

- f. Bid award for accessible seating at Newman Outdoor Field to Lee Jones and Son Construction for \$81,760.00.
- g. Purchase of one loader mounted snow blower from Swanston Equipment for \$168,400.00.
- h. Site Authorizations for Games of Chance:
 - (1) Plains Art Museum at Cactus Jack's Saloon (Amended).
 - (2) Fargo Ducks Unlimited #DU006 at the Holiday Inn on 9/15/10.
- i. Applications for Games of Chance:
 - (1) The Arc of Cass County for a raffle on 10/19/10.
 - (2) ND Section of American Water Works Assoc. for a raffle on 10/13/10.
 - (3) Fargo South High for raffles at the Fargodome, the SW Youth Arena, South High School and the Urban Plains Center from 8/27/10 through 3/12/11.
 - (4) Fargo All City Youth Hockey for a raffle on 12/12/10.
- j. Task Order with AE2S and B & V in the amount of \$550,000.00 for Phase 1 of the new Water Treatment Plant Facility Plan.
- k. Engineering Services Task Order with Wenck Associates, Inc., in the amount of \$9,200.00, for engineering work associated with formal closure of the east slope of the Fargo Landfill (Project No. SW 10-01).
- l. Engineering Services Task Order with Wenck Associates, Inc., in the amount of \$12,200.00, for engineering work associated with an expansion of the gas collection system at the Fargo Landfill (Project No. SW 10-02).
- m. Interconnection Agreement with Cass County Electric for Lift Station #60 (Project No. 5726).
- n. Contract Amendment No. 1 with Houston Engineering, in the amount of \$8,206.50, for Water Tower No. 11 (Project WA0903).
- o. Change Order No. 1 for an increase of \$48,490.00 for Water Tower No. 11 (Project No. WA0903).
- p. NDDOT Cost Participation and Maintenance Agreement for Improvement District No. 5202.
- q. NDDOT agreement to enter and do work on highway right-of-way (Improvement District No. 5938).
- r. Agreements for Entry and Construction for Improvement District No. 5499 with Tri-Eid, LLC, Eid-Co and Gerald Eid.
- s. Agreement Regarding Special Assessments with Sanford Medical Center for improvements in the street right-of-way adjacent to 321 8th Avenue North.

- t. Solicitation of geotechnical consultant services for Improvement District No. 5909-02.
- u. Retention of SRF Engineers for evaluation and repair plan preparation for the Main Avenue Bridge Plaza (Project No. 5979).
- v. Request to SE Cass to extend Drain 53 improvements from 64th to 65th Avenue South (Improvement District No. 5904).
- w. Payment in the amount of \$95,126.03 to IBI for costs associated with borrow material and haul road construction during the 2009 flood.
- x. BNSF Crossing Surface Installation Agreement (Improvement District No. 5202).
- y. Award of contract for tree transplanting services to Paul Bunyan Tree Service for Project No. 5944-01.
- z. Bid awards for Project Nos. 5906 to Hough, Inc. in the amount of \$647,790.34; 5915 to Aggregate Industries in the amount of \$1,253,403.42; and 5970 to Key Contracting in the amount of \$99,621.35.
- aa. Bid advertisements for Project Nos. 5944, 5949 and 5957.
- bb. Contracts and bonds for general, mechanical and electrical construction of Project #WA0901.
- cc. Bills in the amount of \$9,850,417.10.
- dd. Bid awards for Improvement District Nos. 5955-1 and 5969-1 (moved to the end of the Regular Agenda).
- ff. Create Improvement District Nos. 5838-4 (omitted) and 5945-01.

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

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

Amended Location and Comprising for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5955-1 Approved:

The Board received a communication from Civil Engineer Jonathan Youness submitting the amended location and comprising for Improvement District Nos. 5955-1 and 5955-2 for the Deer Creek Subdivision. Mr. Youness stated after discussions with the owner and the developer, the Engineering Department was directed to increase the location and comprising for Improvement District Nos. 5955-1 and 5955-2. This requested increase, he said, is to include all of the lots platted in the Deer Creek Subdivision.

Commissioner Mahoney moved the location and comprising for Improvement District No. 5955-1 be amended as follows:

56th Avenue South between 49th Avenue South and 58th Street South.
57th Avenue South between 66th and 67th Streets South.
55th Avenue South between 58th Street South and Deer Creek Parkway.
58th, 59th, 60th and 62nd Streets South between 55th and 56th Avenues South.
61st Street South between 56th and 57th Avenues South.
Deer Creek Parkway between 55th and 56th Avenues South.
66th and 67th Streets South between 56th and 57th Avenues South.

COMPRISING:

Lots 1-67, inclusive, Block 1
Lots 1-11, inclusive, Block 2
Lots 1-9, inclusive, Block 3
Lots 1-24, inclusive, Block 4
Lots 1-44, inclusive, Block 5
Lots 1-14, inclusive, Block 6
Lots 1-14, inclusive, Block 7
Lots 1-22, inclusive, Block 8
Lots 1-32, inclusive, Block 9
Lots 1-123, inclusive, Block 10
Lots 1-17, inclusive, Block 11
Lots 1-22, inclusive, Block 12
Lots 1-27, inclusive, Block 13
Lots 1-35, inclusive, Block 14
Lots 1-31, inclusive, Block 15
Lots 1-89, inclusive, Block 16
Lots 1-21, inclusive, Block 17
Lots 1-20, inclusive, Block 18
Lots 1-40, inclusive, Block 19
Lots 1-43, inclusive, Block 20
Lots 1-38, inclusive, Block 21
Lots 1-31, inclusive, Block 22
Lots 1-33, inclusive, Block 23
All platted in Deer Creek.

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

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

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

Amended Location and Comprising for Concrete Curb and Gutter, Asphalt Pavement, Street Lights, Sidewalk and Incidentals Improvement District No. 5955-2 Approved:

Commissioner Mahoney moved the location and comprising for Improvement District No. 5955-2 be amended as follows:

56th Avenue South between 49th Avenue South and 58th Street South.

57th Avenue South between 66th and 67th Streets South.

55th Avenue South between 58th Street South and Deer Creek Parkway.

58th, 59th, 60th and 62nd Streets South between 55th and 56th Avenues South.

61st Street South between 56th and 57th Avenues South.

Deer Creek Parkway between 52nd and 56th Avenues South.

66th and 67th Street South between 56th and 57th Avenues South.

COMPRISING:

Lots 1-67, inclusive, Block 1

Lots 1-11, inclusive, Block 2

Lots 1-9, inclusive, Block 3

Lots 1-24, inclusive, Block 4

Lots 1-44, inclusive, Block 5

Lots 1-14, inclusive, Block 6

Lots 1-14, inclusive, Block 7

Lots 1-22, inclusive, Block 8

Lots 1-32, inclusive, Block 9

Lots 1-123, inclusive, Block 10

Lots 1-17, inclusive, Block 11

Lots 1-22, inclusive, Block 12

Lots 1-27, inclusive, Block 13

Lots 1-35, inclusive, Block 14

Lots 1-31, inclusive, Block 15

Lots 1-89, inclusive, Block 16

Lots 1-21, inclusive, Block 17

Lots 1-20, inclusive, Block 18

Lots 1-40, inclusive, Block 19

Lots 1-43, inclusive, Block 20

Lots 1-38, inclusive, Block 21

Lots 1-31, inclusive, Block 22

Lots 1-33, inclusive, Block 23

All platted in Deer Creek

Lots 1 through 4, inclusive, Block 1

Lots 1 through 4, inclusive, Block 2

All platted in the Richard 3rd Subdivision.

Lots 1 through 3, inclusive, Block 1

All platted in the Dittmer Subdivision.

Lots 1 through 2, inclusive, Block 1

All Platted in the Currier Trust Subdivision.

Lots 1 through 4, inclusive, Block 1

All Platted in the Ken's Subdivision.

All unplatted lots adjacent to the 63rd Street South/Deer Creek Parkway right-of-way between 52nd Avenue South and north of the platted Deer Creek Addition within Northeast quarter-section of Section 5-T138N-R49W.

All unplatted lots south of 52nd Avenue South and north of the platted Deer Creek Addition within Northwest quarter-section of Section 5-T138N-R49W.

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

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5945-01:

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5945-01:

Adopt Resolution Creating Improvement District No. 5945-01:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5945-01 in the City of Fargo, North Dakota, be created

70th Avenue South from the 1/4 section line of Section 12, east 1/2 mile to US Highway 81 (University Drive South).

West 100 feet of the South Half of the Northeast Quarter of Section 12, Township 138 North, Range 49 West.

MGB 1st Addition – Blocks 5, 6, 7, 8 and 9.

COMPRISING:

All of the land lying in Section 12, Township 138 North, Range 49 West bounded on the East by US Highway 81 less the north 426 feet of Section 12.

All of the foregoing land lying in the City of Fargo, Cass County, North Dakota, said district to include only land lying within the city limits of the City of Fargo and any land lying outside said city limits is deemed not a part of the district.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5945-01 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. 5945-01:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5945-01 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 \$2,192,518.00.)

Order Plans and Specifications for Improvement District No. 5945-01:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5945-01 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5945-01:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5945-01 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. 5945-01 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5945-01:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5945-01 in the City of Fargo, North Dakota.

Second by Williams. On call of the roll Commissioners Mahoney, Williams, Wimmer, Piepkorn 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 Woody's Bar Approved:

The Board received a communication from Tim Burtness of Woody's Bar requesting an extension of the City's Noise Ordinance on September 8, 2010 from 10:00 p.m. to 11:00 p.m. for an end of summer give-away promotion at Woody's Bar.

In response to a question from Commissioner Mahoney regarding concerns stemming from last year's extension, Tony Pawlowski, Woody's General Manager, stated the band would be done by 11:00 p.m. when the car is given away and at that time the crowd will be asked to go inside the bar.

Commissioner Piepkorn moved the request for a one hour extension of the City's noise ordinance for an end of summer give-away promotion from 10:00 p.m. to 11:00 p.m. on September 8, 2010 be approved.

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

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

Storm Sewer, Paving and Incidentals Improvement District No. 5960: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Storm Sewer, Paving and Incidentals Improvement District No. 5960 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota, on August 2 and 9, 2010 and protests representing 37.49 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

City Engineer Mark Bittner said two years had transpired since a petition was presented for paving in this area. He said the Engineering Department decided to discuss the project with property owners again to determine the interest in creating the improvement district prior to designing and proceeding with the project.

Andre Arneson, 5402 53rd Avenue South, stated there are concerns about downtime for construction and he is in favor of the improvements due to the fact that the existing road is inferior and the storm sewer is needed to increase drainage.

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

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

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

Renaissance Zone Project for APM, LLLP Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for APM, LLLP at 21 8th Street North.

No written protest or objection to the Project has been received or filed in the City Auditor's Office.

The Board determined that no person is present to protest or offer objection to the Project.

The Board received a communication from Senior Planner Robert Stein stating the Renaissance Zone Project application presented by APM, LLLP meets all of the minimum criteria set forth in the Renaissance Zone Plan and is consistent with the established goals and objectives. Mr. Stein recommended the project be approved.

Commissioner Piepkorn moved the Renaissance Zone application filed by APM, LLLP for a project located at 21 8th Street North be approved and the income tax and property tax exemptions be granted as recommended by the Renaissance Zone Authority.

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

Hearing on a Plat of Deer Creek Addition and Petition Requesting the Rezoning of Parcels of Land in Deer Creek Addition Continued to September 20, 2010 (6050 and 6242 County Road 17; 5870 and 5654 63rd Streets South and 5637, 5883, and 6257 Veterans Boulevard South):

At a Hearing held on June 9, 2010 the Fargo Planning Commission recommended approval of a plat of Deer Creek Addition and a change in zoning from

AG, Agricultural to SR-2 Single Dwelling on Blocks 1 through 9 (except Lot 24, Block 4; Lot 53, Block 1; Lot 8, Block 8 and Lot 13, Block 9); to SR-4, Single-Dwelling on Blocks 10 through 23 (except Lots 14, 43, 60, 85, 86 and 103, Block 10); and to P/I, Public Institutional on Lot 24, Block 4; Lot 53, Block 1; Lot 8, Block 8; Lot 13, Block 9; Lots 14, 43, 60, 85, 86 and 103, Block 10 all of the proposed Deer Creek 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.

Senior Planner Jim Hinderaker said the Planning Commission recommended inclusion of a trail along the Sheyenne River; however, a bike path would be at the resident's back doors since a geotechnical report indicates that trees along the banks need to be preserved to maintain stability of the banks. He said it would be difficult to put in trails without a complete new plat of that portion, therefore staff is recommending it be left out.

Commissioner Williams stated now is the time to step in if the intent is to follow long range plans and include a trail.

Steve Iverson, representing CORN II, LLC, stated changing the plat could take away 14 premium lots and eliminate typical sidewalks, devaluing the lots.

Clarence Samuel, 2605 64th Avenue South, said he is disappointed after all the long range planning for corridors and bikeways and the Planning staff seems to be capitulating to developers over the interest of the City as a whole. He said he hopes the Commission would not let this irreversible plan go through.

Commissioner Piepkorn moved the hearing be continued to September 20, 2010.

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

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

2011 Preliminary Budget Adopted: Public Hearing Set for September 20, 2010:

The Board received a communication from Mayor Walaker stating the 2011 preliminary budget has been completed. He recommended the City Commission approve the preliminary budget as presented and set the required hearing date for September 20, 2010, at which time any citizen or other interested individuals can comment or make inquiries about the proposed budget.

Director of Finance Kent Costin said the budget shows an overall increase of 1.4 percent. He said the general fund was constrained upfront by Mayor Walaker's request to staff for a reduction of 1 percent to counteract flattened revenues. Mr. Costin said three of the seven new positions in the budget are allotted to the Street Department to accommodate growth. He said fees will increase for landfill dumping and new water hookups. Mr. Costin said he is concerned about future funds of a number of positions currently funded by grants. No new money is included for pension funding he said, and the City administers four pension plans: NDPERS for new hires, an existing city employee pension plan and two separate plans for the Police and Fire Departments. He said the ND Legislature will be watched closely for what it does with funding for NDPERS and health insurance. The State has a broader employee base, he said, which could offer a savings to the City over the current self-funded health insurance plan.

Commissioner Mahoney moved the 2011 preliminary budget be received and the public hearing on the preliminary budget be set for September 20, 2010 at 5:15 p.m.

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

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

At 6:15 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5955-1:

City Engineer Mark Bittner said the prior action of delaying the hearing two weeks on the plat and rezoning for this improvement district will not affect the section being bid today.

The bids for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5955-1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 1, 2010 and the bids were found to be as follows:

Duininck Brothers, Inc. Bid:	Prinsburg, MN \$1,405,563.75
Sellin Brothers, Inc. Bid:	Hawley, MN \$1,424,770.25
Master Construction Company, Inc. Bid:	Fargo, ND \$1,489,485.00
S.R. Weidema, Inc. Bid:	Maple Grove, MN \$1,537,721.70
Dakota Underground Company Bid:	Fargo, ND \$1,716,685.00
R. L. Larson Excavating, Inc. Bid:	St. Cloud, MN \$2,052,428.50

Contract for Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 5955-1 Awarded to Duininck Brothers, Inc. in the Amount of \$1,405,563.75 Contingent Upon Receipt of Easements:

Commissioner Mahoney offered the following Resolution and moved its adoption contingent upon obtaining the necessary easements:

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. 5955-1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 1, 2010 for Sanitary Sewer, Water Main,

Storm Sewer and Incidentals Improvement District No. 5955-1 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. 5955-1 shows the bid of Duinck Brothers, Inc. of Prinsburg, Minnesota, in the sum of \$1,405,563.75 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 Duinck Brothers, Inc. in the sum of \$1,405,563.75 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. 5955-1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Duinck Brothers, Inc. for the sum of \$1,405,563.75, 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, all contingent upon receipt of permanent easements for the property where construction will occur.

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

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

Bids Received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1:

City Administrator Pat Zavoral said there are difficulties involved in extending infrastructure and paying for expansion. He said the circumstances with the new Davies School are similar to when Centennial and Bennett Schools were proposed in areas at the edge of town.

Commissioner Piepkorn said deferrals are a tool which can be used to determine where the City wants growth to occur or not occur.

City Engineer Mark Bittner presented a map showing special assessments in the area of the new Davies High School. He also explained direct arterial property, secondary property not on direct frontage, and adjacent property. He said assessments are based on location and linear foot frontage. In this case, he said, homeowners with larger lots have specials capped and arterial property is assessed at a rate of a smaller asphalt road with the difference being made up through City sales tax. He said some deferral applications are being processed and deferral agreements vary, with the maximum usually being ten years.

Commissioner Williams stated the City has a competitive advantage in having world-class infrastructure which is not being taken advantage of efficiently. He said the City covers a large geographic area and has room within its footprint for growth. He suggested targeting deferrals, infrastructure financing for new development and two-year geographical tax exemptions and applying them strategically.

Mr. Bittner said Fargo has been a pro-growth community and follows where the developer wants to go.

Clarence Samuel, 2605 64th Avenue South, stated he would rather see this project done right once and suggested a reduction in the cap for large lots.

Lori Gerhardson, 3902 20th Street South, stated she would like the Commission to reject the paving project and instead would like to see two lanes of traffic, additional stop lights and elimination of the roundabouts. She stated current growth strategies affect the real estate market and property can be difficult to sell due to specials and the interest incurred from the deferred specials.

Diane Nordhogen, 3006 64th Avenue South, stated she is aware of two high-end clients who chose West Fargo over Fargo due to specials and flood protection.

Jim Johnson, Fargo School Board Member, said he encourages the building of infrastructure right the first time and this should include three traffic lanes, sidewalks and street lights.

The bids for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., September 1, 2010 and the bids were found to be as follows:

Dakota Underground Bid:	Fargo, ND \$1,331,868.50
Master Construction Company, Inc. Bid:	Fargo, ND \$1,380,395.60
Northern Improvement Company Bid:	Fargo, ND \$1,540,694.90
Paras Contracting, Inc. Bid:	Fargo, ND \$1,713,987.23

Contract for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1 Awarded to Dakota Underground in the Amount of \$1,331,868.50:

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 P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received September 1, 2010 for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1 shows the bid of Dakota Underground of Fargo, North Dakota, in the sum of \$1,331,868.50 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 Dakota Underground in the sum of \$1,331,868.50 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Pavement, Concrete Curb and Gutter, Asphalt Pavement and Incidentals Improvement District No. 5969-1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Dakota Underground for the sum of \$1,331,868.50, 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 Piepkorn.

Commissioner Williams stated he would not support the motion and feels there are ways to support a future-friendly road for less expense and roundabouts are not necessary.

City Engineer Mark Bittner said this discussion indicates a need for special assessment policies to be evaluated to determine if City policy is out of line.

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

Commissioner Williams voted nay.

The Resolution was adopted.

Commissioner Williams moved that the Board adjourn to 5:00 o'clock p.m., Monday, September 20, 2010.

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

The time at adjournment was 7:12 o'clock p.m.