



\$1.4 million, 2 hybrid buses in the amount of \$925,450 and 3 mini-vans for the Senior Rider Program in the amount of \$44,150.

- g. Receive and file Year to Date – Budget to Actual Report for July 2009.
- h. Application filed by Jana McShurley for a 5-year tax exemption for improvements made to a building at 1622 6th Avenue South.
- i. Applications for Games of Chance:
  - (1) Church of the Holy Spirit for bingo and a raffle on 10/25/09.
  - (2) Fargo Jaycees for a raffle on 9/10/09.
  - (3) Spartan Boosters, Inc. for raffles at the Fargodome from 12/29/09 to 2/20/10.
  - (4) Spartan Boosters, Inc. for raffles at Fargo North High School from 8/21/09 to 3/13/10.
  - (5) Spartan Boosters, Inc. for raffles at the Urban Plains Center from 11/27/09 to 2/27/10.
- j. Claim of Permanent Easement for property at the corner of 25th Street and 1st Avenue North.
- k. Purchase Agreement with the Rommesmo Family Limited Partnership for the Westside Corridor project (Improvement District No. 5729).
- l. Bid award for rental of 2 front end loaders for the Landfill to Titan Machinery in the amount of \$61,340 and a vacuum excavator for Public Works Operations to Vermeer Sales and Service in the amount of \$42,500.
- m. Consultant selection and contract with Houston Engineering, Inc. for Project Nos. 5609 and 5827.
- n. Engineering Contract Amendment with Ulteig Engineers in the amount of \$390,000 for Project No. 5657.
- o. Scope of work and contract for storm sewer modeling for the FM Metro Flood Control Feasibility Study (Project No. 5683-04).
- p. Professional Services Agreement with Houston Engineering, Inc. for Project No. 5902.
- q. Change Orders for various Projects: No. 1 for an increase of \$39,806 for No. 5725; No. 2 for an increase of \$5,591 for No. 5726; No. 3 for an increase of \$7,760.00 for No. 5726; No. 1 for an increase of \$14,821.25 for Imp. Dist. No. 5729; No. 5 for an increase of \$10,689.95 for No. 5798; No. 6 for an increase of \$3,681.21 for No. 5798; No. 7 for an increase of \$14,896.84 for No. 5798; No. 8 for a time extension for No. 5798; No. 1 for an increase of \$37,690 for No. 5656; No. 3 for an increase of \$10,192 for the 64th Avenue South water tower.

- r. Bid awards for Project SW 09-02 to Hough, Inc. in the amount of \$1,164,195 and Project Nos. 5871 to Strata Corporation in the amount of \$36,446; 5873 to Fritz Electric in the amount of \$193,204.45; 5879 to S & S Landscaping in the amount of \$47,940.
- s. Bid advertisement for Project No. 5874.
- t. Contract and bond for deck repair at the GTC and Project Nos. 5660, 5747-14 and 5865.
- u. Bills in the amount of \$10,393,581.88.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 5314-12 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$45,608.29 for Improvement District No. 5314-12.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Final Balancing Change Order No. 1 for Improvement District No. 5749-02 Approved:

Commissioner Mahoney moved approval of Final Balancing Change Order No. 1 for an increase of \$124,470.43 for Improvement District No. 5749-02.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Time Extension for Improvement District No. 5855 Approved:

Commissioner Mahoney moved approval of a Contract Time Extension to October 15, 2009 for Improvement District No. 5855.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Piepkorn 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. 5898:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on July 6 and 13, 2009 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. 5898.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., August 5, 2009 and the bids were found to be as follows:

Dakota Underground Bid:	Fargo, ND \$765,360.70
Master Construction Company, Inc. Bid:	Fargo, ND \$795,528.00
Opp Construction Company Bid:	Grand Forks, ND \$814,374.26
Asplin Excavating, Inc. Bid:	Fargo, ND \$818,039.48
Kuechle Underground Bid:	Kimball, MN \$834,666.70
Northern Improvement Company Bid:	Fargo, ND \$848,409.43

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898 Awarded to Dakota Underground in the Amount of \$765,360.70:

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. 5898; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received August 5, 2009 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898 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. 5898 shows the bid of Dakota Underground of Fargo, North Dakota, in the sum of \$765,360.70 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 Dakota Underground in the sum of \$765,360.70 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. 5898 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground for the sum of \$765,360.70, 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, Piepkorn and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Contract for P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1 Approved:

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

United Fire and Casualty Company, in the amount of \$3,782,640, for P.C. Concrete Pavement and Incidentals Improvement District No. 5706-1 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract for Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Contract Bond for Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863 Approved:

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

United Fire and Casualty Company, in the amount of \$434,187.80, for Water Main Replacement, Street Rehabilitation and Incidentals Improvement District No. 5863 in the City of Fargo, North Dakota.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Protests Received in Connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5890: Protest Period Extended to Noon on August 20, 2009:

The Board received a communication from City Engineer Mark Bittner stating the alley paving project was initiated by a petition signed by over 70% of the property owners. He said the project was designed, the district was created and the property owners were sent a letter informing them of the project, the estimated cost and information about the protest process. He stated the initial protest period expired on July 21, 2009 and was extended to August 6, 2009 by City Commission action on July 27, 2009. The final tally of responses, he said, are summarized as follows:

10 properties support project	48%
11 properties oppose project	52%
0 properties did not respond	0%

Mr. Bittner said he received calls from supporters of the project and they would like the opportunity to extend the protest period the same as the opposition did at the last meeting. After talking to the City Attorney, he said the City Commission has the authority to extend the protest period.

Commissioner Mahoney moved the protest period for Improvement District No. 5890 be extended to noon on August 20, 2009.

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

Absent and not voting: Commissioner Wimmer

The motion was declared carried.

Protests Received in Connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5891: Protest Period Extended to Noon on August 20, 2009:

The Board received a communication from City Engineer Mark Bittner stating the alley paving project was initiated by a petition signed by over 55% of the property owners. He said the project was designed, the district was created and the property owners were sent a letter informing them of the project, the estimated cost and information about the protest process. He stated the initial protest period expired on

July 21, 2009 and was extended to August 6, 2009 by action of the City Commission on July 27, 2009. The final tally of responses, he said, are summarized as follows:

9 properties support project	41.71%
9 properties oppose project	44.87%
3 properties did not respond	13.42%

Mr. Bittner said if Improvement District 5890 is extended, the same should apply to Improvement District 5891.

Commissioner Mahoney moved the protest period for Improvement District No. 5891 be extended to noon on August 20, 2009.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

#### Appointments to Various Boards and Commissions Approved:

The Board received a communication from Mayor Walaker recommending the following appointments to several Boards and Commissions of the City for the terms listed:

##### Planning Commission

John Q. Paulsen (reappointment)	June 30, 2012
Catherine Wiley (reappointment)	June 30, 2012
Kelly Steffes (reappointment)	June 30, 2012

##### Human Relations Commission

Lori Brownshield (reappointment)	July 1, 2012
Fowzia Adde (reappointment)	July 1, 2012
Waseem Altaf (appointment)	July 1, 2011
David Lanpher (appointment)	July 1, 2011
David Danbom (appointment)	July 1, 2012

##### Fargo Access Channel Board

Rose Marie Gueldner (alternate member - appointment)	June 30, 2012
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Commissioner Mahoney moved the appointments be approved as outlined above.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

#### Application Filed by Swanson Health Products, Inc. for a Five Year Property Tax Exemption Approved:

A Hearing had been set for this day and hour on an application filed by Swanson Health Products, Inc. for a five year property tax exemption for an expansion to their operation at 4055 40th Avenue South which the applicant will use

in the operation of manufacturing, distribution and bottling of vitamin supplements as well as testing products in a lab 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.

Commissioner Piepkorn moved that the application filed by Swanson Health Products, Inc. for a five year 100% property tax exemption pursuant to Chapter 40-57.1, NDCC be approved.

Second by Mahoney.

Commissioner Williams said it is important to track projected performance outlined by Swanson Health Products, Inc. in the tax exemption application.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Parcels of Land in SHP Second Addition Rezoned (4055 and 4075 40th Avenue South):

At a Hearing held on July 8, 2009 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural and GC, General Commercial to GC, General Commercial on the existing Lot 1, Block 1, SHP Addition and an unplatted portion of the Southeast Quarter of Section 27, Township 139 North, Range 49 West.

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.

Senior Planner Jim Hinderaker said the Planning Commission approved the plans submitted by Swanson Health Products and found them compatible with surrounding commercial and residential zoning. The previously approved Conditional Use Permit, he said, will provide a landscaped buffer between the addition and 40th Avenue South.

In response to a question from Commissioner Williams regarding increased truck traffic and safety issues with a nearby school, Mr. Hinderaker said Planning staff was comfortable with the access from 42nd Street and 52nd Avenue for increased truck traffic. He said staff will relay the school safety concerns to the developer.

Commissioner Piepkorn 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 the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

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



Absent and not voting: Commissioner Wimmer.  
The motion was declared carried.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in SHP Second Addition and Part of the Southeast Quarter of Section Twenty-Seven, Township One Hundred Thirty-Nine North, Range Forty-Nine West of the Fifth Principal Meridian, Cass County, North Dakota:

Commissioner Piepkorn 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 SHP Second Addition and Part of the Southeast Quarter of Section Twenty-Seven, Township One Hundred Thirty-Nine North, Range Forty-Nine West of the Fifth Principal Meridian, Cass County, North Dakota to the City of Fargo be placed on first reading.

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.

Resolution Adopted Approving SHP Second Addition (4055 and 4075 40th Avenue SW):

Commissioner Piepkorn 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 "SHP Second Addition" containing 2 Lots, 1 Block and 17.35 acres of land more or less, located at 4055 and 4075 40th Avenue South; and

WHEREAS, A Hearing was held July 8, 2009 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 August 3 and 10, 2009 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., August 10, 2009 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 and the Planning Commission be accepted and the Plat entitled "SHP Second Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the 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 Piepkorn, Williams, Mahoney and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Flood Issues Status Report Received and Filed: Mitigation Projects Approved and Appropriate Staff Authorized to Develop a Financing Plan:

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating the committee reviewed a series of memorandums, maps and photographs provided by Engineering and Planning staff. They said the various flood recovery and flood protection issues are summarized as follows:

“2009 Flood Recovery

1. USACE Levee Removals

Flood recovery efforts generally consist of levee removals, levee site restoration, and repairs to streets, boulevards, and utilities. The US Army Corps of Engineers (USACE) under a mission assignment from FEMA completed the majority of the levee removals. The USACE retained a number of contractors to remove levees and generally regrade levee and construction areas.

2. Levee Removal/Site Restoration

The City retained a number of contractors to remove levees not removed by USACE contractors and restore levee sites. Damages to streets, pavements, sidewalks, and public boulevards were also contracted for repair or replacement. A team of six engineers and two technicians worked to complete field inspections, prepare bid documents, supervise and document contractor repairs and costs and work with FEMA inspectors for cost reimbursement. Repair/restoration work is continuing with final completion anticipated in mid 2010.

3. Rear Yard Restoration

Approximately 3 million sandbags were placed in approximately 600 rear yards. Placement and removal of these levees resulted in significant damage to yards, fences, landscaping, etc. The City developed a Yard Damage Restoration Program to assist in cost reimbursement for private property damage repairs.

Flood Mitigation Projects

Following every major flood event, the City updates the flood mitigation project listing. The following projects are proposed as part of the City's flood mitigation plan:

1. Property acquisition

2. Levee Construction/Restoration

3. Overland Flood Protection

4. Funding for proposed flood mitigation projects:

Property Acquisition - Flood Sales Tax; Levee Construction in Oak Grove and South Acres - Flood Sales Tax; Drains 27 and 53 Extension - NDSWC, SE Cass and Flood Sales Tax.

SSFC Project

After 10 years of project development, the SSFC project development activities have been placed on hold. FEMA has recently decided to withdraw as the Federal Project Sponsor for project development and environmental review. On July 15, 2009, correspondence from FEMA Regional Administrator, Douglas A. Gore to Mayor Walaker stated that HMGP funds cannot be used to support major flood control projects. FEMA will support HMGP funding for SSFC project development costs incurred to date (approximately \$4.5 million federal). FEMA will reserve the remaining designated HMGP funds (approximately \$5 million federal) to be applied towards more traditional small flood control projects in Fargo. In response, the City has submitted a list of potential alternate projects for HMGP funding.

<u>Priority</u>	<u>Project</u>	<u>Cost Estimate</u>
1	40th Street South Relief Storm Sewer	\$2,500,000
2	21st Avenue South Relief Storm Sewer	4,200,000
3	Storm Sewer Lift Station Improvements	1,000,000
4	Drain 10 Culverts	1,600,000

FM Metro Flood Control Feasibility Study

The USACE is the federal sponsor for a study of flood protection needs and options for the Fargo-Moorhead and adjacent regions. USACE, along with local consultants, are working on a number of potential regional flood protection measures.

Ridgewood Flood Control Project

After an 11 year development period, the Ridgewood Flood Control project is under construction.

Flood Insurance Rate Map Update Status

April Walker provided an update on FEMA's current plans for release of the updated flood plain maps - Flood Insurance Rate Maps (FIRM). FEMA had hoped to release the new maps in August but the release is being delayed, subject to determining how to deal with existing accredited levees. With the 100 year flood plain elevations being raised, existing accredited levees will need to be analyzed to see if they are in compliance with accreditation standards. FEMA is scheduling a meeting in Fargo to discuss levee accreditation issues and options.

Mark Bittner stated that he and April were contemplating a recommendation to adopt the preliminary new flood plain maps as the effective maps prior to formal adoption by FEMA. Staff is studying elevation maps to determine fill quantities associated with potential options for minimum building elevation requirements. Staff will also meet with home builders, adjacent cities and other interested parties to seek their input.”

Commissioner Williams moved the Flood Issues Status Report be received and filed, the mitigation projects be approved and appropriate staff be authorized to develop a financing plan.

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.

#### 2009 Flood Mitigation Property Acquisition Program Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating Planning Director Jim Gilmour submitted a status report on proposed acquisition of flood prone properties in response to the 2009 flood which is summarized as follow:

##### “Acquisition Procedures

The Flood Property Acquisition Program document outlines the recommended acquisition procedures which mirror those used following the 1997 flood with one added feature recommended. This added item includes a \$15,000 credit towards reduction of special assessments if the property owner purchases another owner occupied home in the City of Fargo within one year of the City acquisition of their current home.

##### Acquisition Priority

City staff has provided a listing of approximately 80 properties for acquisition consideration. The Priority 1 listing consists of 28 houses and two vacant lots.

##### Status

Appraisals have been completed on 21 houses with remaining Priority 1 appraisals in progress. Offers to purchase have been made to 13 homeowners and one vacant lot owner. Tentative verbal owner acceptance has been received from two homeowners.

##### FEMA Acquisition Funding

City staff had initially recommended application for FEMA HMGP funding assistance for acquisition of three houses on South Terrace adjacent to Oak Grove School. April Walker received information from the ND Division of Emergency Services indicating that selection of HMGP projects will not occur until spring of 2010. Staff is concerned that such a delay will negatively impact the three property owners. Staff now recommends these three houses be purchased with City flood sales tax funds.

##### Finance Committee Recommendations

The Finance Committee made the following recommendations on August 2, 2009:

1. Approve the Flood Property Acquisition Program to include \$15,000 payment on special assessments as incentive for relocation within the City of Fargo.
2. Approve Priority 1 listing.

3. Authorize Finance Director to sell bonds to finance acquisition program with repayment via flood sales tax. The initial sale amount is estimated at approximately \$10,000,000.
4. Set administration fee at 10% to cover internal staff costs associated with the acquisition program.

Beyond Priority 1

Staff recommends that acquisition activities for Priority 2-5 properties be placed on hold until the recommendations of the FM Metro Flood Protection Feasibility study are available which are expected by January 2010 and will impact the extent of the acquisitions needed."

Commissioner Piepkorn moved approval of the Finance Committee recommendations outlined above with the addition of two Riverwood lots to the Priority 1 Group and that Priority 2-5 acquisition activity be placed on hold subject to recommendations from the FM Metro Feasibility Study.

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.

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, August 24, 2009.

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

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