

- g. Purchase of two 35 foot Hybrid buses for a total of \$1,164,406.87 with 82% of the funding from the Federal Transit Administration.
- h. Assign the Housing Rehab Program assistance of \$15,681 at 1452 18th Street South to Brad Else due to a demonstrated hardship.
- i. Acceptance of the 2010 Emergency Shelter Grant allocation from the State of North Dakota, Department of Commerce (CFDA #14.231).
- j. Pledged securities as of June 30, 2010.
- k. Purchase and implementation of a time and attendance software system with KRONOS in the amount of \$115,000 for a payroll timekeeping automation project.
- l. Amended Site Authorization for Red River Human Services Foundation at the Hub/Playmakers from 8/1/10 to 6/30/11.
- m. Applications for Games of Chance:
 - (1) Rape and Abuse Crisis Center of Fargo-Moorhead for a raffle on 11/12/10.
 - (2) Knights of Columbus 4th Degree #788 for a calendar raffle from 1/1/11 to 1/31/11.
 - (3) Rolfson Family Benefit (Brayden Rolfson) for a raffle on 8/10/10; Public Spirited Resolution.
 - (4) Nativity Church of Fargo for a calendar raffle from 9/26/10 to 10/24/10.
 - (5) Freedom Resource Center for a raffle on 9/23/10.
- n. Agreement with Bonestroo for an Intersection Control Evaluation Study in the amount of \$29,000 (Project No. 5922).
- o. Agreement and Memorandum of Agreement Regarding Special Assessments for Brandt Crossing First Addition (Improvement District Nos. 5822 and 5823).
- p. Encroachment Agreement for Radisson Hotel at 201 5th Street North.
- q. Demolition of Flood Prone houses (Project No. 5747-26).
- r. Installation of pedestrian crossing medians along 18th Avenue South (Project No. 5967).
- s. Joint Powers Agreement with Cass Rural Water Users District for Improvement District Nos. 5945 and 5955.
- t. Contract time extension for Project No. 5860.
- u. Proceed with plans for the installation of a roundabout on 25th Street South at 58th, 64th and 70th Avenues South (Improvement District No. 5969).

- v. Right-of-way acquisition to accommodate flood levee construction around South Acres (Project No. 5906-02).
- w. One-year service agreement with U.S. Peroxide for odor and corrosion control services in the City's sanitary sewer system (Project No. 5808).
- x. Contract with Energy Services Group to conduct energy audits at the Police Headquarters, Public Health and the Water Treatment Plant.
- y. Change Order No. G1 for an increase of \$817.00 for the GTC Garage facility lighting upgrades.
- z. Change Orders for the following Projects:
 - (1) No. 2B for an increase of \$171,033.00 for Project No. WW0901.
 - (2) No. 2 for an increase of \$23,900.90 for Project No. 5747-22.
 - (3) No. 2 for an increase of \$267,616.31 for Project No. 5747-23.
 - (4) No. 1 for an increase of \$16,342.95 for Project No. 5747-14.
- aa. Change Order No. 1 for Project No. 5934-4 in the amount of \$172,491.55; compensation approval to the Street Department for \$13,300.00 and Park District in the amount of \$50,000 for restoration costs incurred.
- bb. Bid awards for Project Nos. 5919-2 to Strata Corporation in the amount of \$38,695.00; 5947 to Kindred Plumbing and Heating, Inc. in the amount of \$210,908.00; and 5952 to Excavating, Inc. in the amount of \$262,399.35.
- cc. Rejection of bids and redesign and rebid of Project No. 5229-6.
- dd. Contract and bond for Project No. 5900-01.
- ee. Engineering Consultant Contracts with Ulteig Engineers, Inc. for Improvement District No. 5945 and Project No. 5915.
- ff. Bills in the amount of \$5,218,381.63

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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5822:

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5822 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 21, 2010 and the bids were found to be as follows:

Dakota Underground Company
Bid:

Fargo, ND
\$1,161,136.00

S.J. Louis Construction, Inc. Bid:	Waite Park, MN \$1,170,696.77
Rising Sun Construction, Inc. Bid:	Fargo, ND \$1,273,114.50
Master Construction Company, Inc. Bid:	Fargo, ND \$1,362,228.50
S. R. Weidema, Inc. Bid:	Maple Grove, MN \$1,435,412.35
Sellin Brothers, Inc. Bid:	Hawley, MN \$1,499,894.00
Robert Gibb and Sons, Inc. Bid:	Fargo, ND \$1,595,517.00

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5822 Awarded to Dakota Underground Company in the Amount of \$1,161,136.00:

Commissioner Piepkorn 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 and Incidentals Improvement District No. 5822; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 21, 2010 for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5822 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 and Incidentals Improvement District No. 5822 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,161,136.00 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 Company in the sum of \$1,161,136.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5822 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,161,136.00, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Mahoney, Williams and Walaker voted aye.

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

Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 21 and 28, 2010, and protests representing 28.84% percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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.

Bids Received for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905:

The bids for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 16, 2010 and the bids were found to be as follows:

Industrial Builders, Inc. Bid:	Fargo, ND \$915,529.50
Wanzek Construction, Inc. Bid:	Fargo, ND \$926,076.40
Swingen Construction, Inc. Bid:	Grand Forks, ND \$927,538.50
Dakota Underground Company Bid:	Fargo, ND \$935,483.81
Northern Improvement Company Bid:	Fargo, ND \$951,932.20

Contract for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 Awarded to Industrial Builders, Inc. in the Amount of \$915,529.50:

Commissioner Piepkorn offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 16, 2010 for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Shared Use Path, Bridge Construction, P.C. Concrete Paving and Incidentals Improvement District No. 5905 shows the bid of Industrial Builders, Inc. in the sum of \$915,529.50 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 Industrial Builders, Inc. of Fargo, North Dakota in the sum of \$915,529.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for 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 awarded to Industrial Builders, Inc. for the sum of \$915,529.50, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

No Protests Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932:

The Statutory Resolution of Necessity for the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 21 and 28, 2010 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Piepkorn moved that the Board declare that no protests have been filed to the construction of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932.

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.

Bids Received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932:

The bids for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 21, 2010 and the bids were found to be as follows:

Border States Paving, Inc.	Fargo, ND
Bid:	\$1,269,569.00
Dakota Underground Company	Fargo, ND
Bid:	\$1,270,789.85

Aggregate Industries	Moorhead, MN
Bid:	\$1,281,011.48

Northern Improvement Company	Fargo, ND
Bid:	\$1,361,995.90

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 Awarded to Border States Paving, Inc. in the Amount of \$1,269,569.00:

Commissioner Piepkorn offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 21, 2010 for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalks and Incidentals Improvement District No. 5932 shows the bid of Border States Paving, Inc. of Fargo, North Dakota, in the sum of \$1,269,569.00 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 Border States Paving, Inc. in the sum of \$1,269,569.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for 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 awarded to Border States Paving, Inc. for the sum of \$1,269,569.00, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

Bids Received for P.C. Concrete Pavement and Incidentals Improvement District No. 5938:

The bids for P.C. Concrete Pavement and Incidentals Improvement District No. 5938 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 21, 2010 and the bids were found to be as follows:

Opp Construction Company	Fargo, ND
Bid:	\$227,284.05

Master Construction Company, Inc.	Fargo, ND
Bid:	\$235,742.50

Adelman Concrete and Excavation, Inc. Bid:	West Fargo, ND \$243,263.43
Border States Paving, Inc. Bid:	Fargo, ND \$264,815.15
Northern Improvement Company Bid:	Fargo, ND \$275,745.00
Dakota Underground Company Bid:	Fargo, ND \$284,216.95

Contract for P.C. Concrete Pavement and Incidentals Improvement District No. 5938
Awarded to Opp Construction Company in the Amount of \$227,284.05:

Commissioner Piepkorn 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 Pavement and Incidentals Improvement District No. 5938; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 21, 2010 for P.C. Concrete Pavement and Incidentals Improvement District No. 5938 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Pavement and Incidentals Improvement District No. 5938 shows the bid of Opp Construction Company of Fargo, North Dakota, in the sum of \$227,284.05 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 Opp Construction Company in the sum of \$227,284.05 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Pavement and Incidentals Improvement District No. 5938 in the City of Fargo, North Dakota, be and the same is hereby awarded to Opp Construction Company for the sum of \$227,284.05, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 21 and 28, 2010 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Piepkorn 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. 5942.

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.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 21, 2010 and the bids were found to be as follows:

Dakota Underground Company Bid:	Fargo, ND \$1,096,979.65
George E. Haggart, Inc. Bid:	Fargo, ND \$1,122,967.25
Master Construction Company, Inc. Bid:	Fargo, ND \$1,137,729.15
Ernst Trenching, Inc. Bid:	Fargo, ND \$1,138,461.19
Border States Paving, Inc. Bid:	Fargo, ND \$1,143,200.58
Rising Sun Construction, Inc. Bid:	Fargo, ND \$1,189,359.50
Northern Improvement Company Bid:	Fargo, ND \$1,205,981.17
Aggregate Industries Bid:	Moorhead, MN \$1,295,392.61
Robert Gibb and Sons, Inc. Bid:	Fargo, ND \$1,325,025.00
Sellin Brothers, Inc. Bid:	Hawley, MN \$1,420,111.95

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942 Awarded to Dakota Underground Company in the Amount of \$1,096,979.65:

Commissioner Piepkorn 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. 5942; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 21, 2010 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5942 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. 5942 shows the bid of Dakota Underground Company of Fargo, North Dakota, in the sum of \$1,096,979.65 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 Company in the sum of \$1,096,979.65 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. 5942 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground Company for the sum of \$1,096,979.65, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Mahoney, Williams and Walaker voted aye.

Absent and not voting: Commissioner Wimmer.

The Resolution was adopted.

P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on June 21 and 28, 2010 and protests representing 10.19 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

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

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.

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., July 21, 2010 and the bids were found to be as follows:

Adelman Concrete and Excavating, Inc. Bid:	West Fargo, ND \$32,851.50
Asplin Excavating, Inc. Bid:	Fargo, ND \$37,767.55
Heston Contracting, Inc. Bid:	Frazee, MN \$39,223.00
Opp Construction Company Bid:	Fargo, ND \$39,313.50

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 Awarded to Adelman Concrete and Excavating, Inc. in the Amount of \$32,851.50:

Commissioner Piepkorn 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. 5953; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received July 21, 2010 for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5953 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. 5953 shows the bid of Adelman Concrete and Excavating, Inc. of West Fargo, North Dakota, in the sum of \$32,851.50 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, Inc. in the sum of \$32,851.50 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. 5953 in the City of Fargo, North Dakota, be and the same is hereby awarded to Adelman Concrete and Excavating, Inc. for the sum of \$32,851.50, 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 Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Piepkorn, Mahoney, Williams and Walaker voted aye.

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

Storm Sewer, Paving and Incidentals Improvement District No. 5960 (On 53rd Avenue South between 52nd Avenue and Veterans Boulevard):

Commissioner Piepkorn moved the following action be taken in connection with Storm Sewer, Paving and Incidentals Improvement District No. 5960:

Adopt Resolution Creating Improvement District No. 5960:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5960 in the City of Fargo, North Dakota, be created

On 53rd Avenue South between 52nd Avenue and Veterans Boulevard.

COMPRISING:

Lots 2 through 8, inclusive, Block 1.
Lots 1, 2, and 3, inclusive, Block 2.
All in Austin's Subdivision.

Lots 1 through 4, inclusive, Block 1.
Dakota Plaza Addition.

Lots 1 and 2, Block 1, LL & L Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Storm Sewer, Paving and Incidentals Improvement District No. 5960 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. 5960:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5960 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 \$455,000.)

Order Plans and Specifications for Improvement District No. 5960:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5960 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5960:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5960 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. 5960 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 Storm Sewer, 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 Storm Sewer, Paving and Incidentals Improvement District No. 5960 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That 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 Storm Sewer, 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. 5960:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5960 in the City of Fargo, North Dakota.

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.

Contract for Sanitary Sewer, Water Main and Incidentals Improvement District No. 5732 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Dakota Underground Company, Inc. for Sanitary Sewer, Water Main and Incidentals Improvement District No. 5732 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main and Incidentals Improvement District No. 5732 Approved:

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

United Fire and Casualty Company, in the amount of \$2,794,643.65, for Sanitary Sewer, Water Main and Incidentals Improvement District No. 5732 in the City of Fargo, North Dakota.

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.

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5805 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Master Construction Company for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5805 in the City of Fargo, North Dakota.

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.

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5805 Approved:

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

United Fire and Casualty Company, in the amount of \$2,508,913.60, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5805 in the City of Fargo, North Dakota.

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.

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 in the City of Fargo, North Dakota.

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.

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 Approved:

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

United Fire and Casualty Company, in the amount of \$2,002,292.20, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5806 in the City of Fargo, North Dakota.

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.

Contract for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5878 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Border States Paving, Inc. for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5878 in the City of Fargo, North Dakota.

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.

Contract Bond for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5878 Approved:

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

Liberty Mutual Insurance Company, in the amount of \$644,166.97, for Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5878 in the City of Fargo, North Dakota.

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.

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5941 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Asplin Excavating, Inc. for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5941 in the City of Fargo, North Dakota.

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.

Contract Bond for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5941 Approved:

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

Nationwide Mutual Insurance Company in the amount of \$90,965.90, for P.C. Concrete Alley Paving and Incidentals Improvement District No. 5941 in the City of Fargo, North Dakota.

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.

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5943 Approved:

Commissioner Piepkorn moved approval of the Contract between the City of Fargo and Rising Sun Construction, Inc. for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5943 in the City of Fargo, North Dakota.

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.

Contract Bond for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5943 Approved:

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

Granite RE, Inc., in the amount of \$265,107.60, for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5943 in the City of Fargo, North Dakota.

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.

Action on the Request from American Builders to Purchase and Redevelop City Owned Land at 320 and 324 7th Street North Continued to August 9, 2010:

Commissioner Piepkorn stated the developer has requested action on American Builders proposal to purchase and redevelop land at 320 and 324 7th Street North be continued to the August 9, 2010 Regular Meeting. The action was previously continued from the July 12, 2010 City Commission Meeting to this date.

2010 Cost of Living Adjustment for City Employees Approved:

The Board received a communication from Mayor Walaker stating the 2010 operating budget approved in September 2009 did not contain a cost of living (COLA) adjustment for City employees. He said there were several factors that contributed to the final decision not to grant a COLA in 2009. The status of the lawsuit on fines, the status of the economy, etc.; however, he said, City Commissioners agreed to revisit

the issue in mid 2010. The Budget Review Committee, he said, has recently completed the annual budget review meetings to assess the current budget performance as well as formulate plans for 2011. Based on the results of this detailed review process, he said, the committee is comfortable recommending a 1% cost of living adjustment for 2010, retroactive to January 1, 2010. He said this will be paid out on the August 13, 2010 pay period.

Commissioner Mahoney moved approval of a 1% cost of living adjustment for all full time and part time benefitted staff retroactive to January 1, 2010 to be paid with the August 13, 2010 pay period.

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.

Ordinance Relating to Child Care Centers to be Placed on First Reading at the Next Regular Meeting of the Board:

Director of Public Health Ruth Bachmeier stated the ordinance is being amended to institute recognized health and safety standards for child care programs.

Commissioner Piepkorn moved the Ordinance Amending Article 13-11 of Chapter 13 of the Fargo Municipal Code Relating to Child Care Centers be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

Ordinance Relating to Control and Regulation of Food Service Establishments to be Placed on First Reading at the Next Regular Meeting of the Board:

Director of Public Health Ruth Bachmeier stated the ordinance is being amended to expand and clarify the need for both meat and poultry to be federally and state inspected.

Commissioner Piepkorn moved the Ordinance Amending Section 13-0306 of Article 13-03 of Chapter 13 of the Fargo Municipal Code Relating to Control and Regulation of Food Service Establishments be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

Ordinance Relating to Pet Stores to be Placed on First Reading at the Next Regular Meeting of the Board:

Director of Public Health Ruth Bachmeier stated the ordinance is being amended to allow for more standardized pet regulations.

Commissioner Piepkorn moved the Ordinance Amending Article 13-12 of Chapter 13 of the Fargo Municipal Code Relating to Pet Stores be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

Ordinance Relating to Hotels and Motels to be Placed on First Reading at the Next Regular Meeting of the Board:

Assistant City Attorney Butch McConn stated at the June 29, 2010 meeting he was directed to draft ordinances for enacting and upgrading areas of the Fargo Municipal Code to bring them up to industry standards.

Director of Public Health Ruth Bachmeier stated the ordinance is being amended to establish definitions and set standards for equipment and facilities that provide hotel and motel services.

Commissioner Piepkorn moved the Ordinance Enacting Article 13-14 of Chapter 13 of the Fargo Municipal Code Relating to Hotels and Motels be received and filed and placed on first reading at the next Regular Meeting of the Board.

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.

First Amendment to the Joint Powers Agreement Approved:

The Board received a communication from Assistant City Attorney Butch McConn stating on June 7, 2010, the City of Fargo, the County of Cass and the Cass County Joint Water Resource District entered into a Joint Powers Agreement (JPA) under which the parties agreed to perform certain obligations regarding the Fargo-Moorhead Metropolitan Feasibility Study. Under the Joint Powers Agreement, he said, the parties agreed the Cass County Joint Water Resource District would be responsible for pursuing Rights of Entry as necessary for the Study. The purpose of the first amendment to the Joint Powers Agreement, he said, is to allow the Joint Board to also secure Rights of Entry for property located in North Dakota to be used for tie-back levies, as opposed to the diversion channel itself, as a result of the continuing analysis by the Corps of a possible Minnesota diversion channel.

Commissioner Mahoney moved the First Amendment to the Joint Powers Agreement be approved.

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 ML Restaurants, LLC d/b/a Panchero's Mexican Grill for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by ML Restaurants, LLC d/b/a Panchero's Mexican Grill for a Class "H" Alcoholic Beverage License at 4761 13th Avenue South, Suite C, notice of which had been duly published in the official newspaper for the City of Fargo.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor.

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

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Application Filed by Bertrosa's, Inc. d/b/a Bertrosa's on Broadway for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Bertrosa's, Inc. d/b/a Bertrosa's on Broadway for a Class "C" Alcoholic Beverage License at 118 Broadway, notice of which had been duly published in the official newspaper for the City of Fargo.

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

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

Commissioner Piepkorn moved the application be approved.

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

Absent and not voting: Commissioner Wimmer.

The motion was declared carried.

Discussion Regarding the Draft Flood Protection Cooperation Agreement between Cass County, Cass County Joint Water Resource District and the City of Fargo:

The Board received a communication from City Attorney Erik Johnson stating there have been negotiations between Cass County and the City of Fargo for an agreement between the two political subdivisions. He said the conversation started as a result of Cass County wanting to have input into the sponsorship of the Metro Flood Diversion Project as well as the question of an additional sales tax - either a county wide sales tax or a City of Fargo sales tax. He said Cass County expressed a desire for the agreement to be limited to addressing the meaning of and limitation on sponsorship and the fact that Cass County and Fargo would share equally in the non-federal, non-Minnesota, non-North Dakota (State) costs with the arrangement being contingent upon a successful county-wide sales tax. In addition, he said, the Cass County Joint Water Resource District expressed interest in joining the agreement as a party.

Assistant City Attorney Butch McConn stated should the county sales tax pass, Cass County would go forward with the sales tax for the diversion and if it does not pass, the parties will step back for further discussion on funding.

Commissioner Mahoney stated the document at this point contains what is believed to be an agreement of all the parties. He said the task force recognizes it may be September or October before this is done and the distribution of Fargo/Cass/Water District representation is not included in the document and needs to be looked at more closely.

Mayor Walaker stated the City of Fargo produces about 70% of the sales tax whether it is City or County, so the 3-2-1 distribution of representation makes a lot of sense. He said waiting a couple weeks with more discussions would be prudent.

Assistant City Attorney Butch McConn stated communication is a big issue; all parties want to be sure they are communicated with.

Commissioner Piepkorn stressed the huge commitment and need to proceed with caution. He said to make a commitment on taxes there is a need to go slow.

Commissioner Williams agreed the process is working, the communication is good and it is a good idea to review the agreement.

Commissioner Mahoney stated that Mark Bittner and the technical team invited the downstream interests to be a part, to comment and to participate. He said the City of Fargo is responsible for funding a certain amount of the diversion and the cities and states will have to be approached to help support the downstream impact.

Mayor Walaker announced there are pending litigation matters to be discussed in Executive Session, specifically the Henderson v. City of Fargo; Rupprecht v. City of Fargo.

Commissioner Mahoney moved the Commissioners meet in Executive Session in the River Room as authorized by NDCC, Section 44-04-19.2 to discuss said pending litigation matters.

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

At 5:30 p.m. the Board moved to the River Room to discuss the litigation matters in Executive Session.

Members present were: Mahoney, Piepkorn, Williams and Walaker.

Absent and not voting: Commissioner Wimmer.

The Executive Session closed at 6:10 o'clock p.m. and the meeting was adjourned.

Commissioner Mahoney moved that the Board adjourn to 5:00 o'clock p.m., Monday, August 9, 2010.

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

The time at adjournment was 5:28 o'clock p.m.