

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: September 22, 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, September 22, 2008.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Walaker.

Absent: Wimmer.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Piepkorn moved the Order of the Agenda be approved.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on September 8, 2008 be approved as read.

Second by Piepkorn. All the Commissioners present 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 an Ordinance Annexing a Certain Parcel of Land Lying in the North Half of Section 3, Township 138 North, Range 49 West, in Cass County, North Dakota; 1st reading, 9/8/08.
- b. 2nd reading, waive reading and final adoption of Ordinances Rezoning Certain Parcels of Land Lying in the following; 1st reading, 9/8/08:
 - (1) Section 4, Township 138 North, Range 49 West, Cass County, North Dakota.
 - (2) Prairie Grove First Addition to the City of Fargo.
 - (3) Aldrich & Roberts Addition to the City of Fargo.
- c. Waive requirement to receive and file the Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Article 3-20 of Chapter 3 of the Fargo Municipal Code Relating to Imposition of a Sales, Use and Gross Receipt Tax (Infrastructure Capital Improvements) and Also to Amend the Effective Date of the Ordinance.

- d. Transfer of fixed assets to the Convention and Visitors Bureau effective October 1, 2008.
- e. Agreement with AON Consulting for prescription benefit management to include RFP development, vendor search, evaluation of proposals and post selection implementation.
- f. Receive and file Year to Date – Budget to Actual Report for August 2008.
- g. Contract with the North Dakota Department of Health for the WIC Program (CFDA #10.557).
- h. Health Department budget adjustments and contract with Dakota Medical Foundation in the amount of \$4,000 for a Baby Steps/Nurse-Family Partnership.
- i. Receive and file the 2007 Community Development Annual Performance Report.
- j. Bid awards for shelving and interior furnishings for the Main Library.
- k. Application filed by William and Dianna Sandsmark for a 3-year tax exemption for improvements made to a building at 2310 16th Street South.
- l. 90 day extension of the Class “FA” Alcoholic Beverage License held by Brent Olson (Bennigan’s) until 12/31/08.
- m. Plat of Capital Square Addition.
- n. Applications for Games of Chance:
 - (1) El Zagal Mobile Nobles for a raffle on 1/10/09.
 - (2) Fargo South High School Athletics for raffles from 9/18/08 to 4/1/09.
 - (3) ASPIRE, Inc. for a raffle on 10/7/08.
 - (4) Make A Wish Foundation for a raffle on 10/24/08.
- o. Purchase Agreement with MBL Properties, LLP for Lot 3, Block 7, Maple Valley Addition for a lift station site (Improvement District No. 5759).
- p. No-Build Easement Agreement with The Pierce Company and Nodak Mutual Insurance Company for the east 10 feet of property in Roberts 2nd Addition.
- q. Easement Agreement with A & F Development, L.L.C. for property located in Sheyenne Industrial Center Third Addition.
- r. Agreement for Entry and Construction with TAB Properties, LLC for property located along 32nd Avenue South, west of 45th Street (Improvement District No. 5777).

- s. Professional Services Agreement with Ulteig Engineers for Project No. 5838.
- t. Agreement and Memorandum of Agreement Regarding Special Assessments with Matrix Properties Corporation (Improvement District Nos. 5384 and 5385).
- u. Quit Claim Deeds and Temporary Construction Easement from the NDDOT in connection with reconstruction of University Drive.
- v. Bid awards for Project Nos. 5798 to Industrial Contract Services in the amount of \$1,675,512; 5814 to Laney's, Inc. in the amount of \$24,791.25; and SW 08-03 to Industrial Builders, Inc. in the amount of \$285,215.
- w. Bid advertisement for Project No. 5854.
- x. Contracts and bonds for Project Nos. 5647 and 5790.
- y. Bills in the amount of \$8,641,490.32.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on September 1 and 8, 2008 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853.

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

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 17, 2008 and the bids were found to be as follows:

Master Construction Company, Inc.
Bid:

Fargo, ND
\$430,381.40

Dakota Underground Bid:	Fargo, ND \$437,854.35
Northern Improvement Company Bid:	Fargo, ND \$543,874.70
Opp Construction Company Bid:	Grand Forks, ND \$583,142.37
Specialized Contracting Bid:	Fargo, ND \$585,174.64
Strata Corporation Bid:	Grand Forks, ND \$603,661.55

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853 Awarded to Master Construction Company, Inc. in the Amount of \$430,381.40:

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, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 17, 2008 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5853 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. 5853 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$430,381.40 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 Company, Inc. in the sum of \$430,381.40 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. 5853 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$430,381.40, 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 Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Mahoney, Piepkorn, Williams and Walaker voted aye.

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction and Incidentals Improvement District No. 5547 (On 12th Avenue North from 9th Street to Interstate 29):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction and Incidentals Improvement District No. 5547:

Adopt Resolution Creating Improvement District No. 5547:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5547, in the City of Fargo, North Dakota, be created

On 12th Avenue North from 9th Street to Interstate 29.

COMPRISING:

Blocks 1 & 2 and all of vacated Barrett Street lying between and adjacent to Blocks 1 & 2 and south ½ of vacated alley lying north and adjacent to Blocks 1 & 2 & Barrett Street.

Blocks 3 & 4 & vacated Barrett Street lying between and adjacent to Blocks 3 & 4.

Barrett's Addition.

Lots 3-16, inclusive, Block 2.

Lots 2-22, inclusive, Block 3.

Lots 1-24, inclusive, Block 4.

Lots 1-11, inclusive, Block 5.

All of Blocks 7, 8, 9 & 10 and vacated adjacent alleys, streets and avenues.

All of Blocks 11, 12, & 13 and adjacent vacated streets and alleys and the north ½ of the adjacent vacated 10th Avenue North.

All of Blocks 14, 15, & 16, vacated adjacent alleys, streets and avenues and the north ½ of vacated 10th Avenue North adjacent to Block 16.

Lots 1-7 and 21-24, inclusive, Block 17.

Lots 1-24, inclusive, Block 18.

Lots 1-24, inclusive, Block 19 and north ½ of adjacent vacated 10th Avenue North.

Lots 1-12, inclusive, Block 20.

Beardsley's Addition.

Lots 1-12, inclusive, Block A, Replat of Kaufman's Sub in Block 5.

Lots A-O, inclusive, Block 6.

Lots 1-24, inclusive Block 7, Hansche's Subdivision.

Lots 1-24, inclusive, Block 1, College Subdivision.

Lots 1-9, inclusive, Block 2, College Subdivision.

Lots 1-4, inclusive and Lots 15-23, inclusive, Block 9, Bolley's Subdivision.

Lots 1-22, inclusive, Block 10, Hobson's Subdivision.

Lots 1-24, inclusive, Block 11, Stewarts Subdivision.

Lots A-L, inclusive, Block 12, Auditor's Subdivision.

Lots A-K, inclusive, Block 13.

Lots B, C and D, Block 14.
Lot 5-12, Block 2, Montplisir's Subdivision.
Lots 5-8, Block 3, Montplisir's Subdivision.
Chapin's Addition.

Lots 2-15, inclusive, Block 1.
Lots 2-21, inclusive, Block 2.
Lots 2-21, inclusive, Block 3.
Lots 2-21, inclusive, Block 4.
Lots 1-24, inclusive, Block 13.
Lots 1-24, inclusive, Block 14.
Lots 1-24, inclusive, Block 15.
Lots 1-24, inclusive, Block 16.
College 2nd Addition.

Lots 1-3, inclusive.
Golden Ridge Addition.

Lots 4-26.
Great Northern 1st Addition.

Lots 7-34
Great Northern 2nd Addition.

All of Great Northern 3rd Addition.

Lot 1, Block 1.
Lots 1 & 2, Block 2.
Great Northern 5th Addition.

Lots 1-3, inclusive, Block 2.
Lots 1A and Lots 1-5, inclusive, Block 3.
Lots 1A and Lots 1-5, inclusive, Block 5.
Lots 1A and Lots 1, inclusive, Block 7.
Stuart Hilleboe Subdivision.

Lots 8-17, Block 3.
Lots 1-11, inclusive, Block 4.
All of Block 5.
Lots 1-16, inclusive, Block 6.
Lots 3, 4, 5, and Lots 7 & 8, inclusive, Block 7.
Lot 1, Block 8.
William G Johnson Addition.

Lots 3, 4, & 5, Block 1
Kapaun's Addition.

Lots 1-11, inclusive, Block 9.

Lots 1-22, inclusive, Block 10.
Lots 1-22, inclusive, Block 11.
Lots 1-22, inclusive, Block 12.
Lots 1-22, inclusive, Block 13.
Lots 1-11, inclusive, Block 14.
Kirkhams 2nd Addition.
Lots 1-38, inclusive, Block 1.
Lots 1-19, inclusive, Block 2.
Madison Subdivision.

Lot 1 and 4, inclusive, Block 1.
Meadow Park.

All of the Great Northern Right-of-Way in the north 1/2 of Section 1, T139N, R49W lying north of 10th Avenue North.
All of the Great Northern Right-of-Way in the NE 1/4 of Section 2, T139N, R49W.
All of the Great Northern Right-of-Way in the south 1/2 of Section 35, T140N, R49W.
All of the Great Northern Right-of-Way in the SW 1/4 of Section 36, T140N, R49W.

All of Lot 43.
Lots 1-8, inclusive, Bolley's Subdivision of Lot 44.
All of Lot 45.
All of Lot 46.
Lots 1-19 and vacated alleys, inclusive, Subdivision of Lots 47 & 48.
Lots 49, 50, 51, & 52, inclusive, less Street R/W.
Lots 53 & 54, inclusive, less Street R/W.
Lots 1-8, inclusive and Lots 25-40, inclusive, Subdivision of Lots 65, 66, 67, & 68.
Lots 1-12 and vacated alleys, inclusive, Lanes Subdivision of Lot 69.
Lots 70, 71, & 72, inclusive, less Street R/W.
Ohmers Addition.

Unplatted in the W 1/2 of the SW 1/4 of Section 36, T140N, R49W.
Unplatted in the SE 1/4, Section 35, T140N, R49W.
Unplatted in the SW1/4, Section 35, T140N, R49W.

Lots 1-3, inclusive, Block 1, Replat of 1&2, Block 1, Kapaun's.
JD Dahle 2nd.

Lots 1-5, inclusive, Block 1.
North Tech Park First.

Lots 1 & 2, Block 1.
Premiere 2nd Addition, Replat of Lots 1, 2 & 3, GN 1st Addition.

That portion of the NDSU Campus in the south ½ of Section 36, Twp 140N, Range 49W.

BNRR, Inc 27124 SF.
Northern Pacific.

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction and Incidentals Improvement District No. 5547, 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. 5547:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5547, 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 \$26,936,520.)

Order Plans and Specifications for Improvement District No. 5547:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5547, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5547:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5547, 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. 5547, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction & Incidentals Improvement District No. 5547 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 a portion of said Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction & Incidentals improvement is to be paid from Sales Tax and approximately 15% 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 Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lighting, Bridge Construction & 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.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Street Lighting Improvement District No. 5773 (44th Street South from 43rd to 44th Avenues):

Commissioner Mahoney moved the following action be taken in connection with Street Lighting Improvement District No. 5773:

Adopt Resolution Creating Improvement District No. 5773:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5773, in the City of Fargo, North Dakota, be created

Woodhaven 3rd Addition.

COMPRISING:

Lot 1, Block 3.

Lot 1, Block 4.

All in Woodhaven 3rd Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Street Lighting Improvement District No. 5773, 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. 5773:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5773, 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 \$23,315.16.)

Order Plans and Specifications for Improvement District No. 5773:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5773, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5773:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5773, 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. 5773, 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 Street Lighting 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 Street Lighting Improvement District No. 5773 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 Street Lighting must be in writing and must be filed with the City Auditor's Office within 10 days after the last 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. 5773:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5773, in the City of Fargo, North Dakota.

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

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

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5819 Approved:

Commissioner Mahoney 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. 5819 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5819 Approved:

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

Safeco Insurance Company of America, in the amount of \$419,233.70, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5819 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Non-Binding Agreement of Intent with the Garrison Diversion Conservancy District for the Delivery of Water Through the Red River Valley Water Supply Project Approved:

The Board received a communication from City Administrator Pat Zavoral submitting a non-binding Agreement of Intent with Garrison Diversion Conservancy District (GDCCD) to enter into a water service contract for sometime in the future to deliver water in the Sheyenne River to Fargo's intake facility in that river. Mr. Zavoral stated the water will be brought from the Missouri River canal system into Lake Ashtabula reservoir and released when Fargo's current permitted water supplies are not available. He said the need for this non-binding Agreement of Intent is to allow GDCCD staff to determine the quantity of water needed by water districts and communities in the 13 counties in eastern North Dakota that are members of the Lake Agassiz Water Authority and have joined together to implement the Red River Valley Water Supply Project (RRVWSP). He said determining the quantity of water will allow the GDCCD staff and consultants to begin planning and sizing the water treatment and delivery system to the Valley and to solidify the cost of the project. At this time, he continued, the Agreement of Intent calls for a \$5,000 non-refundable deposit and a declaration of how much water Fargo intends to purchase. He said the Fargo staff and consultants have been involved with the RRVWSP since its inception and the projected water need for Fargo is 38 cubic feet per second which translates to about 25 million gallons a day. Mr. Zavoral stated the City's current average usage is about 9 million gallons a day in the winter months and 13 million gallons a day during the summer months. He said a feature of the RRVWSP, which is different from other state water projects such as the Southwest Water Authority sponsored project and the Northwest Area Water Supply project, is that those projects deliver treated water to each resident or business while the RRVWSP delivers raw water to Fargo's Sheyenne River intake. He said there are more treatment and delivery costs involved in delivering this water to the citizens once the water is taken from the Sheyenne and this is all background information for the question as to how much the RRVWSP will cost the Fargo taxpayers. He said it appears when this project is implemented, water rates can expect to increase from \$2 to \$5 a month per household for this raw water supply project. He said staff is preparing a draft rate schedule for all of the water

infrastructure needs, including the RRVWSP costs, for the next 25 years which will be presented to the Board in the very near future. Mr. Zavoral stated it is staff's recommendation to accept this non-binding Agreement of Intent and if the project cannot move forward in a timely manner, the City will have the option to withdraw. He said federal actions, such as acceptance of the Environmental Impact Statement, authorization of the project and final appropriation of the federal share of the project, will need to be implemented. He said state action needed includes additional funding allocation and permitting of the project.

Mr. Zavoral made a presentation on the flows of the Red River. He said the first phase of this project will cost \$660 million with the local share being \$220 million and the City of Fargo would pay 50% of the local share. He said he is hoping the City will be able to get some type of federal grant to help with the costs.

Commissioner Williams moved the non-binding Agreement of Intent with the Garrison Diversion Conservancy District for the delivery of water through the Red River Valley Water Supply Project be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application to Transfer the Alcoholic Beverage License from Old Broadway Corporation d/b/a Just One to Old Broadway d/b/a J. L. Beers Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "CD" Alcoholic Beverage License from Old Broadway Corporation d/b/a Just One at 16 Broadway to Old Broadway d/b/a J. L. Beers at 518 1st Avenue North 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 building J. L. Beers will be locating in is being remodeled so the license will not be used immediately.

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application to Transfer the Alcoholic Beverage License from Nodak Hotels, LLC d/b/a Prairie Rose Inn to Imperial Hospitality, LLC d/b/a Prairie Rose Inn Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "ABH" Alcoholic Beverage License from Nodak Hotels, LLC d/b/a Prairie Rose Inn to Imperial Hospitality, LLC d/b/a Prairie Rose Inn at 1340 21st Avenue South notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application to Transfer the Alcoholic Beverage License from Dakota GM, Inc. d/b/a Green Mill Restaurant to GM Fargo, LLC d/b/a Green Mill Restaurant and Bar Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "FA" Alcoholic Beverage License from Dakota GM, Inc. d/b/a Green Mill Restaurant to GM Fargo, LLC d/b/a Green Mill Restaurant and Bar, at 3340 13th Avenue South notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application to Transfer the Alcoholic Beverage License "Location Only" from FTS Fargo, Inc. d/b/a Hooters to 3431 Fiechtner Drive Approved:

A Hearing had been set for this day and hour on an application to transfer the Class "FA" Alcoholic Beverage License "location only" from FTS Fargo, Inc. d/b/a Hooters to 3431 Fiechtner Drive notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application Filed by Service Oil, Inc. d/b/a North Town Sports Bar and Grill for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Service Oil, Inc. d/b/a North Town Sports Bar and Grill for a Class "FA" Alcoholic Beverage License at 3520 12th Avenue North, 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.

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 there were issues regarding the managers listed on the application. He said the Liquor Control Committee is recommending approval of the application with a new manager to be named later.

Commissioner Mahoney questioned if this item should wait until the manager is hired.

Mr. Sprague stated the applicant wanted to make sure the license was approved before he went ahead with his plans for the business. He said in this case, the Liquor Control Committee felt comfortable that the City would get an immediate response to any concerns because the applicant is a local businessman.

After a brief discussion, it was determined the applicant would submit the name of the manager to the City Commission after that individual is hired.

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Tax Levies for the Budget Year Beginning January 1, 2009 and Ending December 31, 2009 Approved:

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for a Hearing on the 2009 Budget at which time all interested persons could appear and would be heard.

Mayor Walaker stated there will be no increase in the mill levy or City fees for 2009.

Lon Cooke, 1385 High Point Drive North, stated he was born and raised in Fargo and his wife and he recently returned after 50 years. He said the property tax in Fargo is double what he was paying and there is something wrong when the property taxes are at that high of a level. He said there are a lot of people who have been taxed out of their homes and something needs to be done.

Mayor Walaker stated he does take Mr. Cooke's concerns seriously and the City Commission is doing what they can to hold the line in Fargo.

Commissioner Piepkorn stated he agrees with Mr. Cooke's comments and suggested that he take his concerns to the state legislature in Bismarck this spring. He said when he was campaigning for City Commission that was the citizens' number one concern.

Commissioner Mahoney moved the 12-month budget beginning January 1, 2009 and ending December 31, 2009 be approved as follows:

General Fund	\$ 66,404,271
Special Revenue Funds:	
City Share of Special Assessments	\$ 800,000
Noxious Weeds	50,000
Emergency 911	1,463,000
Outdoor Warning	75,160
Convention Bureau	1,350,000
Convention Bureau Surplus	-
Regional Training Center	67,400
Transit Capital Escrow	120,000
Southeast Cass Capital Reserve	-
Court Forfeits	115,000
Broadway Mall Maintenance	45,000
Skyway Maintenance	113,000
Winter Lights Maintenance	23,000
Neighborhood Revitalization Initiatives (NRI)	138,000
Community Development Block Grants	678,000
HOME Program	30,000
HOME Projects	593,000
Parking Authority Operations	1,088,182
Parking Repair and Replacement	12,500
Revenue Stabilization	600,000
City Building Repair Escrow	86,000
City Vehicle Reserve	1,653,710
Computer Replacement	5,000
Civic Memorial Auditorium Capital	70,000
Newman Outdoor Stadium	185,450
Library Start Up	-
Total Special Revenue Fund Expenditures	\$ 9,360,402
Debt Service Fund Expenditures	\$ 42,337,474
Enterprise Funds:	
Water	\$ 18,595,998
Water Revenue Bond	3,812,544
Wastewater	10,087,420
Southeast Cass Sewer	60,000
Storm Sewer	1,470,000
Vector Control	497,414
Solid Waste	12,582,449
Forestry	1,482,485
Total Enterprise Fund Expenses	\$ 48,588,310
Internal Service Funds:	
Liability Self Insurance	\$ 653,500
Health Self Insurance	5,700,000
Total Internal Service Fund Expenses	\$ 6,353,500

Airport Authority:	
Operations & Maintenance	\$ 3,410,833
Airport Construction	4,331,600
Passenger Facility Surcharge (PFC)	1,150,000
PFC Bond Fund	1,418,567
Total Airport Authority Expenses	\$ 10,311,000
Fargodome:	
Operations Fund	\$ 4,419,913
Bond Fund	2,854,456
Sales Tax Surplus Fund	1,722,500
Building Fund	672,500
Bond Fund Reserve	-
Total Fargodome	\$ 9,669,369
Convention Bureau	
Operations	\$ 1,228,514
Restricted Capital	652,600
Total Convention Bureau	\$ 1,881,114
Grand Total – All Funds	\$194,905,440
Preliminary Tax Levies are:	
General Fund	53.32
City Share of Special Improvements	2.83
Noxious Weeds	0.10
Airport Construction	2.00
Total Proposed Mills to Be Levied for 2009 Budget	58.25

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, October 6, 2008.

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

The time at adjournment was 5:50 o'clock p.m.