

BOARD OF CITY COMMISSIONERS  
Fargo, North Dakota

Regular Meeting:

Monday:

July 14, 2008:

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, July 14, 2008.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Wimmer moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Piepkorn moved that the Minutes of the Regular Meeting of the Board held on June 30, 2008 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading 6/30/08:
  - (1) Rezoning Certain Parcels of Land Lying in Hector Airport 2nd Addition to the City of Fargo.
  - (2) Rezoning Certain Parcels of Land Lying in Stonebridge Farms 2nd Addition to the City of Fargo.
- b. Receive and file Year to Date - Budget to Actual Report for June 2008.
- c. Contract with the North Dakota Department of Health for the Title X Family Planning Program (CFDA #93.217).
- d. Addendum to the T.L. Stroh contract to include the Osgood Police Station.
- e. 2008 Emergency Shelter Grant allocation from the State of North Dakota, Department of Commerce (CFDA #14.231).

- f. Fire Department budget adjustments in the amount of \$3,163.44 for haz mat training.
- g. Encroachment Agreement with Bristol Street Development, LLC for a canopy over the sidewalk at 8 7th Street North.
- h. Real Estate Purchase and Sale Agreement and Assignments of Rights to the property with BNSF for a storm water retention pond on 1st Avenue North and I-29.
- i. Receive and file Summons and Complaint in the matter of Chase Home Finance LLC v. Marie and Ryan Peterson and City of Fargo, et al.
- j. 90 day extension of the Class "FA" Alcoholic Beverage License held by Hooter's until September 15, 2008.
- k. 90 day extension of the Class "FA" Alcoholic Beverage License held by Bennigan's until September 30, 2008.
- l. Applications for Games of Chance:
  - (1) El Zagal Shrine Provost for a sports pool from 9/8/08 through 12/28/08.
  - (2) Holy Spirit Church for a raffle and bingo on 10/26/08.
- m. Plat of Villas by the Greens Addition.
- n. Vehicle lease agreement with the City of Fargo Metropolitan Area Transit and Handi-Wheels, Inc.
- o. Request for Proposals for Shared Use Path Bridge Project No. 5838.
- p. Final Balancing Change Order No. 1 for an increase of \$19,217.76 for Project No. 5765.
- q. Cost Participation and Maintenance Agreement with the NDDOT for Project No. 5530 (CFDA #20.205).
- r. 50/50 cost share with the Park District for bike trail repairs at the storm water retention pond in the 4300 block of 9th Avenue South.
- s. Contract Amendment with HWS Consulting, Inc. in the amount of an increase of \$50,695.62 for Project No. 5681.
- t. Bid award from UpBeat Site Furnishings for trash receptacles for the Transit Department.
- u. Bid award from Brasco International for bus shelters for the Transit Department.

- v. Bills in the amount of \$7,252,458.97.

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

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

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5787: Protests Received and Declared Sufficient to Protest Project Out:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5787 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on May 26 and June 2, 2008, and protests representing over 50% percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved the protests be received and filed and declared sufficient to protest the project out.

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

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

Change Order No. 1 for Improvement District No. 5314-9 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$167,295.15 for Improvement District No. 5314-9.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Wimmer, Piepkorn 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 Improvement District No. 5530-10:

Commissioner Mahoney moved the City of Fargo concur with the NDDOT bid award for Improvement District No. 5530-10 to Riley Brothers Construction, Inc. in the amount of \$4,733,660.02.

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

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

Sanitary Sewer, Paving and Incidentals Improvement District No. 5826: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Paving and Incidentals Improvement District No. 5826 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 9 and 16, 2008 and protests representing 10 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for Sanitary Sewer, Paving and Incidentals Improvement District No. 5826:

The bids for Sanitary Sewer, Paving and Incidentals Improvement District No. 5826 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 9, 2008 and the bids were found to be as follows:

Aggregate Industries	Moorhead, MN
Bid:	\$ 87,663.16
Border States Paving, Inc.	Fargo, ND
Bid:	\$ 99,900.00
Central Specialties, Inc.	Alexandria, MN
Bid:	\$104,590.38
Northern Improvement Company	Fargo, ND
Bid:	\$104,974.80
Earth Developers, Inc.	Fargo, ND
Bid:	\$116,718.00

Contract for Sanitary Sewer, Paving and Incidentals Improvement District No. 5826 Awarded to Aggregate Industries in the Amount of \$87,663.16:

Commissioner Mahoney 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, Paving and Incidentals Improvement District No. 5826; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 9, 2008 for Sanitary Sewer, Paving and Incidentals Improvement District No. 5826 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Paving and Incidentals Improvement District No. 5826 shows the bid of Aggregate Industries of Moorhead, Minnesota, in the sum of \$87,663.16 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 Aggregate Industries in the sum of \$87,663.16 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Paving and Incidentals Improvement District No. 5826 in the City of Fargo, North Dakota, be and the same is hereby awarded to Aggregate Industries for the sum of \$87,663.16,

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 Mahoney, Williams, Wimmer, Piepkorn and Walaker voted aye.

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

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5819 (South Portion of Prairie Grove 1st Addition):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5819:

Adopt Resolution Creating Improvement District No. 5819:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5819, in the City of Fargo, North Dakota, be created

56<sup>th</sup> Avenue South, 57<sup>th</sup> Avenue South, between 26<sup>th</sup> and 27<sup>th</sup> Street South.  
27<sup>th</sup> Street South, between 56<sup>th</sup> and 58<sup>th</sup> Avenue South.

COMPRISING:

Lots 13 through 16, inclusive, Block 1.  
Lots 30 through 46, inclusive, Block 5.  
Lots 1 through 13, inclusive, Block 7.  
All platted in Prairie Grove 1<sup>st</sup> Addition.

Lot 1, Block 1.  
The Northern 213' of Lot 2, Block 2.  
All platted in Silverleaf Addition.

Lots 1 through 3, Block 1.  
All platted in Alverson 2<sup>nd</sup> Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5819, 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. 5819:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5819, 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 \$512,160.)

Order Plans and Specifications for Improvement District No. 5819:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5819, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5819:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5819, 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. 5819, 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 Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks 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 Concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & Incidentals, Improvement District No. 5819 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 concrete Curb & Gutter, Asphalt Pavement, Street Lights, Sidewalks & 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. 5819:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5819, in the City of Fargo, North Dakota.

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

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

Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5831 (Dakota Drive West of 19th Street North):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5831:

Adopt Resolution Creating Improvement District No. 5831:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5831, in the City of Fargo, North Dakota, be created

On Dakota Drive from 19th Street to 600 feet west of 19th Street.

COMPRISING:

Lots 7 through 21.

Great Northern 2nd Addition.

Lot 11, Block 5.

Beardsley's Addition.

Lot 3.

J.D. Dahle 2nd Addition (Replat of 1 & 2, Block 1, Kapaun's).

Lots 3, 4 & 5, Block 1.

Kapauns Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5831, 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. 5831:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5831, 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 \$124,080.)

Order Plans and Specifications for Improvement District No. 5831:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5831, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5831:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5831, 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. 5831, 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 Concrete Curb and Gutter, Asphalt Pavement 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 Concrete Curb & Gutter, Asphalt Pavement & Incidentals, Improvement District No. 5831 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 Concrete Curb & Gutter, Asphalt Pavement & 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. 5831:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5831, in the City of Fargo, North Dakota.

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

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

Cans for Cash City Recycling Challenge Award Presented to Household Hazardous Waste Coordinator Brady Brunsvold:

Mayor Walaker stated the City of Fargo has won a national award for innovative marketing ideas to promote recycling in the Cans for Cash Recycling Challenge. He said he would like to recognize Household Hazardous Waste Coordinator Brady Brunsvold for his efforts in this regard.



Mayor Walaker presented the award to Mr. Brunsvold and commended him for his efforts and achievements.

Request for an Extension of the Noise Ordinance for the Fargo Blues Festival Approved:

The Board received a communication from Dan Bredell, Executive Director of the Fargo Blues Festival, requesting an extension of the City's noise ordinance from 10:00 p.m. to 11:00 p.m. on Friday, August 15 and Saturday, August 16, 2008 for the 13th Annual Fargo Blues Festival at Newman Outdoor Field. He said due to extended travel by a number of people, it is vital to have the option to extend both nights to 11:00 p.m. He said the final headliner on Friday is scheduled to end at 10:30 p.m., and the final headliner on Saturday is scheduled to end at 9:30 p.m., however, extra time is needed in case of unexpected delays.

Commissioner Wimmer moved the request for a one hour extension of the City's noise ordinance from 10:00 p.m. to 11:00 p.m. on August 15 and 16, 2008 be approved.

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

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

Application Filed by Allegiance Software, Inc. for a Five Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Allegiance Software, Inc. for a five year property tax exemption for an expansion to their operation at a new location at 3064 49th Street South where the applicant manufactures non-profit fund raising software and products.

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.

Sonja Jensen, co-owner of Allegiance Software, Inc., said the business creates and sells software so their main expense is salaries. The expansion of the new facility, she said, will provide more space for training sessions and for programming staff.

Commissioner Wimmer moved that the application filed by Allegiance Software, Inc. for a five year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved for the expansion portion of improvements of the new location.

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

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

Need and Preferred Alternatives for the South Side Flood Control Project Approved:

The Board received a communication from City Engineer Mark Bittner submitting the following items associated with the SSFC Project:

- “1. SSFC Technical Advisory Committee Report of Action (ROA) recommending selection of preferred base alternatives:

No. 1 Rank

Wild Rice River Levee Alternative

No. 2 Rank

Wild Rice River Bypass Alternative

2. PWPEC ROA recommending approval of a Joint Powers Agreement (JPA) with SE Cass Water Resource District for project development and construction.
3. Flow chart of Fargo/SE Cass responsibilities based on JPA.
4. Flood protection options along South University Drive from 40th to 52nd Avenue South. On behalf of NDDOT, consultants Kadrmaz, Lee, Jackson (KLJ) are designing South University Drive paving reconstruction scheduled for 2009. The City retained KLJ to determine the most effective flood protection plan for the corridor. Our initial concept involved raising the University Drive roadway along the entire section to a level sufficient to be certified as a levee. Constructing the road to this high level caused numerous problems; associated steep driveway approach grades, adjacent drainage problems, soil stability concerns, need to import large amounts of fill material, along with a desire to also provide flood protection to the South Acres residential subdivision east of University Drive from 48th to 49th Avenue South.

KLJ developed alternative designs to address the deficiencies of the first roadway/levee plan. The most attractive plan incorporates flood protection for South Acres with University Drive protection. The NDDOT schedule for the street reconstruction project requires an immediate decision on the general flood protection features to be included in the NDDOT project. I recommend, subject to SSFC Technical Advisory Committee concurrence, that the City recommend approval of the revised University Drive design that incorporates South Acres ring dike compatibility. South Acres ring dikes with floodwall options will not be constructed with the street reconstruction project. However, the street grades for University will be lowered to more traditional design levels, with University Drive flood protection generally consisting of a bike trail/levee along the east side connecting to the recommended South Acres ring dike.”

Mr. Bittner recommended that the City Commission approve the above listed recommendations to allow SSFC project development to move into the next phases as listed below:

- “1. Environmental Assessment of alternative features. URS consultants, Omaha, Nebraska, is under contract with the City to complete this assessment.

2. Authorize City staff in conjunction with SE Cass to solicit Request for Qualifications (RFQ) for engineering consultants to be retained for development and design services, with possible construction inspection, administration, closeout services, subject to SE Cass approval after award of construction contracts.
3. Continue appraisal services to address property owner questions on 'just compensation' for easements, right-of-way, diminution of value associated with various project options and features. Property and easement acquisition costs are a significant component of total project cost (approximately 14%). Final project recommendations on specific project details will require additional property owner input. Property owners indicate a need to have more site specific easement, right-of-way, and potential diminution value information for them to make informed project feature recommendations.
4. Authorize continuation of consultant services with Houston, KLJ, Moore and Ulteig to complete the following crucial and time sensitive tasks:
  - a. Develop rear yard dike/floodwall alternatives to a higher level of detail to respond to property owner questions.
  - b. Select preferred alignments for project elements including dikes, channels and water storage facilities.
  - c. Evaluate Wild Rice River 'mini-bypass' option associated with the Wild Rice River Levee Alternative storage facilities.
  - d. Participate as members of the Technical Advisory Team.
  - e. Develop application for Conditional Letter of Map Revision (CLOMR) for submission to FEMA. CLOMR approval by FEMA assures the City that FEMA will certify the project prior to construction. Upon completion of construction, the City will submit necessary documentation to verify all CLOMR conditions have been met to allow FEMA to finalize the Letter of Map Revision (LOMR) for flood protection provided by the project. The LOMR will, under present guidelines, eliminate the mandatory requirement for flood insurance on mortgage carrying structures within the LOMR area.
  - f. Advance development of special assessment benefits with SE Cass as lead agency.
  - g. Other work items necessary prior to final design consultant selection via RFQ."

Senior Engineer April Walker presented an overview of the flood protection project alternatives. She said the initial discussions for the flood project had various impacts on the Red River with varying costs. She said supplemental storage and

channel extensions were added to the alternatives which raised the price but would have no adverse impact. Tonight's decisions, she said, are just the first of many and input will be gathered as choices are made.

The South Side Flood Control project technical team, which consists of several engineering firms, summarized different aspects of the project.

At 6:05 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Ms. Walker summarized the difference in flood insurance and the projected assessment cost for a \$150,000 home. She said flood insurance would cost about \$1500 a year for a home in the flood plain and the cost of the special assessment for the same home for the flood project would be about \$250 a year. She also summarized the project schedule with the goal of completion by 2011 if construction begins by 2009.

Mr. Bittner said at this time he is not asking the City Commission to approve a final option or final costs. He said it is important to approve the need for this project. More input, he said, will be gathered and shared as the process moves forward just as it has been.

Richard Freeman, 2914 124th Avenue South, Horace, said he represents "Citizens for Responsible Flood Control" in the Fargo area. He said a dike is just a tactical solution with storage retention being the strategic solution to the problem.

Richard Brown, 5418 11th Street South, said the retention in his backyard will ruin not only his backyard but several of his neighbor's yards. He said he prefers more retention to the south.

In response to Mr. Brown's comment, Mr. Bittner said the people of River Vili and River View will be able to decide if they want the protection or not.

Ron Brandt, 2509 39th Avenue South, said the South Side Flood Control project will only get more expensive and should be funded by the entire City.

Mr. Bittner said the City will decide how to assign the costs, either by an election or through City funding. He said north Fargo will have a separate flood control project.

In response to a question by Attorney Jonathan Garaas regarding the agenda not reflecting the entire suggested motion, Mr. Bittner said only addressing the preferred base alternatives was acceptable.

R.D. Knutson, 2 Briarwood, said he is concerned about dike failure. He stated the cost to fight a flood is minimal compared to the expense of the project. Building a diversion, he said, would be a better solution to the problem.

At 7:05 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Warren Solberg, 11601 25th Street South, Horace, said he appreciates the work the Engineering staff have done regarding the concerns he has for his property. He said he has not developed his land by choice and stated a cheaper alternative would be ring dikes for individual owners that choose to build in the flood plain.

Commissioner Wimmer moved the need for the South Side Flood Control project for the following three primary purposes be approved: provide protection from

overland flooding that threatens the majority of properties south of 1-94; prevent extensive expansion of South Fargo Floodplain and provide growth area for Fargo; and that the following preferred base project alternatives be approved: No. 1 Rank - Wild Rice River Levee Alternative and No. 2 Rank - Wild Rice River Bypass Alternative.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, July 28, 2008.

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

The time at adjournment was 7:24 o'clock p.m.