a building at 4377 15th Avenue SW.

- d. Housing Rehab and Homebuyer Assistance loan forgiveness totaling \$15,666.66 at 1616 4th Avenue South due to a demonstrated hardship.
- e. Applications for Games of Chance:
  - (1) NDSU Ceres Women's Fraternity for a raffle on 3/24/07.
  - (2) Lincoln Elementary School for bingo and a raffle on 4/14/07.
- f. Bid award for 2 wood chippers for the Forestry Department to Swanston Equipment in the amount of \$19,450 per unit.
- g. Addendum to the Development Agreement with Broadway Street Development, LLC that allows the annual letter of credit.
- h. Drain No. 10 and 32nd Avenue North Bridge Cost Share Agreement with SE Cass Water Resources District, Cass County and the Airport Authority.
- i. Agreement for Special Improvements with Woodhaven Development, LLP for municipal improvements in Woodhaven 5th Addition.
- j. Xcel Energy Relocation Agreement at 42nd Street and 2nd Avenue South.
- k. Memorandum of Understanding with Fargo Public Schools regarding transportation services in the event of a Level II emergency.
- l. Bid advertisements for Project Nos. 5707, 5716, 5717 and 5721.
- m. Bid award for Project No. 5715 to Roadway Services, Inc. in the amount of \$40,890.00.
- n. Bills in the amount of \$3,631,685.34.

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.

**City of Fargo Concurs with the NDDOT Bid Award for the Grading, Surfacing, Storm Drains, Structural and Incidental Items in Connection with Improvement District No. 4313-25 (I-29 Southbound Reconstruction – Main Avenue to County Road 20):**

Commissioner Coates moved the City of Fargo concur with the NDDOT's recommendation to award the contract for the Grading, Surfacing, Storm Drains, Structural and Incidental Items in connection with Improvement District No. 4313-25 to Northern Improvement Company in the amount of \$12,963,380.41.

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.

**First Reading of an Ordinance Extending Extraterritorial Zoning and Subdivision Authority of the City of Fargo:**

Senior Planner Jim Hinderaker stated Planning staff recommends extending Extraterritorial (ET) zoning to 112th Avenue South, an additional 3 miles, for south side flood protection. He said Planning chose to not go west towards Horace.

Horace City Attorney Jonathan Garaas stated some portions of Fargo's proposed ET are possibly within Horace's ET area. He said Horace has been in conversation with Fargo to resolve the ET boundaries. Mr. Garaas said Horace has done a first reading but put action on hold for three months waiting for proposed compromise between the two cities. He said Horace is attempting to work with Fargo.

Planning Director Jim Gilmour stated the ET area is consistent with past discussion between Horace and Fargo with the possibility of overlap. He said a process exists for solving potential disputes.

Commissioner Coates stated triggering this process will allow both sides to work out the details. She said the City Commission is acting in good faith. She said the future flood protection plans will benefit this area. The North Dakota Legislature, she said, is considering a bill to restrict ET authority of cities and it is important to act before the law changes.

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 Extending Extraterritorial Zoning and Subdivision Authority of the City of Fargo be placed on first reading.

Second by Wimmer.

In response to a question from Commissioner Mahoney, Commissioner Coates suggested the Mayors of Fargo and Horace get together to talk about the ET area and flood control issues.

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.

**Petition for Exclusion By Owner Filed by Fred and Earlyne Hector for Property in the Southwest Quarter of Section 35, Township 139 North, Range 49 West Received:**

The Board received a Petition for Exclusion by Owner filed by Fred and Earlyne Hector for property in the Southwest Quarter of Section 35, Township 139 North, Range 49 West, pursuant to N.D.C.C. Chapter 40-51.2.

Jonathan Garaas, Attorney representing Fred and Earlyne Hector, submitted an Affidavit of Publication for the Petition for Exclusion of Territory filed by the Hectors.

Commissioner Coates moved the Petition for Exclusion be received and filed, that staff be directed to review the petition and provide comment, and that the matter be scheduled for discussion and consideration at the March 26, 2007 City Commission meeting.

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.

**Application Filed by Echelon Corporation for a Five Year Property Tax Exemption Approved:**

A Hearing had been set for this day and hour on an application filed by Echelon Corporation for a five year property tax exemption for an expansion of their operation to an existing building at 1749 38th Street South where the applicant will design and develop software for electric meter control systems.

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 Echelon Corporation for a five year 100% property tax exemption for the expansion portion of their new location 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.

**Application Filed by North Dakota Natural Beef, LLC for a Five Year Property Tax Exemption Approved:**

A Hearing had been set for this day and hour on an application filed by North Dakota Natural Beef, LLC for a five year property tax exemption for an operation to be located in existing buildings at 1901 and 1909 Great Northern Drive where the applicant will operate a value added beef processing and wholesaling facility.

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.

City Assessor and Tax Exempt Review Committee member Ben Hushka stated this is an amended application for an exemption that was previously granted by the City Commission on July 3, 2006. He said the project was only to include the building at 1909 Great Northern Drive at that time and now also includes the building at 1901 Great Northern Drive.

Commissioner Wimmer moved that the application filed by North Dakota Natural Beef, LLC for a five year 100% property tax exemption for the expansion portion of the buildings at 1901 and 1909 Great Northern Drive be approved.

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

Commissioner Williams voted nay.

The motion was declared carried.

**Application to Transfer the Alcoholic Beverage License from Osgood Sandtrap, Inc. d/b/a Sandtrap to Divots, Inc. d/b/a Divots at Osgood Approved:**

A Hearing had been set for this day and hour on an application to transfer the Class "FA-GOLF" Alcoholic Beverage License from Osgood Sandtrap, Inc. d/b/a Sandtrap to Divots, Inc. d/b/a Divots at Osgood located at 4400 Clubhouse Drive, 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.

Commissioner Mahoney moved the application be approved.

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

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

**Application Filed by Divots, Inc. d/b/a Divots at Edgewood for an Alcoholic Beverage License Approved:**

A Hearing had been set for this day and hour on the application filed by Divots, Inc. d/b/a Divots at Edgewood for a Class "FA-Golf" Alcoholic Beverage License at 19 Golf Course Avenue, 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.

Commissioner Mahoney moved the application be approved.

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

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

**Appeal of the Board of Adjustment's Denial of a Request for a Variance at 1342 3rd Street North: Variance Granted:**

A Hearing had been set for this day and hour on the appeal of a January 23, 2007 ruling of the Board of Adjustment denying the request from Robert and Donna Hoff for a variance to the three foot interior setback within a SR-2 zoning district at 1342 3rd Street North.

Senior Planner Jim Hinderaker stated the Hoff's were informed they did not need a building permit for a building that is 120 square feet or less. He said a complaint caused the department to investigate and it was found the shed was too close to the property line. Based on criteria for approval, he said, the Board of Adjustment ruled to deny the variance appeal requested by the Hoff's.

Ms. Hoff stated they were not told of any other requirements so they proceeded and placed the shed in line with the neighbors' buildings along the alley. She said they stopped construction after a City inspector visit even though the slab was poured and the building was partially complete. Ms. Hoff said it would be a hardship to move the concrete and building to comply with the setback requirement. She said the immediate neighbors do not object to the shed's location and she requested a variance.

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

Commissioner Wimmer moved the Board of Adjustment's denial be overturned and the variance be approved.

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

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

At 6:12 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

**Parcels of Land in Sunrise Addition Rezoned (2525 Broadway):**

At a Hearing held on February 14, 2007 the Fargo Planning Commission recommended approval of a change in zoning from SR-2, Single Dwelling to MR-1, Multiple Dwelling on Lot 1, Block 1, Sunrise 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.

Senior Planner Jim Hinderaker presented background information on the property owned by the Fargo Housing and Redevelopment Authority (FHRA). He stated past meeting minutes show there is no agreement between the Park District and the FHRA regarding use of the land. He addressed concerns the opposing group raised including alternative locations, water drainage and traffic issues. Regarding the growing elderly population, Mr. Hinderaker said, trends show increasing needs for senior housing with the growing number of baby boomers adding to the population. He stated the amount of valid signatures from the petition received was 32.16% not 75% as stated by the "Save the Park" group. He said 20% of an area protesting, within 300 feet of the project, is considered a valid protest and requires a 4 out of 5 vote from the Commission.

FHRA Executive Director Lynn Fundingsland stated this location was always intended for Senior housing and restrictive guidelines will assure it be used for that purpose. He displayed several building options that had been modified from neighboring homeowners' suggestions. He said the most recent plan addressed traffic concerns with speed bumps and an electric gate could even be installed to keep traffic to a minimum. He addressed the neighbors' concerns of lower property values but said a study done in south Fargo reflected a 42% increase from 2000 to 2006 after the completion of a low to moderate income housing project. Mr. Fundingsland stated the need for senior housing and said the existence of nearby services makes this an ideal location.

Executive Director of the Fargo Senior Commission Brian Arett; Tammy Boyer, owner of Tammy's Angels; Dave Knutson, Mike and Shirley Johnson, Maxine Elliot, all residents of New Horizons Manor; Deb Tellinghuisen, Fargo Crime-Free Program coordinator; Sophie Beutler; Thomas Jefferson; and Blake Strehlow spoke in favor of the Senior Housing project for the following reasons:

- Need for affordable housing
- Location is ideal for additional services.
- Independence within a community setting provides quality living for seniors.
- HUD requires background checks to ensure safe environment.

- Nearby park would benefit seniors.

Deb and Jerry Nordby; Robert Trenda; Roger Finch; Nancy Shappell; Mike Sherman; and Art Berg spoke in opposition for the following reasons:

- Loss of green space is impossible to regain.
- Homeowners bought in this area because of green space and park.
- 700 signatures on petition speaks for opposition of neighbors.
- Other site options available along Broadway.

Mr. Fundingsland stated the time constraint for applying for the tax credit is April.

Mayor Walaker said this is not an easy decision to make and both sides have lobbied him for their cause. He said the FHRA owns this land and the land on Broadway, which has been suggested by some in the area as an alternative site, is owned by others.

After discussion regarding the possibility of delaying the rezoning, Commissioner Coates stated the Planning Commission has done in-depth work and held two hearings. She said it is a land use question and the City has accomplished preserving all the current park amenities as well as the FHRA bending over backwards to satisfy community concerns. She said she understands the loss of green space but the FHRA has the right to build on land they own.

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, Written protests to the request for rezoning have been received by the Planning Department representing 32.16% of the legal protest area.

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, Wimmer, Williams, Mahoney and Walaker voted aye.

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

At 7:08 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 Sunrise 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 Sunrise Addition to the City of Fargo be placed on first reading.

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.

**Resolution Adopted Approving Sunrise Addition to the City of Fargo, Cass County, North Dakota:**

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 "Sunrise Addition", containing 2 Lots, 1 Block and 6.06 acres of land more or less, located at 2525 North Broadway; and

WHEREAS, A Hearing was scheduled to be held January 10, 2007 by the Fargo Planning Commission, at which time the hearing was continued to the February 14, 2007 Planning Commission meeting, 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 February 5 and 12, 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 26, 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 "Sunrise 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Coates, Wimmer, Williams, Mahoney and Walaker voted aye.

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

**First Reading of an Ordinance Annexing a Certain Parcel of Land Lying in the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West, in Cass County, North Dakota:**

The Board received a communication from Senior Planner Jim Hinderaker stating the Planning Department is recommending that the City of Fargo annex several properties. Mr. Hinderaker stated Tract One is located at 5101 112th Avenue South and is owned by Michael and Roxanne Johnson. He said a portion of the property was recently annexed into the City's corporate limits (annexation plat recorded September 29, 2006). He said Tract Two is located at 4624 7th Avenue North and 4716 7th Avenue North, just south of the landfill. He said the properties are owned by LaFarge Dakota, Inc. and Northern Improvement Company. He said an agreement has been executed between the City of Fargo and the property owners to allow the annexation to move forward. He said Tract Three is currently owned by the City of Fargo and the Planning Department believes it is prudent to annex the property at this time. Mr. Hinderaker submitted an Ordinance for 1st reading for Tract Three and Resolutions of Annexation for Tracts One and Two.

Commissioner Wimmer moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the

Ordinance Annexing a Certain Parcel of Land Lying in the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West, in Cass County, North Dakota be placed on first reading.

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.

**Resolution Adopted Annexing Approximately 4.10 Acres of Land in Stanley Township Lying in the Southeast Quarter of Section 28, Township 138 North, Range 49 West (5101 112th Avenue South):**

Commissioner Wimmer offered the following Resolution and moved its adoption:

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

WHEREAS, The City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with about ninety-five thousand (95,000) inhabitants; and

WHEREAS, There is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing 4.10 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

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

All of, except the west 200' and the south 200', of Auditors Lot 1 in the southeast quarter (SE ¼) of Section 28, Township 138 North, Range 49 West of the 5<sup>th</sup> Principal Meridian, Cass County, ND further described as follows:

Commencing at the southwest corner of said southeast quarter (SE ¼); thence easterly along the south line of said Section 28 a distance of 540' to the east line of Auditors Lot 1; thence northerly along said east line a distance of 200', more or less, to a point on a line parallel to and 200' north of said south line, the true point of beginning; thence continuing northerly along said east line of Lot 1 a distance of 525', more or less, to the north line of said Lot 1; thence westerly along said north line a distance of 340' more or less, to a point on a line parallel to and 200' east of the west line of said southeast quarter (SE ¼); thence southerly along said line parallel to said west line a distance of 525', more or less, to a point on said line parallel to and 200' north of south line of Section 28, thence easterly along said line parallel to south line a distance of 340', more or less, to the point of beginning.

Said tract contains 4.10 acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on

the 9th day of April, 2007, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota or such other time and place as determined by the Board of City Commission as provided by law.

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

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

**Resolution Adopted Annexing Approximately 74.23 Acres of Land in Barnes Township Lying in the Southeast Quarter of Section 4, Township 139 North, Range 49 West (4624 7th Avenue North and 4716 7th Avenue North):**

Commissioner Wimmer offered the following Resolution and moved its adoption:

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

WHEREAS, The City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with about ninety-five thousand (95,000) inhabitants; and

WHEREAS, There is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing 74.23 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

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

All of the southeast quarter (SE ¼) of Section 4, Township 139 North, Range 49 West, Cass County, ND lying north of the north line of the Burlington Northern Santa Fe Railroad right of way and further described as follows:

Beginning at the northeast corner of the southeast quarter (SE ¼) of Section 4; thence southerly along the west line of Section 4, said line also the present corporate limit line of the City of Fargo to the north right of way line of the Burlington Northern Santa Fe Railroad; thence westerly along said BNSF right of way line, said line also the present corporate limit line of the City of West Fargo to the west line of said southeast quarter (SE ¼); thence northerly along said west line of southeast quarter (SE ¼) of Section 4, said line also the corporate limit line of the City of West Fargo, to the north line of said southeast quarter (SE ¼); thence easterly along said north line of southeast quarter (SE ¼), said line also the corporate limit line of the City of Fargo, to the point of beginning.

Said tract contains 74.23 Acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on

the 9th day of April, 2007, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota or such other time and place as determined by the Board of City Commission as provided by law.

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

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

**Engineering Department Directed to Work With the City Attorney's Office Regarding Possible Amendments to Ordinances Relating to Construction Projects:**

The Board received a communication from Storm Sewer Utility Engineer April Walker stating through the process of implementing the Storm Water Program, she has had opportunities to meet with developers, contractors, City staff and officers with the task of enforcing various regulations regarding concerns and issues they have with how various ordinances fit together. Ms. Walker said it has become apparent that there are issues with two ordinances and one permit process that need to be addressed and she outlined the suggested changes. She said the Engineering Department would like to continue working with the City Attorney's Office and other staff concerning possible amendments to the ordinances.

Commissioner Wimmer moved the Engineering Department be directed to continue working on possible amendments to the Municipal Code relating to construction projects.

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

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

**Dan Armbrust and Dave Selvig Appointed to the City Hall-Auditorium Commission:**

The Board received a communication from Mayor Walaker recommending that Dan Armbrust and Dave Selvig be appointed to the City Hall-Auditorium Commission to fill the unexpired terms of Dean Larsen and Justin Forde who have resigned.

Commissioner Mahoney moved the appointments of Dan Armbrust for the term ending January 1, 2008 and Dave Selvig for the term ending January 1, 2009 to the City Hall-Auditorium Commission be approved.

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.

**2007 Legislative Issues Discussed:**

City Administrator Pat Zavoral reviewed the current matrix indicating the 2007 Legislative bills the City supports, opposes and monitors.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 12, 2007.

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

The time at adjournment was 8:40 o'clock p.m.