

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: March 12, 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, March 12, 2007.

The Commissioners present or absent were as shown following:

Present: Coates (via conference call), Wimmer (via conference call), Williams, Walaker.

Absent: Mahoney.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Williams moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Williams moved that the Minutes of the Regular Meeting of the Board held on February 26, 2007 and the Special Meeting of the Board held on February 28, 2007 be approved as read.

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

Consent Agenda Approved:

Commissioner Williams moved the Consent Agenda be approved as follows:

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 2/26/07:
 - (1) Amending Section 7-0302 of Article 7-03 of Chapter 7 of the Fargo Municipal Code Relating to Rules and Regulations of Civil Service.
 - (2) 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.
- b. Health Insurance Committee membership update to include one representative from the Police Department.
- c. Health Department budget adjustment and grant agreement with Dakota Medical Foundation/Dakota Medical Charities for a Cervical Cancer Prevention Project.

- d. Receive and file Year to Date - Budget to Actual Report for February 2007.
- e. Application filed by Justin and Sharolyn Langseth, 903 5th Avenue South, for a five-year tax exemption for improvements made to a building.
- f. Applications for Games of Chance:
 - (1) Fargo North Baseball Club for a calendar raffle from 3/19/07 to 5/31/07.
 - (2) Janice Rohrich Benefit for a raffle on 4/28/07; Public Spirited Resolution.
 - (3) Ron Cody Benefit for a raffle on 4/14/07; Public Spirited Resolution.
 - (4) Kadin Hoven Benefit Committee for a raffle on 3/24/07; Public Spirited Resolution.
 - (5) Knights of Columbus - Nativity Council #6570, for a calendar raffle from 5/1/07 to 5/31/07.
 - (6) Centennial Elementary School PTA for bingo and a raffle on 3/30/07.
 - (7) North Dakota Bowhunters' Association for a raffle on 3/24/07; Public Spirited Resolution.
- g. Requests for Proposals and authorization to proceed with the procurement process for parking enforcement and citation management and automatic license plate recognition system.
- h. Staff authorization to negotiate an engineering and consulting services contract with Carl Walker Parking Consultants for completion of the needed maintenance and repairs to the Radisson Parking Ramp.
- i. Mosquito Control Contract with Cass County and aerial spray contract with Airborne Custom Spraying for 2007.
- j. Agreement for Special Improvements with White Oaks Trust for improvements in "The District".
- k. Electric Service Agreement with Cass County Electric Cooperative and Minnkota Power Cooperative for interconnection and purchase of power from the landfill gas generator.
- l. Engineering Services Contract Amendment for Project No. 5313.
- m. Resolution authorizing submittal of a formal loan application with the North Dakota Department of Health for a loan under the Safe Drinking Act for a water tower at 64th Avenue and 17th Street South.
- n. Bid award for Project SW 07-01 to Wanzek Construction, Inc. in the amount of \$361,204.00.
- o. Contract and bond for Project No. 5715.
- p. Bills in the amount of \$2,721,830.28.

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

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

No Protests Received for Seal Coat and Incidentals Improvement District No. 5709:

The Statutory Resolution of Necessity for the construction of Seal Coat and Incidentals Improvement District No. 5709 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 5 and 12, 2007 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Williams moved that the Board declare that no protests have been filed to the construction of Seal Coat and Incidentals Improvement District No. 5709.

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

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

Bids Received for Seal Coat and Incidentals Improvement District No. 5709:

The bids for Seal Coat and Incidentals Improvement District No. 5709 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 7, 2007 and the bids were found to be as follows:

| | |
|--------------------------------------|--------------------------------|
| Astech Corporation Bid: | St. Cloud, MN \$458,008.73 |
| Bituminous Paving, Inc, Bid: | Ortonville, MN \$477,221.41 |
| Pearson Brothers, Inc. Bid: | Hanover, MN \$479,859.10 |
| Northern Improvement Company Bid: | Fargo, ND \$505,949.56 |

Contract for Seal Coat and Incidentals Improvement District No. 5709 Awarded to Astech Corporation in the Amount of \$458,008.73:

Commissioner Williams offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Seal Coat and Incidentals Improvement District No. 5709; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 7, 2007 for Seal Coat and Incidentals Improvement District No. 5709 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Seal Coat and Incidentals Improvement District No. 5709 shows the bid of Astech Corporation of

St. Cloud, Minnesota, in the sum of \$458,008.73 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 Astech Corporation in the sum of \$458,008.73 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Seal Coat and Incidentals Improvement District No. 5709 in the City of Fargo, North Dakota, be and the same is hereby awarded to Astech Corporation for the sum of \$458,008.73, 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 Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Wimmer, Coates and Walaker voted aye.

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5697 (Legacy I 5th Addition):

Commissioner Williams moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5697:

Adopt Resolution Creating Improvement District No. 5697:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5697, in the City of Fargo, North Dakota, be created

57th Avenue South between 24th Street South and Bishops Boulevard.

COMPRISING:

Lots 1 through 19, inclusive, Block 1.

Lots 1 through 19, Block 2.

All platted in Legacy I 5th Addition.

The south 100 feet of the east 933.86 feet of Lot 3, Block 1, Sullivan Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5697, 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. 5697:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5697, 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 \$356,400.)

Order Plans and Specifications for Improvement District No. 5697:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5697, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5697:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5697, 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. 5697, 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 Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights 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 Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidentals, Improvement District No. 5697 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 Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & 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. 5697:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5697, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

Asphalt Wearing Course and Incidentals Improvement District No. 5710 (Various Locations):

Commissioner Williams moved the following action be taken in connection with Asphalt Wearing Course and Incidentals Improvement District No. 5710:

Adopt Resolution Creating Improvement District No. 5710:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5710, in the City of Fargo, North Dakota, be created

(Section 1)

On 33rd Avenue South from 42nd Street South to 45th Street South.

On 34th Avenue South from Washington Street South to Van Buren Street South.

On 43rd Street South from 32nd Avenue South to 33rd Avenue South.

On 43rd Street South from 34th Avenue South to ½ way between 34th Avenue South and 35th Avenue South.

On Washington Street South from 33rd Avenue South to 34th Avenue South.

On Adams Street South from 33rd Avenue South to 34th Avenue South.

On Jefferson Street South from 33rd Avenue South to 34th Avenue South.

On Monroe Street South from 33rd Avenue South to 34th Avenue South.

On Jackson Street South from 33rd Avenue South to 34th Avenue South.

On Van Buren Street South from 33rd Avenue South to 34th Avenue South.

(Section 2)

On 32nd Avenue South from University Drive South to 660' east of University Drive South.

On 11th Street South from 32nd Avenue South to Harwood Drive South.

On Harwood Drive South from University Drive South to 11th Street South.

(Section 3)

On 39th Avenue South from 42nd Street South to 44th Street South.

On 39-1/2 Avenue South from 42nd Street South to 44th Street South.

On 42-1/2 Street South from 40th Avenue South to 39-1/2 Avenue South.

On 43 Street South from 40th Avenue South to 39-1/2 Avenue South.

COMPRISING: (Section 1)

Lots 1 and 8, Block 1.

All in Asleson Commercial 2nd Addition.

Lots 1 and 3, Block 2.

All in Asleson Commercial Addition.

Lot 2, Block 1.

Lots 1 and 2, Block 2.

Lots 1 through 19, Block 3.

Lots 1 through 14, Block 4.

Lots 1 through 14, Block 5.

Lots 1 through 14, Block 6.

Lots 1 through 14, Block 7.
Lots 1 through 14, Block 8.
Lots 1 through 19, Block 9.
All in Pointe West 1st Addition.

COMPRISING: (Section 2)

Lots 1 and 2, Block 1.
All in Villa Maria Addition.

Lot 1, Block 1.
All in Presentation Addition.

Lots 1 and 2, Block 2.
Outlot A.
All in Harwood Groves Commercial Park.

Lots 1 through 7, Block 1.
Lots 1 through 3, Block 2.
All in Harwood Groves Commercial Park 2nd.

Lot 3, Block 1.
Lot 1, Block 3.
All in Harwood Groves 5th Addition.

Lots 1 through 16, Block 1.
All in Waterford Addition.

COMPRISING: (Section 3)

Lots 1 through 28, Block 1.
Lots 30 through 33, Block 1.
Lots 1 through 38, Block 2.
Lots 1 through 7, Block 3.
All in Creekside Addition.

Lots 1 through 10, Block 1.
All in Creekside 2nd Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Asphalt Wearing Course and Incidentals Improvement District No. 5710, 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. 5710:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5710, 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 \$582,120.00.)

Order Plans and Specifications for Improvement District No. 5710:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5710, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5710:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5710, 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. 5710, 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 Asphalt Wearing Course 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 Asphalt Wearing Course & Incidentals, Improvement District No. 5710 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 Asphalt Wearing Course & 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. 5710:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5710, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

**NDSU - 17th Avenue North Street Replacement Improvement District No. 5723
(17th Avenue North from Albrecht Boulevard to University Drive):**

Commissioner Williams moved the following action be taken in connection with NDSU - 17th Avenue North Street Replacement Improvement District No. 5723:

Adopt Resolution Creating Improvement District No. 5723:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5723, in the City of Fargo, North Dakota, be created

On 17th Avenue North from Albrecht Boulevard to University Drive.

COMPRISING:

Unplatted land portion of NE ¼ of Section 36, Township 140 North, Range 49 West.

This encompasses all the land from Albrecht Boulevard to University Drive North and from 15th Avenue North to 19th Avenue North.

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

NOW, THEREFORE, BE IT RESOLVED, That NDSU - 17th Avenue North Street Replacement Improvement District No. 5723, 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. 5723:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5723, 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 \$1,334,403.00.)

Order Plans and Specifications for Improvement District No. 5723:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5723, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5723:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5723, 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. 5723, 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 NDSU - 17th Avenue North Street Replacement 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 NDSU-17th Avenue Street Replacement, Improvement District No. 5723 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 NDSU-17th Avenue Street Replacement 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.

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

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

Second Reading and Final Adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Sunrise Addition to the City of Fargo:

Commissioner Williams moved that the proposed Ordinance Rezoning a Certain Parcel of Land Lying in Sunrise Addition to the City of Fargo which was placed on its first reading February 26, 2007 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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

Absent and not voting: Commissioner Mahoney.

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, Coates, Wimmer and Walaker voted aye.

Absent and not voting: Commissioner Mahoney.

The Ordinance was duly passed and adopted.

Recommendation from the Library Building Committee to Reject Bids on the Main Library and Establish a Base Construction Budget at \$9.6 Million:

The Board received a communication from City Administrator Pat Zavoral stating the bids for the construction of the main library were received on February 28, 2007. He said the original construction estimate recommended by the Fargo Library Committee for approval to the City Commission in June of 2006 was \$8.5 million and the project architect revised that estimate in August of 2006 to \$9.9 million. He said

the bids opened on February 28th exceeded the estimate and the total apparent low bids were \$13,119,000 for the general, electrical and mechanical portions of the construction. Mr. Zavoral stated the Fargo Library Building Committee met on March 7, 2007 to review the bids and it is their recommendation to reject all bids and to re-bid this project.

Mr. Zavoral stated the Library Building Committee directed the architects to move forward on a redesign of the library setting a cost for this project to be a base of \$8.8 million with consideration of using \$800,000 of set aside funds from the start-up reserve to be directed towards construction. He said this recommendation would provide for a construction budget of \$9.6 million and leave \$200,000 in the start-up reserve fund.

Commissioner Williams moved all bids opened February 28, 2007 for the main library be rejected.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Mayor Walaker stated the Library Committee will be required to come forward to the City to request the additional staff and the City may only be able to fund 3 to 4 people on an annual basis – not 17 people. He suggested using volunteers to help make up for staff needs that may go unmet. He said the Library will need to compete with other departments for staffing requests on an annual basis.

Commissioner Coates stated 2% has been set aside for operation costs and she clarified that staff will be phased in gradually.

Interim Library Director Beth Postema said the Library hopes to have 12.5 FTE, not 17 full-time employees. Ms. Postema stated the architects will redesign the building to meet the target construction budget.

Commissioner Coates moved a base construction budget for the main library be established at \$9.6 million with \$800,000 of the funds coming from the start-up reserve fund and that the architect be directed to move forward on a redesign for the main library.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Parcels of Land in Auditors Lot One of the South Half of Section 12, Township 140 North, Range 49 West Rezoned (5703 25th Street North):

At a Hearing held on November 8, 2006 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to GC, General Commercial and GO, General Office for that portion of Auditors Lot One of the South Half of Section 12, Township 140 North, Range 49 West lying west and north of Drain 10 and lying east of 25th Street North.

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.

Commissioner Coates referred to the City of Fargo/Municipal Airport Authority/Martin Agreement concerning the Martins not erecting any building or structure on the portion of land recently rezoned for a period of three years which was approved by the City Commission at its January 2, 2007 meeting. She said the Agreement states that all rezoning approvals need to be authorized on or before January 31, 2007 or the agreement will be null and void. She said the printed date is passed and she questioned the validity of the rezoning.

Dan Bueide, Attorney for the Martins, acknowledged they will waive the requirement and extend the date of the agreement to today's date.

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

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in that Portion of Auditors Lot One of the South Half of Section 12, Township 140 North, Range 49 West, County of Cass, State of 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 that Portion of Auditors Lot One of the South Half of Section 12, Township 140 North, Range 49 West, County of Cass, State of North Dakota be placed on first reading.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Application Filed by Sonmar of Fargo, Inc. d/b/a Candlewood Suites for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Sonmar of Fargo, Inc. d/b/a Candlewood Suites for a Class "GH" Alcoholic Beverage License at 1831 NDSU Research Park 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 Williams moved the application be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Application Filed by Marketa Jindrisek d/b/a Silver Spoon for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Marketa Jindrisek d/b/a Silver Spoon for a Class "GH" Alcoholic Beverage License at 1109 38th Street South, 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 Williams moved the application be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

(Commissioner Mahoney present)

Application to Transfer the Alcoholic Beverage License from Coulter Lodging, Inc. d/b/a Expressway Inn to Nodak Hotels, LLC d/b/a Expressway Inn Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "ABH" Alcoholic Beverage License from Coulter Lodging, Inc. d/b/a Expressway Inn to Nodak Hotels, LLC d/b/a Expressway Inn at 1340 21st Avenue South 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 Williams moved the application be approved.

Second by Mahoney. On call of the roll Commissioners Williams, Mahoney, Coates, Wimmer 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 Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, March 26, 2007.

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

The time at adjournment was 5:40 o'clock p.m.