

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: September 24, 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, September 24, 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 omitting Item No. 1 (2) in the Consent Agenda.

Second by Mahoney. 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 September 10, 2007 be approved as read.

Second by Mahoney. 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. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 9/10/07:
 - (1) Amending Section 1-0306 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Disposition of Ordinance Violations--Procedures.
 - (2) Repealing Section 1-0308 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Administrative Fees for Ordinance Violations Processed Under the Administrative Enforcement Program.
 - (3) Repealing Article 1-04 of Chapter 1 of the Fargo Municipal Code Relating to Ordinances-Administrative Enforcement Program.
- b. Appoint Christopher Mathson as a special police officer for NDSU.
- c. Police Department budget adjustment and NDDOT grant in the amount of \$11,000 for sobriety checkpoints and saturation patrol.

- d. Six month extension of The Winery alcoholic beverage license to February 28, 2008.
- e. Notice of Appeal From Decision of Local Governing Body Pursuant to NDCC 28-34-01 filed by Fred and Earlyne Hector.
- f. Receive and file Ordinance Rezoning Certain Parcels of Land Lying in Part of the Southeast Quarter of Section 34, T139N, R49W (approved by the City Commission on 7/30/07).
- g. Plat of 44th Street Villa Addition.
- h. Collection Agency Services and Fee Agreement with Professional Account Management, LLC for parking enforcement and citation management services.
- i. Agreement for Transit Services with NDSU for additional services for a parking lot to event site route.
- j. Applications for five-year property tax exemptions for improvements made to buildings:
 - (1) Allen and Wanda Zacher, 1544 2nd Avenue South.
 - (2) Jack and Nancy Lunde, 1337 4th Avenue South.
- k. Site Authorization for Fargo Youth Hockey Association at the Teamsters Arena.
- l. Applications for Games of Chance:
 - (1) New Horizons Manor Residents Council for a raffle on 11/3/07.
 - (2) Home Builders Care of Fargo-Moorhead for a raffle on 3/20/08 (omitted).
 - (3) Ronald McDonald House Charities for a raffle on 10/26/07.
- m. Change Order No. 01 for an increase of \$37,207.50 for the Radisson Parking Ramp.
- n. Lease Agreement with the Municipal Airport Authority for the lease of 2.3 acres for a future sanitary sewer lift station.
- o. Agreement for Special Improvements with Denise and Duane Mischel for municipal improvements in Maple Valley Addition.
- p. Agreement for Special Improvements with Rommesmo Family, LLP for municipal improvements in Prairie Grove Addition.
- q. Relinquishment of Easement and Permanent Easement at 6108 and 6114 24th Street South.
- r. Bid awards for the Dr. James Carlson Library furnishings.
- s. Bid awards for sand to Aggregate Industries in the amount of \$6.19/ton and salt to Western Area City County Cooperative in the amount of \$54/ton.

- t. Bid award for Project No. 5765 to Ti-Zack Concrete, Inc. in the amount of \$119,275.00.
- u. Bid advertisement for Project No. 5696.
- v. Contracts and bonds for Project Nos. 5751 and 5761.
- w. Bills in the amount of \$7,189,424.61.

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

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

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5749:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5749 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on August 6 and 13, 2007 and no protests either written or verbal have been received or filed in the office of the City Auditor within the legal protest period, nor at any time.

Commissioner Coates moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5749.

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

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

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5749-1:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5749-1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 19, 2007 and the bids were found to be as follows:

Border States Paving, Inc. Bid:	Fargo, ND \$858,370.66
Northern Improvement Company Bid:	Fargo, ND \$863,911.05
Master Construction Company, Inc. Bid:	Fargo, ND \$881,099.95
Strata Corporation Bid:	Grand Forks, ND \$920,245.50

Master Construction Company, Inc.	Fargo, ND
Bid:	\$3,781,389.25

Strata Corporation	Grand Forks, ND
Bid:	\$4,428,367.55

Northern Improvement Company	Fargo, ND
Bid:	\$4,473,874.99

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5740 Awarded to Dakota Underground in the Amount of \$3,713,874.90:

Commissioner Coates offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5740; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 19, 2007 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5740 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5740 shows the bid of Dakota Underground of Fargo, North Dakota, in the sum of \$3,713,874.90 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 Dakota Underground in the sum of \$3,713,874.90 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5740 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground for the sum of \$3,713,874.90, 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 Coates, Wimmer, Mahoney, Williams and Walaker voted aye.

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

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 19, 2007 and the bids were found to be as follows:

Border States Paving, Inc.	Fargo, ND
Bid:	\$1,018,579.65

Northern Improvement Company Bid:	Fargo, ND \$1,045,970.59
Aggregate Industries Bid:	Moorhead, MN \$1,073,597.10
Master Construction Company, Inc. Bid:	Fargo, ND \$1,076,349.33
Strata Corporation Bid:	Grand Forks, ND \$1,086,177.18
Central Specialties, Inc. Bid:	Alexandria, MN \$1,183,014.12

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758 Awarded to Border States Paving, Inc. in the Amount of \$1,018,579.65:

Commissioner Coates offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 19, 2007 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758 shows the bid of Border States Paving, Inc. of Fargo, North Dakota, in the sum of \$1,018,579.65 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 Border States Paving, Inc. in the sum of \$1,018,579.65 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5758 in the City of Fargo, North Dakota, be and the same is hereby awarded to Border States Paving, Inc. for the sum of \$1,018,579.65, 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 Coates, Wimmer, Mahoney, Williams and Walaker voted aye.

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5743 Approved:

Commissioner Coates moved approval of the Contract between the City of Fargo and Aggregate Industries for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5743 in the City of Fargo, North Dakota.

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

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

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5743 Approved:

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

Hartford Fire Insurance Company, in the amount of \$589,326.45, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5743 in the City of Fargo, North Dakota.

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

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

Validity and Sufficiency of the Petitions to Amend Article 4 of the Home Rule Charter Accepted:

The Board received a communication from City Auditor Steve Sprague stating the Auditor's Office received petitions to amend Article 4 of the Home Rule Charter and the validity and sufficiency of the petitions were examined on September 17, 2007. Mr. Sprague said during this procedure 4,077 signatures were examined and approximately 14.31% of the required number of petitioners needed to refer an ordinance were contacted by phone. He said the phone conversations verified the signer indeed signed the petition and verified their address and that they are qualified to vote in the City of Fargo. He said the Auditor's Office is of the opinion that the petitions are valid and sufficient and the requisite numbers of signatures were gathered.

Commissioner Williams moved the validity and sufficiency of the petitions to amend Article 4 of the Home Rule Charter be accepted.

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

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

Petitions for the Referral of an Initiated Ordinance in Regard to Smoking in Public Places Referred to the City Auditor:

The Board received a communication from Randy Thorson requesting an item be placed on the September 24, 2007 City Commission agenda for the purpose of presenting signed petitions for the referral of an initiated ordinance in regard to smoking in public places. He also requested the petitions be received and filed by the Commission, that the City Auditor receive and verify the petitions and that the initiated ordinance be placed on the next available ballot to be voted on by the people.

Mr. Thorson stated he has 4300 signatures on his petition and he requested that this item be placed on the ballot at the next election. He said it is important the voters have a choice on this issue.

There was discussion regarding voting on an ordinance that is already in place in the City of Fargo.

City Attorney Erik Johnson stated he does not think there is anything in the law that says this cannot be done.

Commissioner Williams moved the petitions be received and filed and referred to the City Auditor to validate.

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

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

Application Filed by Granite Investment Group, LLP d/b/a Willow Crossing, LLC for Payment in Lieu of Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Granite Investment Group, LLP d/b/a Willow Crossing, LLC for a property tax exemption or payment in lieu of property tax exemption for an apartment building at 1102 1st Avenue North.

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

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

The Board received a communication from Ben Hushka, City Assessor and Member of the Tax Exempt Review Committee, stating the Committee feels this project meets the necessary criteria to be eligible for an exemption due to the fact that it is in the Downtown Area Plan boundary. He said the Committee recommends approval of a 10 year payment in lieu of tax according to policy with PILOT payments based on the equivalent of 100% building exemption for five years and 75% building exemption for five years.

There was discussion regarding what is currently considered low and medium amounts for rents.

In answer to a question, Mark Thelen, representing the applicant, stated rent on the first two floors will be \$800 a month and the top floor, which has a loft, is approximately \$1100. He said that seems to be the market rate.

Commissioner Coates stated this seems to be the medium priced rates.

Commissioner Wimmer moved approval of a 10 year payment in lieu of tax exemption for Granite Investment Group, LLP d/b/a Willow Crossing, LLC according to the following payment schedule:

Year 1 through 5 - \$0

Year 6 through 10 - \$7,768

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.

Application to Transfer the Alcoholic Beverage License at the Expressway Inn Withdrawn:

This was the time and date set for a Hearing on an application to transfer the Class "ABH" Alcoholic Beverage License from Nodak Hotels, LLC d/b/a Expressway Inn to Choice Alliance II, Inc. d/b/a Quality Inn at 1340 21st Avenue South, however, the application has been withdrawn by the applicant.

Application to Transfer the Alcoholic Beverage License from Elaine Hoffman d/b/a Just One, Inc. to Old Broadway Corporation d/b/a Just One Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "CD" Alcoholic Beverage License from Elaine Hoffman d/b/a Just One, Inc. to Old Broadway Corporation d/b/a Just One, 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.

City Auditor Steve Sprague stated the Old Broadway Corporation is in the process of securing a location for the license. He said they will come back to the City Commission with that information as soon as they finalize the location.

There was discussion regarding a reasonable time frame for the Old Broadway to secure a location.

Randy Thorson, representing the Old Broadway, stated they are currently working on a location on Broadway, however, he does not know how long it will take to renovate the building. He said this particular location needs a lot of work.

In answer to a question, Mr. Sprague stated there is only one "CD" Alcoholic Beverage License available.

There was discussion regarding the time frame for renovating the building.

Mr. Thorson stated he could come back in six months with a report and he will have the location in two weeks.

Commissioner Mahoney moved the application be approved contingent on a location being secured and that this item be brought back in six months for review.

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.

Hearing on the Application Filed by Fargo Seafood Ventures, LLC d/b/a Up the Creek Fish Camp and Grill for an Alcoholic Beverage License Continued to October 22, 2007:

A Hearing had been set for this day and hour on the application filed by Fargo Seafood Ventures, LLC d/b/a Up the Creek Fish Camp and Grill for a Class "FA" Alcoholic Beverage License at 2350 45th Street South, notice of which had been duly published in the official newspaper for the City of Fargo, however, the Police Department has requested the Hearing be continued to October 22, 2007.

Commissioner Mahoney moved the Hearing be continued to October 22, 2007.

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

Renaissance Zone Project Application for Melissa Yaggie Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Melissa Yaggie at 319 Broadway, #206.

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 Melissa Yaggie 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 Melissa Yaggie for a project located at 319 Broadway, #206 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, Mahoney, Williams and Walaker voted aye.

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

Hearing on the Rezoning of Parcels of Land in Erskines Addition Continued to October 8, 2007 (1226 University Drive and 1117 13th Avenue South):

A Hearing had been set for August 13, 2007 on the rezoning of parcels of land in Erskines Addition.

At the August 13, 2007 meeting, the Hearing was continued to this day and hour, however, Planning staff has requested that the Hearing be continued to October 8, 2007.

Commissioner Wimmer moved the Hearing be continued to October 8, 2007.

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.

Parcels of Land in King Addition Rezoned (3120, 3142 and 3170 44th Street South; 3173 and 3155 43rd Street South; 4381 32nd Avenue South and 4425 31st Avenue South):

At a Hearing held on July 11, 2007 the Fargo Planning Commission recommended approval of a change in zoning from LC, Limited Commercial to MR-3, Multi-Dwelling Residential on the north 20.28 feet of Lots 1 and 2, Block 1, King 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 finding of staff be accepted and the rezoning be approved as it complies with the approval criteria set forth in the Land Development Code.

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 Rezoning Certain Parcels of Land Lying in King 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 King 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 King Second 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 "King Second Addition" containing 6 Lots, 1 Block and 14.13 acres of land more or less, located at 3120, 3142 and 3170 44th Street South; 3173 and 3155 43rd Street South; 4381 32nd Avenue South and 4425 31st Avenue South; and

WHEREAS, A Hearing was scheduled to be held July 11, 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.

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on September 17 and 24, 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., September 24, 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 "King Second 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.

Conditional Overlay for a Tract of Land Located at 3950 52nd Avenue South Approved (The District of Fargo Addition):

At a Hearing held on August 8, 2007 the Fargo Planning Commission recommended approval of a Conditional Overlay at 3950 52nd Avenue South, immediately south of 52nd Avenue South and west of Interstate 29 to create additional regulation including, but not limited to site layout, landscaping and design standards of building facades and signage.

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 stated this is the proposed site for the new Wal-Mart and it is anticipated that construction will start in the spring of 2008. He said the zoning was approved in 2006 and, since that time, the Planning staff has been working with the developer on the project.

Commissioner Coates offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described Conditional Overlay have been complied with; and

WHEREAS, There have been no written or verbal protests to the Conditional Overlay and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the Conditional Overlay be approved on the basis that the proposals are consistent with the adopted policies of the City of Fargo and the approval criteria of the Land Development Code.

Second by Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Coates, Wimmer, Mahoney, Williams 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 The District of Fargo 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 The District of Fargo Addition to the City of Fargo be placed on first reading.

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

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

Resolution Adopted Approving The District of Fargo 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 "The District of Fargo Addition" containing 9 Lots, 6 Blocks and 110.313 acres of land more or less, located at 3950 52nd Avenue South; and

WHEREAS, A Hearing was scheduled to be held June 13, 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.

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on September 17 and 24, 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., September 24, 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 "The District of Fargo 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, Mahoney, Williams and Walaker voted aye.

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

Recommendation for Speed Limit Changes on 19th Avenue North and University Drive Approved:

The Board received a Report of Action from the Traffic Technical Advisory Committee stating in October of 2005 they discussed the crash rates at the intersection of 19th Avenue North and University Drive and how the existing speed limits at those locations may be playing a part in the crashes. After examining the crash reports, they continued, their initial recommendation was to reduce the speed limit, however, 19th Avenue North from I-29 to 10th Street is under the ND DOT authority; therefore, their recommendation was sent to the ND DOT for their review and concurrence. The Committee stated they recommended the speed limit be reduced on 19th Avenue North from I-29 to 650 feet west of 18th Street from 50 to 40 mph, on 19th Avenue North from 650 feet west of 18th Street to University Drive from 40 to 30 mph and on University Drive from 23rd to 17th Avenues North to 30 mph. They said the ND DOT concurred with the recommendation with the exception that the 40 mph zone would begin 650 feet west of Dakota Drive instead of at I-29.

In answer to a question, Traffic Engineer Jeremy Gordon stated it is anticipated that the new speed limit signs will be put up the first thing in the morning.

In answer to a question from Commissioner Mahoney regarding the reason for the changes, Mr. Gordon stated this is a safety issue.

Commissioner Williams moved the speed limit be reduced from 50 to 40 mph on 19th Avenue North from 650 feet west of Dakota Drive to 650 feet west of 18th Street, from 40 to 30 mph on 19th Avenue North from 650 feet west of 18th Street to

University Drive and to 30 mph on University Drive from 23rd to 17th Avenues North with an implementation date of September 25, 2007.

Second by Coates.

There was discussion regarding notification to the public regarding the proposed changes and warning citations for violators.

Police Chief Keith Ternes stated any time there is a change in speed limits, the officers use their discretion with violators. He said the City should also do whatever it can to publicize the changes to get the word out to the public.

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

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

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, October 8, 2007.

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

The time at adjournment was 6:09 o'clock p.m.