

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: May 4, 2009:

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, May 4, 2009.

The Commissioners present or absent were as shown following:

Present: Piepkorn, Williams, Wimmer, Walaker.

Absent: Mahoney.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Piepkorn 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 April 20, 2009 and the Special Meeting of the Board held on April 27, 2009 be approved adding comments he made at the April 27, 2009 meeting.

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

Consent Agenda Approved:

Commissioner Wimmer moved the Consent Agenda be approved as follows:

- a. Resolution authorizing the 2009-2010 City of Fargo Deer Management Program.
- b. 2009 Special Election precinct locations.
- c. Receive and file Ordinance Amending Sections 23-0203 and 23-0211 of Article 23-02 of Chapter 23 of the Fargo Municipal Code Relating to the Electrical Code.
- d. 1st reading of an Ordinance Amending Section 1-0306.D and Section 1-0305.A of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Ordinance Violations.

- e. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 4/20/09:
 - (1) Amending Section 20-0403 of Article 20-04 of Chapter 20 of the Land Development Code Relating to Home Occupations (to allow commercial dog grooming as a home occupation).
 - (2) Rezoning Certain Parcels of Land Lying in Kirkham's 2nd Addition to the City of Fargo.
 - (3) Rezoning Certain Parcels of Land Lying in Great Northern 2nd Addition to the City of Fargo.
- f. Third Addendum to Memorandum of Understanding – City of Fargo and Fargo Public Schools.
- g. Amended Agreement with the North Dakota Department of Health for State Viral Hepatitis Program activities (PF08-051A).
- h. Service Agreement with the North Dakota Department of Health for Ryan White Part B/Case Program/Management for People Living with HIV/AIDS (PF08-300).
- i. Site Authorizations for Games of Chance:
 - (1) Plains Art Museum at Big Top Bingo, King Pin Casino located in The Bowler and Blue Wolf Casino located in Cactus Jacks Saloon.
 - (2) Teamsters at 21 South 18th Street.
 - (3) American Gold Gymnastics at Big D's Bar & Grill and Sidestreet Grille & Pub.
- j. Applications for Games of Chance:
 - (1) Fargo-Moorhead Cosmopolitan Club for a Sports Pool from 6/1/09 to 12/31/09 and raffles from 8/1/09 through 6/30/10.
 - (2) YWCA Cass Clay for bingo and a raffle on 6/11/09.
 - (3) Bennett PTA for bingo on 5/14/09.
 - (4) Lynn Miller Benefit for a raffle on 5/16/09; Public Spirited Resolution.
 - (5) Kringen Club, Inc. for a raffle from 5/10/09 through 8/11/09.
 - (6) F-M Walleyes Unlimited, Inc. for a raffle on 9/17/09.
 - (7) Roger Maris Celebrity Golf Tournament for a raffle on 6/28/09.
- k. Plat of Robust Addition.
- l. Plat of The District of Fargo Second Addition.
- m. Quote from Industrial Builders, Inc., in the amount of \$40,326.00 for cleanup services for the 2009 Cleanup Week event.
- n. Three-year contract with Clean Harbors Environmental for disposal of household hazardous waste.
- o. Southeast Cass Water Resource District Street and Levee Agreement.

- p. Easements for NDSU property associated with the North Side Gravity Interceptor Sewer project.
- q. Bid awards for Project Nos. 5869 to Adelman Concrete and Excavating in the amount of \$63,495.00 and 5870 to Quality Restoration in the amount of \$164,855.00.
- r. Bid advertisements for Project Nos. 5867 and 5872-01.
- s. Contract and bond for Project No. 5221.
- t. Bills in the amount of \$4,264,805.12.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 30, April 6 and 13, 2009 and protests representing less than .11 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Wimmer moved the protests be received and filed and declared insufficient.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Bids Received for Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525:

The bids for Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 29, 2009 and the bids were found to be as follows:

Master Construction Bid:	Fargo, ND \$442,678.25
Sellin Brothers, Inc. Bid:	Hawley, MN \$548,262.10
Excavating, Inc. Bid:	Minot, ND \$591,113.38

Jensen Brothers Construction Bid:	Wheatland, ND \$591,965.75
Industrial Builders, Inc. Bid:	Fargo, ND \$599,524.35
Comstock Construction, Inc. Bid:	Wahpeton, ND \$616,976.50
Dakota Underground Bid:	Fargo, ND \$713,594.25
Tom's Backhoe Service Bid:	Brainerd, MN \$809,094.20
Specialized Contracting Bid:	Fargo, ND \$1,177,199.65

Contract for Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525 Awarded to Master Construction in the Amount of \$442,678.25:

Commissioner Wimmer offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 29, 2009 for Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525 shows the bid of Master Construction of Fargo, North Dakota, in the sum of \$442,678.25 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Master Construction in the sum of \$442,678.25 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Drain 10 Flood Mitigation and Incidentals Improvement District No. 5525 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction for the sum of \$442,678.25, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

Absent and not voting: Commissioner Mahoney.
The Resolution was adopted.

**Recreational/Bike Trail and Incidentals Improvement District No. 5817
(Connecting 23rd Avenue South to 28th Avenue South in the Amber Valley and
Urban Plains Addition):**

Commissioner Wimmer moved the following action be taken in connection with
Recreational/Bike Trail and Incidentals Improvement District No. 5817:

Adopt Resolution Creating Improvement District No. 5817:

WHEREAS, The Board of City Commissioners of the City of Fargo,
North Dakota, deems it expedient that Improvement District No. 5817, in the
City of Fargo, North Dakota, be created

Connecting 23rd Avenue South to 28th Avenue South in the Amber Valley &
Urban Plains Addition.

COMPRISING:

Lot 1, Block 3.
Agassiz Crossing Addition.

Lots 1 through 3, Block 1 and Lots 2 through 4, Block 2.
Amber Valley 1st Addition.

Lots 1 through 2, Block 1.
Amber Valley 2nd Addition.

Lot 3, Block 1.
Midwest Behavioral Healthcare 1st Addition.

Lots 1 through 8, Block 1.
Amber Valley 3rd Addition.

Lots 1 through 3, Block 1.
Pracs Addition.

Lot 1, Block 1.
Pracs 2nd Addition.

Unplatted 5001 Amber Valley Parkway.

Lot 1, Block 1.
Amber Valley 4th Addition.

Lot 1, Block 1.
Amber Valley 5th Addition.

Lot 1, Block 4 and Lot 1, Block 3.
Amber Valley 6th Addition.

Lots 1 through 4, Block 1.

Amber Valley 7th Addition.

Lots 1 through 5, Block 1.
Amber Valley Business Center 1st Addition.

Lots 1 through 5, Block 1.
Urban Plains Northeast Retail Addition.

Lots 1 through 10, Block 2.
Urban Plains by Brandt 1st Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Recreational/Bike Trail and Incidentals Improvement District No. 5817, 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. 5817:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5817, 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 \$146,378.75.)

Order Plans and Specifications for Improvement District No. 5817:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5817, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5817:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5817, 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. 5817, 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 Recreational/Bike Trail 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 Recreational/Bike Trail and Incidentals Improvement District No. 5817 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 Recreational/Bike Trail and 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. 5817:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5817, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Red River Zoo Access Road and Parking Lot Relocation Improvement District No. 5837 (4220 23rd Avenue South):

Commissioner Wimmer moved the following action be taken in connection with Red River Zoo Access Road and Parking Lot Relocation Improvement District No. 5837:

Adopt Resolution Creating Improvement District No. 5837:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5837, in the City of Fargo, North Dakota, be created

On Red River Zoo located at 4220 23rd Avenue South

COMPRISING:

Lot 1, Block 1.

All in Anderson Park Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Red River Zoo Access Road and Parking Lot Relocation Improvement District No. 5837, 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. 5837:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5837, 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 \$432,500.00)

Order Plans and Specifications for Improvement District No. 5837:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5837, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5837:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5837, 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. 5837, 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 Red River Zoo Access Road and Parking Lot Relocation Necessary:

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

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction and 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. 5837:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5837, in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 (Various Locations in South Fargo):

Commissioner Wimmer moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861:

Adopt Resolution Creating Improvement District No. 5861:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5861, in the City of Fargo, North Dakota, be created

On 11th Avenue South from South University Drive to 15th Street.

On 12th Avenue South from South University Drive to 370' west of 15th Street.

On 13 ½ Street South from 12th to 13th Avenue.

On 14th Street South from 11th to 13th Avenue.

On 15th Street South from 11th to 13th Avenue.

COMPRISING:

Lots 13 through 24, inclusive, Block 3.

Lots 11 through 20, inclusive & Lot 26, Block 4.

Lots 1 through 21, inclusive, Block 5.

Lots 1 through 24, inclusive, Block 6.

Lots 1 through 24, inclusive, Block 7.

All in Aldrich & Roberts Addition.

Lots 1 through 14, inclusive, Block A.

Lot 1 & Lots 8 through 14, inclusive, Block B.

All in Aldrich & Roberts Herbst Subdivision Block 8.

Lots 5 through 11, inclusive, Block 4.

Lots 1 through 10, inclusive, Block 5.

All in Fredricksons Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861, 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. 5861:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5861, 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 \$1,546,919.00)

Order Plans and Specifications for Improvement District No. 5861:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5861, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5861:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5861, 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. 5861, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Water Main Replacement, Street Reconstruction and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction and 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. 5861:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5861, in the City of Fargo, North Dakota.

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

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

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5858 Approved:

Commissioner Wimmer moved approval of the Contract between the City of Fargo and Key Contracting, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5858 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5858 Approved:

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

Western Surety Company, in the amount of \$73,788.00, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5858 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5859 Approved:

Commissioner Wimmer moved approval of the Contract between the City of Fargo and Heston Contracting, Inc for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5859 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5859 Approved:

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

Merchant Bonding Company, in the amount of \$69,282.25, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5859 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Renaissance Fund Policy Adopted:

The Board received a communication from Senior Planner Bob Stein stating after receipt of a third request for a Renaissance Zone Fund, the Renaissance Zone Authority recommended adoption of a Renaissance Zone policy relating to RZ Fund investments. He said the purpose of the policy is to define the types of investments that are most effective in meeting the vision and goals of the Renaissance Zone as presented in the Fargo Renaissance Zone Development Program and to promote those types of investments. He said the policy recommended by the Renaissance Zone Authority is as follows:

a. The investment is for construction of a new building in the Fargo Renaissance Zone that is an approved renaissance zone project.

b. The investment is for renovation of an existing building in the Fargo Renaissance Zone that is an approved renaissance zone project.

c. The investment is in a business that is to occupy one or more buildings that qualify under subparagraphs a or b, above, and, in addition said business is an initial tenant in space qualifying under subparagraphs a or b, above. In other words, the business receiving said funds must be the first tenant to occupy the particular space in an approved renaissance zone project. Notwithstanding the provisions of this subparagraph c, in the event a business receiving funds does not actually take occupancy within twenty-four (24) months of the distribution of funds to the business, such action or non-action shall constitute a breach of this agreement and City may notify the Office of the Tax Commissioner for the State of North Dakota of the breach and request that the Commissioner revoke the grant of tax credits awarded.

d. Other investments or investment alternatives may be considered but are subject to review by the Renaissance Zone Authority on an individual basis provided that such investments are consistent with the Renaissance Zone vision and goals.

Commissioner Piepkorn moved the policy be adopted.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Agreement with Downtown Renaissance Fund, LLC Authorizing a Renaissance Zone Fund Approved:

The Board received a communication from Senior Planner Bob Stein stating at the April 22, 2009 meeting of the Renaissance Zone Authority, the request from Rick

Engen was approved to proceed with the creation of a Renaissance Zone Fund Organization and to develop an agreement to that effect. Mr. Stein submitted an agreement and said the agreement has already been approved by Mr. Engen who intends to finalize the formation of the LLC upon approval by the City Commission of the agreement.

Commissioner Williams moved the agreement with Downtown Renaissance Fund, LLC authorizing a Renaissance Zone Fund be approved.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Receive and File Request from Bruce Brovold Regarding Stimulus Fund Spending:

The Board received a communication from Bruce Brovold, 101 2nd Street South, regarding concerns he has about the City's sidewalks, railroad crossings and what the City is using the state's stimulus money for. Mr. Brovold submitted a document detailing the various concerns he has with the sidewalks and railroad crossings, along with photographs of the problem sidewalks. Mr. Brovold stated the stimulus money should be used to retain the old and not the new like the biking path and park in the Osgood neighborhoods. Mr. Brovold also spoke about railroad crossing warming shelters and pedestrian overpasses over the railroad tracks.

Commissioner Williams stated the stimulus money is not being used for the Osgood parks or biking paths. He said the stimulus money is being used for transit, streets and the health department among other things.

Mayor Walaker asked that Mr. Brovold put together a specific list of where these problem areas and locations are and said the Commission will take a look at those.

Commissioner Williams moved the communication from Mr. Brovold be received and filed.

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

Renaissance Zone Project for Sterling Development Group Nine, LLC Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Sterling Development Group Nine, LLC at 506 Roberts Street North.

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 Sterling Development Group Nine, LLC 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 Sterling Development Group Nine, LLC for a project located at 506 Roberts Street

North be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, May 18, 2009.

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

The time at adjournment was 5:21 o'clock p.m.