

- (6) Amending Section 30.1-01 of Chapter 30.1 of the Fargo Municipal Code Relating to the International Fuel Gas Code.
 - (7) Amending Article 31-01 of Chapter 31 of the Fargo Municipal Code Relating to the International Property Maintenance Code.
 - (8) Amending Section 12-0105 of Article 12-01 and Section 12-0201 of Article 12-02 of Chapter 12 of the Fargo Municipal Code Relating to Dogs and Cats.
 - (9) Rezoning Certain Parcels of Land Lying in MGB First Addition, Cass County, North Dakota.
- b. Receive and file Year to Date – Budget to Actual Report for May 2010.
 - c. Service Agreement with Fargo Public Schools for Special Services.
 - d. Inter-Local Agreement with West Fargo and Cass County (CFDA #16.738).
 - e. List price of \$139,900.00 for each of the NSP Purchase Rehab properties at 222 21st Avenue North and 2910 10th Street North.
 - f. Software licensing agreement with Profit Stars to provide payment processing software.
 - g. Amendment to the Joint Powers Agreement with NDSU to provide an additional \$103,000.00 for transit.
 - h. Applications for Games of Chance:
 - (1) Fargo Angels Youth Hockey for a calendar raffle from 12/5/10 through 12/28/10.
 - (2) Fargo Theatre Management Corporation for a raffle on 8/5/10.
 - i. Bid awards in the total amount of \$204,000.00 for Hazardous Materials Response Equipment for the Fire Department.
 - j. Change Order No. 1 for an increase of \$2,595.28 for the Solid Waste Transfer Facility lighting upgrades.
 - k. Relinquishment of Easement for property owned by SKA Investments, LLP in Adams 5th Addition (Improvement District No. 5726).
 - l. Purchase Agreement - Easement with DB & MH Partnership, LLLP (Improvement District No. 5803).
 - m. Declare Lots 1-6, Block 2, Riverwood 1922 First Addition unbuildable.

- n. Contract award for Phase I Cultural Resources Investigation for the F-M Metro Flood Risk Management Project to URS for Project Nos. 5683-08 and 5683-09.
- o. NDSWC Agreement for Cost Reimbursement for the FM Metro Flood Control Feasibility Study.
- p. Renewal of 2010-2011 Alcoholic Beverage and Live Entertainment licenses contingent upon the condition that all of the elements required for renewal are present by June 30, 2010.
- q. Accept canvass of votes cast at the June 8, 2010 Primary Election, declare officials elected.

Total City of Fargo Votes Cast for the Mayor's race: 9,493

For Mayor of the City of Fargo
Four Years

Dennis Walaker	8,765 (elected)
Lenny Tweeden	335
Robert Gates	230
Ahmed Haji	138

For Members of the Board of City Commissioners
Four Years

Tim Mahoney	7,227 (elected)
Brad Wimmer	5,460 (elected)
Melissa Sobolik	3,882
Larry Bosma	1,406

For Members of the Board of Park Commissioners
Four Years

Joe Deutsch	5,014 (elected)
Mary C. Johnson	4,574 (elected)
Ronald Sorvaag	4,292 (elected)
Barry N. Nelson	4,154
Sally Jacobson	3,968

- r. Engineering Services Contract Amendment in the amount of \$49,732.00 for Improvement District No. 5905.
- s. Engineering Consultant Services contracts for Project Nos. 5946, 5949 and 5950; and Improvement District No. 5945.
- t. Contract Amendment No. 3 in the amount of \$189,500.00 for Project No. 5726-1.
- u. Request for Proposals for Engineering Consulting Services for an Intersection Control Evaluation Study (Project No. 5922).

- v. Agreement with Kadrmas, Lee & Jackson, Inc. for engineering services for Improvement District No. 5908-03.
- w. Payment of \$4,843.13 to Wanzek Construction for street patching for Improvement District No. 5229.
- x. Change Order No. 3 for an increase of \$50,358.16 for Project No. 5656.
- y. Change Order No. 5, Part A, for an increase of \$15,513.50 for Improvement District No. 5729.
- z. Contract and bond for Project No. 5918.
- aa. Bills in the amount of \$2,948,395.84.

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

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

Change Order No. 1 for Improvement District No. 5640 Approved:

Commissioner Mahoney moved approval of Change Order No. 1 for an increase of \$157,130.00 for Improvement District No. 5640.

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

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

Change Order No. 2 for Improvement District No. 5640 Approved:

Commissioner Mahoney moved approval of Change Order No. 2 for an increase of \$35,425.00 for Improvement District No. 5640.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5244 (On 53rd Avenue from Maple Valley Drive South to 33rd Street South, on 64th Avenue from 33rd Street South to 21st Street South, on 70th Avenue from 25th Street South to the quarter section line, on 73rd Avenue from 25th Street South to the quarter section line and on 25th Street South from 58th Avenue South to 73rd Avenue South):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5244:

Adopt Resolution Creating Improvement District No. 5244:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5244 in the City of Fargo, North Dakota, be created

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

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

On 70th Avenue from 25th Street South to the quarter section line.

On 73rd Avenue from 25th Street South to the quarter section line.

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

COMPRISING:

All of the land lying in the South half of Section 2, Township 138 North, Range 49 West.

All of the land lying in Section 11, Township 138 North, Range 49 West.

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

All of the land lying in the Southwest quarter of Section 1, Township 138 North, Range 49 West.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5244 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. 5244:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5244 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 \$13,590,944.)

Order Plans and Specifications for Improvement District No. 5244:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5244 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5244:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5244 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. 5244 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 Lights 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 Lights and Incidentals Improvement District No. 5244 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 Lights and Incidentals improvement is to be paid from City Street Sales Tax and approximately 32% 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 Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5244:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5244 in the City of Fargo, North Dakota.

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

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

Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 (36th Street from 32nd Avenue South to 40th Avenue South, 35th Avenue South from 36th Street to 32nd Street and 38th Avenue South from 36th Street to 32nd Street):

Commissioner Mahoney moved the following action be taken in connection with Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905:

Adopt Resolution Creating Improvement District No. 5905:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5905 in the City of Fargo, North Dakota, be created

On 36th Street from 32nd Avenue South to 40th Avenue South

On 35th Avenue South from 36th Street to 32nd Street

On 38th Avenue South from 36th Street to 32nd Street

COMPRISING:

Southwood Park Addition, Block 1, Lots 4-10

Southwood Park Addition, Block 5, Lots 1-4

Valley Ford 1st Addition, Lots 1-3, Block 1

Vincent Marie Addition, Lots 1-11, Block 1

Ulteig Addition, Lots 1-4, Block 1

Stonebridge Farms 4th Addition, Lot 1, Block 1, Lots 1-21, Block 2, Lots 1-18, Block 3, Lots 1-19, Block 4, Lots 1-20, Block 5

Mills Addition, Lot 1, Block 1

All Lots in all Blocks of Prairie Rose 1st Addition

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

NOW, THEREFORE, BE IT RESOLVED, That Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 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. 5905:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5905 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 \$1,181,644.25.)

Order Plans and Specifications for Improvement District No. 5905:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5905 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5905:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5905 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. 5905 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 Shared Use Path, Bridge Construction, P.C. Concrete Paving 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 Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 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 Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals improvement is to be paid from City Street Sales Tax and approximately 52% 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 Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5905:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5905 in the City of Fargo, North Dakota.

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

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

Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 (Veterans Park First Addition):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932:

Adopt Resolution Creating Improvement District No. 5932:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5932 in the City of Fargo, North Dakota, be created

On 47th, 48th, & 49th Avenues South between Veterans Boulevard and 53rd Street South.

On 54th, 55th, & 56th Street South between 47th & 49th Avenue South.

COMPRISING:

Lots 1 through 19, inclusive, Block 1.

Lots 1 through 24, inclusive, Block 2.

Lots 1 through 34, inclusive, Block 3.

Lots 1 through 26, inclusive, Block 4.

Lots 1 through 59, inclusive, Block 5.

All platted in Veterans Park First Addition.

Lots 1 through 11, inclusive, Block 1.

Lots 1 through 5, inclusive, Block 2.

All platted in Rocking Horse East First Addition.

The eastern 300' of the SE ¼, Section 32, Township 139, Range 49.

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

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 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. 5932:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5932 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 \$968,000.)

Order Plans and Specifications for Improvement District No. 5932:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5932 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5932:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5932 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. 5932 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5932:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5932 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942 (A portion of Amber Valley West 1st Addition, Amber Valley Parkway and 55th Street South and 23rd Avenue South):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942:

Adopt Resolution Creating Improvement District No. 5942:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5942 in the City of Fargo, North Dakota, be created

On 23rd Avenue South from Veteran's Boulevard to 55th Street.

On 55th Street South from 23rd Avenue to Amber Valley Parkway.

On Amber Valley Parkway from 55th Street to 435' east of 55th Street.

COMPRISING:

Lots 1 through 7, inclusive, Block 1.

Lots 1 through 4, inclusive, Block 2.

Lot 1, Block 3.

All in Amber Valley West First Addition.

Lot 1, inclusive, Block 4.

Lot 3, inclusive, Block 3.

All in Urban Plains by Brandt 1st Addition.

All of the unplatted land in the northwest quarter of Section 21, Township 139 North, Range 49 West.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942 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. 5942:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5942 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 \$950,000.)

Order Plans and Specifications for Improvement District No. 5942:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5942 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5942:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5942 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. 5942 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 Lights 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 Lights and Incidentals Improvement District No. 5942 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 Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5942:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5942 in the City of Fargo, North Dakota.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 (Block 36 Northern Pacific Addition between 4th and 5th Avenues South from 8th to 9th Streets South):

Commissioner Mahoney moved the following action be taken in connection with P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953:

Adopt Resolution Creating Improvement District No. 5953:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5953 in the City of Fargo, North Dakota, be created

From 8th to 9th Street between 4th and 5th Avenues South, in Block 36 of Northern Pacific Addition.

COMPRISING:

Lots 1 through 9 & North ½ of Lots 10 through 12.

All in Northern Pacific Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 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. 5953:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5953 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 \$34,000.)

Order Plans and Specifications for Improvement District No. 5953:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5953 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5953:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5953 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. 5953 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring P.C. Concrete Alley Paving and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 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 P.C. Concrete Alley Paving and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5953:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5953 in the City of Fargo, North Dakota.

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

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

Contract for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5916 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5916 in the City of Fargo, North Dakota.

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

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

Contract Bond for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5916 Approved:

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

Liberty Mutual Insurance Company, in the amount of \$504,190.64, for Asphalt Wear Course, Mill and Overlay and Incidentals Improvement District No. 5916 in the City of Fargo, North Dakota.

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

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

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

The Board received a communication from Dan Bredell, Executive Director of the Fargo Blues Festival, requesting an extension of the City's Noise Ordinance on Friday, July 30 and Saturday, July, 31, 2010 from 10:00 p.m. to 11:00 p.m. for the 15th Annual Fargo Blues Festival at Newman Outdoor Field. He said due to extended travel by a number of people, it is vital to move the Friday and Saturday schedules up. He said the final headliner on Friday is scheduled to end at 10:30 p.m., and the final headliner on Saturday is scheduled to end at 9:30 p.m., however, extra time is needed in case of unexpected delays.

Commissioner Piepkorn moved the request for a one hour extension of the City's noise ordinance for the Fargo Blues Festival from 10:00 p.m. to 11:00 p.m. on July 30 and 31, 2010 be approved.

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

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

Request for an Extension of the Noise Ordinance for Outdoor Concerts Approved:

The Board received a communication from Jeremy Tjon, General Manager of the Empire Tavern, requesting an extension of the City's Noise Ordinance on June 18th, July 1st, July 9th, July 15th, July 16th, August 5th, August 13th, August 27th and September 2nd, 2010 from 10:00 p.m. to 11:00 p.m. for outdoor concerts at the Empire Tavern, 424 Broadway.

Commissioner Wimmer moved the request from the Empire Tavern for a one hour extension of the City's noise ordinance from 10:00 p.m. to 11:00 p.m. for outdoor concerts on June 18th, July 1st, July 9th, July 15th, July 16th, August 5th, August 13th, August 27th and September 2nd, 2010 be approved.

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

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

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 10 and 17, 2010 and protests representing 21.01 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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

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

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 9, 2010 and the bids were found to be as follows:

Adelman Concrete and Excavating Bid:	Fargo, ND \$55,723.72
Key Contracting Bid:	Fargo, ND \$63,020.00
Opp Construction Company Bid:	Fargo, ND \$63,763.00
Heston Contracting, Inc. Bid:	Frazee, MN \$66,655.00

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 Awarded to Adelman Concrete and Excavating in the Amount of \$55,723.75:

Commissioner Wimmer offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 9, 2010 for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 shows the bid of Adelman Concrete and Excavating of Fargo, North Dakota, in the sum of \$55,723.75 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 Adelman Concrete and Excavating in the sum of \$55,723.75 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5924 in the City of Fargo, North Dakota, be and the same is hereby awarded to Adelman Concrete and Excavating for the sum of \$55,723.75, 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 Wimmer, Piepkorn, Mahoney, Williams and Walaker voted aye.

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

Construction of Sidewalks on Harrison Street South and All Post-2003 Development Areas Approved:

The Board received a communication from City Engineer Mark Bittner stating in 2003 the City modified the policy for sidewalk installation requiring new sidewalk installation by builder or homeowner within 180 days of occupancy. He said the previous policy allowed for special assessment of sidewalks as ordered by the City Engineer and the policy revision was a product of the Special Assessment Task Force in an attempt to reduce special assessment amounts. Recently, he said, the City has received complaints in some locations where sidewalk installation has not been completed in spite of notification of sidewalk installation requirements. The most recent complaint, he said, referenced the lack of sidewalks along Harrison Street South, South of 37th Avenue South in the Pointe West Third Addition.

Commissioner Williams moved the construction of sidewalks on Harrison Street South and all post-2003 development areas be approved.

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

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

Mike Wenaas and Nancy Jordheim Reappointed to the Civil Service Commission:

The Board received a communication from Mayor Walaker recommending that Mike Wenaas and Nancy Jordheim be reappointed to the Civil Service Commission.

Commissioner Wimmer moved Mike Wenaas and Nancy Jordheim be reappointed to the Civil Service Commission for terms ending June 30, 2013.

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

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

Parcels of Land in Robert's 2nd Addition Rezoned (315 University Drive North):

At a Hearing held on May 12, 2010 the Fargo Planning Commission recommended approval of a change in zoning from P/I, Public and Institutional to DMU, Downtown Mixed Use on all of Block 45, Robert's 2nd 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.

In response to a question from Commissioner Williams regarding Historic Preservation Committee review, Senior Planner Jim Hinderaker stated he is not aware that it has been reviewed.

Planning Director Jim Gilmour said according to the Historic Preservation ordinance, if a public building is being demolished there would be a review by the Historic Preservation Commission, however, the Commission does not have the power to stop a demolition, only to make a recommendation. He said the Commission would review the application if there were going to be any historic tax credits used as part of the redevelopment of the building.

Commissioner Wimmer 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, contingent upon review by the Historic Preservation Commission prior to 2nd reading of the rezoning Ordinance.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Wimmer, Piepkorn, Mahoney, Williams 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 Robert's 2nd Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Wimmer 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 Robert's 2nd Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

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

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

Petition for a Zoning Change and Platting of Prairie Grove Third Addition Withdrawn (5450 and 5652 26th Street South, 5385 through 5611 27th Street South, 2560 through 2687 56th Avenue South and 2561 through 2693 57th Avenue South):

This was the time and date set for a Hearing on a petition requesting rezoning and replatting of Prairie Grove Third Addition, however, the petition has been withdrawn by the petitioner.

Board of Adjustment's Denial of a Request for a Variance at 3307 US Hwy 81 North Upheld: Staff Directed to Work with Petitioner to Draft a Text Amendment:

A Hearing had been set for this day and hour on the appeal of a May 25, 2010 ruling of the Board of Adjustment denying the request from John Trautman for a 47 foot variance of the 35 foot maximum height limit for primary structures within AG-Agricultural zoning districts at 3307 US Hwy 81 North.

No written protest or objection to the granting of the variance 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 thereto.

Senior Planner Jim Hinderaker stated the applicant would like to construct a wind generation tower on his property. He said the main challenge when there is a variance request to the dimensional standards is that the applicant needs to demonstrate there is a physical hardship associated with the property. The property needs to show that it is unique or different from other similarly zoned properties,

which, he said, is very difficult to do when it involves height limitations. He said staff is recommending the request be denied, however, he would like to work with the applicant to come up with an alternate solution.

Commissioner Williams stated this is an instance where technology is moving faster than the City's ordinances and would be a good reason for examination of those ordinances.

Commissioner Williams moved the Board of Adjustment's denial be overturned and the variance be granted.

The motion died for the lack of a second.

Commissioner Williams moved the findings of staff and the Board of Adjustment be accepted and that the 47 foot variance of the 35 foot maximum height limit for primary structures within AG-Agricultural zoning districts be denied on the basis that review criteria of Section 20-0914.E (1, 3 and 5) have not been met and that staff be directed to work with the petitioner to draft a text amendment.

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

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

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, June 29, 2010.

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

The time at adjournment was 5:43 o'clock p.m.