

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Adjourned Regular Meeting: Tuesday: July 13, 2010:

Agreeable with adjournment the Board of City Commissioners of the City of Fargo, North Dakota, convened in Adjourned Regular Meeting in the City Commissioners' Room at the City Hall at 4:30 o'clock p.m., Tuesday, July 13, 2010.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Walaker.

Absent: Wimmer.

Mayor Walaker presiding.

City Attorney Erik Johnson said Attorney Jonathan Garaas wrote a letter on behalf of Fred M. and Earlyne L. Hector raising questions about the actions of the Board on June 14, 2010 in regards to the creation of Improvement District No. 5244. He said Mr. Garaas raises technical issues relative to the Resolution of Necessity and the need for a map. Upon review, he said, it is an issue that can be easily remedied by rescinding the Board's action from June 14, 2010 and replacing it with two new Improvement Districts.

(Commissioner Wimmer present)

Action Taken on June 14, 2010 to Approve the Creation of Improvement District No. 5244 Rescinded:

Commissioner Williams moved the action taken by the Board on June 14, 2010 to approve the creation of Improvement District No. 5244 be rescinded.

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5966 (On 53rd Avenue from Maple Valley Drive South to 33rd Street South, on 64th Avenue from 33rd Street South to 21st Street South, on 70th Avenue from 25th Street South east a half mile to the quarter section line, on 73rd Avenue from 25th Street South east a half mile to the quarter section line and on 25th Street South from 58th Avenue South to 73rd Avenue South):

Commissioner Piepkorn moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5966:

Adopt Resolution Creating Improvement District No. 5966:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5966 in the City of Fargo, North Dakota, be created

On 53rd Avenue from Maple Valley Drive South to 33rd Street South.

On 64th Avenue from 33rd Street South to 21st Street South.

On 70th Avenue from 25th Street South east a half mile to the quarter section line.

On 73rd Avenue from 25th Street South east a half mile to the quarter section line.

On 25th Street South from 58th Avenue South to 73rd Avenue South.

COMPRISING:

The Southwest quarter of Section 1, Township 138 North, Range 49 West.

The South half of Section 2, Township 138 North, Range 49 West.

Section 11, Township 138 North, Range 49 West.

All of the land lying in Section 12, Township 138 North, Range 49 West bounded on the East by US Highway 81.

All of the foregoing land lying in the City of Fargo, Cass County, North Dakota, said district to include only land lying within the city limits of the City of Fargo and any land lying outside said city limits is deemed not a part of the district.

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5966 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. 5966:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5966 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 \$6,013,620.)

Order Plans and Specifications for Improvement District No. 5966:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5966 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5966:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5966 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. 5966 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5966:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5966 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969 (On 70th Avenue from 25th Street South east a half mile to the quarter section line, on 73rd Avenue from 25th Street South east a half mile to the quarter section line and on 25th Street South from 58th Avenue South to 73rd Avenue South):

Commissioner Wimmer moved the following action be taken in connection with P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969:

Adopt Resolution Creating Improvement District No. 5969:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5969 in the City of Fargo, North Dakota, be created

On 70th Avenue from 25th Street South east a half mile to the quarter section line.

On 73rd Avenue from 25th Street South east a half mile to the quarter section line.

On 25th Street South from 58th Avenue South to 73rd Avenue South.

COMPRISING:

The Southwest quarter of Section 1, Township 138 North, Range 49 West.

The South half of Section 2, Township 138 North, Range 49 West.

All of the land in Section 11, Township 138 North, Range 49 West lying east of Drain No. 53 and bounded to the south by a line 1,290' north of the south section line.

The west half of Section 12, Township 138 North, Range 49 West.

All of the foregoing land lying in the City of Fargo, Cass County, North Dakota, said district to include only land lying within the city limits of the City of Fargo and any land lying outside said city limits is deemed not a part of the district.

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969 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. 5969:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5969 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 \$7,225,424.)

Order Plans and Specifications for Improvement District No. 5969:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5969 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5969:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5969 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. 5969 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 P.C. Concrete Pavement, 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 P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and 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. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals improvement is to be paid from Street Sales Tax and approximately 91% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement 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. 5969:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5969 in the City of Fargo, North Dakota.

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.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, July 26, 2010.

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

The time at adjournment was 4:43 o'clock p.m.