

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: November 19, 2007:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, November 19, 2007.

The Commissioners present or absent were as shown following:

Present: Coates, Williams, Wimmer, Walaker.

Absent: Mahoney.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Coates moved the Order of the Agenda be approved omitting Item No. 4 in the Regular Agenda.

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

Minutes Approved:

Commissioner Coates moved that the Minutes of the Regular Meeting of the Board held on November 5, 2007 be approved as read.

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

Consent Agenda Approved:

Commissioner Coates moved the Consent Agenda be approved as follows:

- a. Final adoption of the Resolution approving the issuance of University Facilities Revenue Bonds (NDSU Development Foundation Project) Series 2007A, Series 2007B, Series 2007C and Series 2007D (Attachment "A").
- b. 2nd reading, waive reading and final adoption of the following Rezoning Ordinances; 1st reading, 11/5/07:
 - (1) Certain Parcels of Land Lying in Bohnsacks 1st Addition and Fargo Investment Co. 1st Addition to the City of Fargo.
 - (2) Certain Parcels of Land Lying in Eddy & Fullers Auditors Outlots to the City of Fargo.
- c. Police Department budget adjustment and U. S. Department of Justice COPS Technology federal grant award requiring a \$750,000 match (CFDA # 16.710).

- d. Employer Participation Agreement in the Pretax Service Credit Program through the North Dakota Public Employees Retirement System Retirement Plan effective January 1, 2008.
- e. Receive and file Year to Date - Budget to Actual Report for October 2007.
- f. Receive and file amendment to the limited franchise agreement with Cass County Electric adding the area annexed by the City on June 4, 2007.
- g. Change Order Nos. G-1 for an increase of \$6,244 for the Main Library and E-5 for an increase of \$50,757 for the Dr. James Carlson Library.
- h. Applications for five-year property tax exemptions for improvements made to buildings:
 - (1) Brian Nelson, 1106 18th Street North.
 - (2) Tom and Rachelle Hinkley, 222 23rd Avenue North.
 - (3) House Divided Properties, 1200 1st Avenue North.
- i. Applications for Games of Chance:
 - (1) NDSU Geology Club for a raffle on 11/30/07.
 - (2) El Zagal Shrine for a raffle on 2/16/08.
 - (3) Muskies, Inc. F-M Chapter for a raffle on 2/7/08.
 - (4) Christmas Gift for a raffle on 11/20/07.
 - (5) Medders Quadruplets Benefit for a raffle on 12/13/07; Public Spirited Resolution.
 - (6) Newman Center for a raffle on 1/28/08.
 - (7) Fargo Moorhead Symphony Guild for raffle on 12/1/07.
- j. Amended Site Authorization for Red River Human Services Foundation at The Hub.
- k. Bid award to Custom Fire Apparatus in the amount of \$340,200 for a new pumper truck for the Fire Department.
- l. Bid award to Industrial Builders, Inc. in the amount of \$22,269 for installation of rigging steel in the Civic Auditorium.
- m. Extension and Amendment of Lease for the farm seasons of 2008 and 2009 with Terry and Kay Compson.
- n. No-Build Easement between Renaissance Partners Limited Partnership and the Kilbourne Group, LLC for 303 Roberts Street.
- o. Extension to agreements with Advanced Engineering, Ulteig Engineers and Houston Engineering to provide water and wastewater engineering service.

- p. Submittal of the Facility Plan and loan application for the 45th Street Corridor Interceptor Sewer System and loan application to the North Dakota Department of Health.
- q. Bid award to Excavating, Inc. in the amount of \$49,303.67 for Project No. 5747-2.
- r. Cost Participation and Maintenance Agreement with the City of Frontier for the 36th Street South frontage road (Improvement District No. 5314).
- s. NDDOT Cost Participation and Maintenance Agreements for the I-29/52nd Avenue South Interchange, north frontage roads (36th and 38th Streets South from 52nd Avenue to one-half mile north and 52nd Avenue South, University Drive to 31st Street - Improvement District No. 5314).
- t. Contract time extension to June 1, 2008 for Improvement District No. 5690.
- u. Contract and bond for Project No. 5766.
- v. Bills in the amount of \$4,314,227.14.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Bids Received for Ridgewood Flood Control Improvement District No. 5229-5:

The bids for Ridgewood Flood Control Improvement District No. 5229-5 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., November 14, 2007 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$168,627.46
Industrial Builders, Inc. Bid:	Fargo, ND \$198,553.30
Earth Developers, Inc. Bid:	Fargo, ND \$208,148.40
Northern Improvement Co. Bid:	Fargo, ND \$216,240.80

Contract for Ridgewood Flood Control Improvement District No. 5229-5 Awarded to Master Construction Company, Inc. in the Amount of \$168,627.46:

Commissioner Coates offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Ridgewood Flood Control Improvement District No. 5229-5; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received November 14, 2007 for Ridgewood Flood Control Improvement District No. 5229-5 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Ridgewood Flood Control Improvement District No. 5229-5 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$168,627.46 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 \$168,627.46 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Ridgewood Flood Control Improvement District No. 5229-5 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$168,627.46, 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 Coates, Williams, Wimmer and Walaker voted aye.

Absent and not voting: Commissioner Mahoney.

The Resolution was adopted.

Contract for Dike Construction and Incidentals Improvement District No. 4980 Approved:

Commissioner Coates moved approval of the Contract between the City of Fargo and Rising Sun Construction, Inc. for Dike Construction and Incidentals Improvement District No. 4980 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Contract Bond for Dike Construction and Incidentals Improvement District No. 4980 Approved:

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

Granite RE, Inc., in the amount of \$65,406.00, for Dike Construction and Incidentals Improvement District No. 4980 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Jill Minette Appointed Human Resources Director:

The Board received a communication from City Administrator Pat Zavoral recommending that Jill Minette be appointed Human Resources Director to replace Dana Sue Busch who has resigned her position effective November 30, 2007.

Commissioner Wimmer moved Jill Minette be appointed Human Resources Director effective November 19, 2007.

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

Absent and not voting: Commissioner Mahoney.

The motion was declared carried.

Second Reading and Final Adoption of an Ordinance Re-Enacting and Amending Article 10-11 of Chapter 10 of the Fargo Municipal Code to Prohibit Smoking In all Public Indoor Workplaces Except for in All Enclosed Bar Areas Which Prohibit Entry of Any Customers Under the Age of 21; In Designated Areas of Truck Stops Restricted for Use of Professional Drivers and Their Adult Companions Only; and in JT Cigarro Tobacco Bar:

Commissioner Coates moved that the proposed Ordinance Re-Enacting and Amending Article 10-11 of Chapter 10 of the Fargo Municipal Code to Prohibit Smoking In all Public Indoor Workplaces Except for in All Enclosed Bar Areas Which Prohibit Entry of Any Customers Under the Age of 21; In Designated Areas of Truck Stops Restricted for Use of Professional Drivers and Their Adult Companions Only; and in JT Cigarro Tobacco Bar which was placed on its first reading November 5, 2007 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

Second by Wimmer.

(Commissioner Mahoney present)

Commissioner Williams stated this item should be placed on the ballot for a vote of the people instead of passing an ordinance.

Randy Thorson, 4202 Timberline Drive, thanked the Board for supporting the Ordinance.

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

Commissioner Williams voted nay.

The motion was declared carried.

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

On the vote being taken on the question of the final passage and adoption of the Ordinance, Commissioners Coates, Wimmer, Mahoney and Walaker voted aye.

Commissioner Williams voted nay.

The Ordinance was duly passed and adopted.

Melissa Sobolik and Andrew Nielsen Appointed to the Historic Preservation Commission:

The Board received a communication from Mayor Walaker recommending that Melissa Sobolik and Andrew Nielsen be appointed to the Historic Preservation Commission to replace Doug Scraper and Daryl Bachmeier whose terms have expired.

Commissioner Mahoney moved the appointment of Melissa Sobolik and Andrew Nielsen to the Historic Preservation Commission for the terms ending October 31, 2010 be approved.

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

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

Application Filed by Microsoft Corporation for Payment in Lieu of Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Microsoft Corporation for payment in lieu of property tax exemption for expansion of their facility at One Lone Tree Road where the applicant operates a software development, support and sales facility.

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.

Mayor Walaker stated one of his biggest concerns would be the loss of Microsoft and he would be very disappointed if that would happen on his watch. He said Fargo is number three in the United States for the number of Microsoft employees and the City needs to keep Microsoft here.

Don Morton, Microsoft Site Leader, summarized Microsoft's expansion plans and future goals. He said the property tax exemption is very important to their future plans.

Commissioner Williams stated the City has been changing its economic development strategy. He said property taxes have been going up to cover the shortfall in education funding from the state. He said Microsoft could help when the City asks the Legislature for more money for education.

Commissioner Wimmer moved that the application filed by Microsoft Corporation for a 10 year payment in lieu of tax exemption pursuant to Chapter 40-57.1, NDCC be approved as follows:

Year 1 through 5 - \$0

Year 6 through 10 - \$408,844

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

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

Resolution Adopted Approving Ed Clapp Park Addition To The City of Fargo, Cass County, North Dakota (2801 32nd Avenue South):

Commissioner Coates offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Ed Clapp Park Addition" containing 2 Lots, 1 Block, and 1.41 acres of land more or less, located at 2801 32nd Avenue South; and

WHEREAS, A Hearing was scheduled to be held October 10, 2007 by the Fargo Planning Commission, and notice of such Hearing had been published, as

required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on November 5 and 12, 2007 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., November 19, 2007 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff be accepted and the Plat entitled "Ed Clapp Park Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Comprehensive Plan, Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

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

Resolution Adopted Approving Tower Park Plaza First Addition to the City of Fargo, Cass County, North Dakota (914 and 1000 45th Street South):

Commissioner Coates offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Tower Park Plaza First Addition" containing 3 Lots, 1 Block, and 179,582 square feet of land more or less, located at 45th Street South and 11th Avenue South; and

WHEREAS, A Hearing was scheduled to be held June 13, 2007 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on November 5 and 12, 2007 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., November 19, 2007 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff be accepted and the Plat entitled "Tower Park Plaza First Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Comprehensive Plan, Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

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

Amendment to the Growth Plan Approved (6048 36th Street South; 6011, 6023 and 6241 25th Street South; 5911 and 5813 28th Street South; 3117 64th Avenue South):

A Hearing had been set for this day and hour to consider approval of an amendment to the Growth Plan from low density residential equestrian orientated and low/medium density residential to low/medium residential density, commercial and park/open space.

The Fargo Planning Commission recommended approval of the amendment to the Growth Plan at their June 13, 2007 meeting.

No written protest or objection to the amendment to the Plan has been received or filed in the Planning and Development Department.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

Commissioner Coates moved the amendment to the Growth Plan be approved.

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

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

Resolution Adopted Approving Maple Valley Addition to the City of Fargo, Cass County, North Dakota (6048 36th Street South; 6011, 6023 and 6241 25th Street South; 5911 and 5813 28th Street South; 3117 64th Avenue South):

Commissioner Coates offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Maple Valley Addition" containing 293 Lots, 9 Blocks, and approximately 158 acres of land more or less, located at 6048 36th Street South; 6011, 6023, and 6241 25th Street South; 5911 and 5813 28th Street South; and 3117 64th Avenue South; and

WHEREAS, A Hearing was scheduled to be held June 13, 2007 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on November 12 and 19, 2007 that a Hearing would be held in the City Commission Room at the City Hall, Fargo, North Dakota at 5:15 o'clock p.m., November 19, 2007 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff be accepted and the Plat entitled "Maple Valley Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Comprehensive Plan, Standards of Article 20-06, and all other

applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

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

Parcels of Land in Maple Valley Addition Rezoned:

At a Hearing held on June 13, 2007 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-2, Single-Dwelling on Lots 1-43, Block 1; Lots 1-11 and 13-22, Block 3; Lots 1-19, Block 4; Lots 25-40, Block 5; and Lots 32-47, 49-72 and 74-83, Block 8; and Lots 1-7, Block 9; SR-3, Single-Dwelling on Lots 45-54 and 56-71, Block 1; Lots 1-10, Block 2; and Lots 1-20 and 23-36, Block 6; SR-4, Single-Dwelling on Lots 1-24, Block 5; and Lots 2-31, Block 8; LC, Limited Commercial on Lot 55, Block 1; Lots 21 and 22, Block 6; Lot 2, Block 7; and Lot 1, Block 8; PI, Public Institutional on Lot 44, Block 1; Lot 12, Block 3; Lots 1 and 3, Block 7; and Lots 48, 73, 84 and 85, Block 8; Maple Valley Addition.

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

Commissioner Coates offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that review criteria of Section 20-0906.F (1-4) has been met.

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

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

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Maple Valley Addition to the City of Fargo:

Commissioner Coates moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Maple Valley Addition to the City of Fargo be placed on first reading.

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

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

At 5:58 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Appeal of the Board of Adjustment's Denial of a Request for a Variance at 1102 5th Street South: Variance Granted with Contingency:

A Hearing had been set for this day and hour on the appeal of a September 25, 2007 ruling of the Board of Adjustment denying the request from Ila Schuster for a three foot variance on the three foot maximum height for a fence located within the front yard of an SR-3, Single-Dwelling zoning district at 1102 5th Street South.

One written protest to the granting of the variance has been received and filed in the office of the City Auditor.

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

Senior Planner Jim Hinderaker stated Ms. Schuster reconstructed an existing dilapidated, non-conforming six foot high fence within the front yard of her property which requires that the structure be brought back into conformance with the Land Development Code. Therefore, he continued, she requested a three foot variance of the three foot maximum height for a fence located within the front yard. He said at the Board of Adjustment's September 25th meeting, there were four of the five members present. He said three voted in favor and one voted against the request, however, a super majority or four out of the five board members' approval is needed to grant the variance. He said staff is also recommending the request be denied on the basis that review criteria of Section 20-0914.E (1 and 3), which he summarized, has not been met.

In answer to a question, Mr. Hinderaker said the approval criteria states the fence can be maintained and repaired but it cannot be replaced.

Nick Schuster, 433 8th Avenue South, stated he is requesting that the Board approve the variance for his mother's house. He said nothing was changed in regard to the size and type of fence that was already there and they felt replacing the old fence with the new one would improve the property.

Commissioner Coates stated it is her understanding the reason this is being requested is due to the special needs of the homeowner and she questioned the reason the fence was important to Mr. Schuster's mother.

Mr. Schuster stated his mother is now legally blind and it is hard for her to get around. He said the fence is a security issue for her.

Commissioner Williams suggested approving the variance with a contingency that, if the property is sold, it would have to come into compliance.

Commissioner Wimmer stated the Hawthorne neighborhood has some pretty nice standards and he does not think this is the direction they want to move into. He said he could bring this issue up at their next meeting.

Bruce Squires, 1106 5th Street South, stated he lives next door to the south of Ms. Schuster and he thinks the new fence looks great. He said he feels sorry for Ms. Schuster that she has had to go through this. He said he likes Commissioner Williams' suggestion and feels the Commission should allow the variance.

There was discussion regarding the criteria required to allow a variance.

City Attorney Erik Johnson stated it sounds like the criteria would be related to the physical hardship of the occupant of the property. He said the motion should indicate that the variance would be granted subject to the condition that it would be

extended for the period of time the house is occupied by Ms. Schuster or until it is sold.

Neil Schuster, 211 Sunrise Lane, stated his concern with the problem of getting the fence into compliance if the property is sold.

Commissioner Wimmer suggested the request for the variance be denied.

Commissioner Williams moved the Board of Adjustment's denial be overturned based on the physical hardship of the occupant of the property and the variance be granted with the contingency that, if the property is sold or if there is a change in ownership, the property will need to come into compliance.

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

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

Appeal of the Denial of the Petition for a Conditional Use Permit to Allow Non-Farm Commercial Uses Within an Agricultural Zone District for Property Located Within the West Half of Section 15, Township 140 North, Range 49 West Withdrawn (4269 40th Avenue):

This was the time and date set for a Hearing on the appeal of the Planning Commission's denial on the petition for a Conditional Use Permit to allow non-farm commercial uses within an agricultural zone district for property located within the west half of Section 15, Township 140 North, Range 49 West, however, the appeal has been withdrawn by the applicant.

Item No. 4 Omitted:

Item No. 4 (Receive and file Ordinance Relating to Use and Care of Streets and Sidewalks – sidewalk entertainers) was omitted.

Precinct Locations for the June 10, 2008 Primary Election and the November 4, 2008 General Election Approved:

At the November 5, 2007 City Commission meeting, the League of Women Voters requested additional community input regarding the changes in precinct locations and appropriate staff was directed to schedule a public forum.

The Board received a communication from City Auditor Steve Sprague stating on Thursday, November 15, 2007 the City of Fargo, along with the Cass County Auditor's office, hosted an open forum to discuss the proposed precinct location changes for the 2008 elections. He submitted a memo summarizing the public input received at the forum, a listing of precinct locations for the 2008 elections and a communication from Cass County Auditor Mike Montplaisir outlining changes that have been in the works since the last election. He said most legislative districts will have only two precinct locations and efforts have been made to avoid using schools. In addition, he continued, most of the precincts are larger facilities so new locations had to be found in most instances. Mr. Sprague requested the precinct locations for the June 10, 2008 Primary Election and the November 4, 2008 General Election be approved.

In answer to a question, Mr. Sprague stated, even though more people will be going through the precincts, the wait time will be less.

There was discussion regarding the School Districts' concerns with security issues at the polling locations located in the schools.

Commissioner Wimmer stated if it is a safety issue, the City should try to make this work.

In answer to a question, Mr. Sprague stated there is an evaluation done after every election to determine what works and what does not work.

Commissioner Wimmer moved the precinct locations for the June 10, 2008 Primary Election and the November 4, 2008 General Election be approved as recommended.

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

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

Communication Received from "Waking the Sleeping Giant":

The Board received a communication from Chuck Stebbins, representing "Waking the Sleeping Giant" – an alliance of Fargo-Moorhead nonprofit organizations. Mr. Stebbins stated "Waking the Sleeping Giant" is the result of area human service nonprofit agencies meeting over the last two years to focus on strengthening the voice of the nonprofit human service sector. The University of Mary has been working with "Waking the Sleeping Giant", he said, and has been the catalyst of an Economic Impact study of nonprofits and a Social Impact study which were presented to Senator Byron Dorgan in a large community meeting in an effort to influence the direction of human service funding at the federal level. He said at the beginning of 2007, "Waking the Sleeping Giant" began a community dialogue surrounding the idea of creating a Sustainable Community Stewardship Fund for human and social services. He said the organization is at the point where they would like to move forward by asking the City Commission to hear their report and consider appointing a Commissioner that would be willing to work with them in furthering the work to make a Sustainable Community Stewardship Fund a reality.

Angela Bachman, Beth Haseltine and Duke Schempp, "Waking the Sleeping Giant" representatives, made brief presentations in support of the organization,

Mr. Stebbins stressed that this group is not here for a handout. He said they are here to push their agenda which is to help people who are struggling to survive to get out of poverty.

Commissioner Williams stated this is not just a government solution, however, there may be a lot the City can do in establishing such a fund and showing a return on the investments.

Mr. Stebbins stated his group is looking for a Commissioner who would be willing to work with them.

Mayor Walaker stated the Commission will take that request under advisement.

There was discussion regarding the question of how the fund would be established and disbursed.

At 7:14 p.m. the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Senior Planner Dan Mahli reviewed the allocation of social services funds. He said the Community Development Block Grant Committee makes the recommendations, however, the requests for funds come from the City Commission.

There was discussion regarding the various community needs and where the funding will come from.

Mr. Mahli stated every five years the Community Development Block Grant Committee puts together a consolidated plan which is relevant to the community's needs so, hopefully, next year they will have a better idea of where the City is at.

There was discussion regarding selecting a Commissioner to work with the group.

Mayor Walaker stated the Commission can consider this item at the next City Commission meeting.

Commissioner Williams stated he would be interested in working with this group.

Commissioner Mahoney moved the communication and correspondence be received and filed

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

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

Commissioner Coates moved that the Board adjourn to 5:00 o'clock p.m., Monday, December 3, 2007.

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

The time at adjournment was 7:30 o'clock p.m.