

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

November 14, 2011:

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 5:00 o'clock p.m., Monday, November 14, 2011.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Wimmer, Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved moving Items “q” and “nn” from the Consent Agenda to the end of the Regular Agenda.

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

Minutes Approved:

Commissioner Mahoney moved that the Minutes of the Regular Meeting of the Board held on Monday, October 31, 2011 be approved as read.

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

Consent Agenda Approved:

Commissioner Mahoney moved the Consent Agenda be approved as follows:

- a. 1st Reading of an Ordinance Amending Ordinance No. 4780 Rezoning Certain Parcels of Land Lying in R & B Subdivision, Cass County, North Dakota.
- b. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 10/31/11:
 - (1) Enacting Section 8-0321 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Regulations Governing Operators (relating to texting).
 - (2) Amending Section 1-0305.C.8 and Section 1-0305.C.9 of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to the Traffic Code (penalties).
 - (3) Enacting Article 20-13 of Chapter 20 of the Fargo Municipal Code of the City of Fargo Relating to Signs.
 - (4) Rezoning Certain Parcels of Land Lying in Kings Subdivision of Northern Pacific Addition, Fargo, Cass County, North Dakota.

- c. Receive and file Year to Date Budget to Actual Report for October 2011.
- d. Contract with Nolan Vanyo for a Meter Reader I position for 2012.
- e. Contract with Lucas Pagel for a Meter Reader I position for 2012.
- f. Applications for Games of Chance:
 - (1) El Zagal Shrine for a raffle on 2/18/12.
 - (2) Fargo-Moorhead Curling Club for a raffle on 4/10/12.
 - (3) Fargo Motor Patrol Inc. for a raffle on 2/3/12.
- g. Purchasing card administrative services contract with PFM Asset Management, LLC to manage the City's purchase card program.
- h. Fargo Title VI and Non-Discrimination Plan.
- i. Equipment Lease and Maintenance Agreement with Advanced Business Methods for the Human Resources and City Commission Offices.
- j. Renewal of the lease agreement between Charism, Inc. and the Fargo Police Department.
- k. Agreement for Entry and Construction with Bradley and Teresa Sather for property located at 4340 Timberline Drive South (Project No. 5949-3).
- l. Agreement for Entry and Construction with Brad and Kari Rasmus for property located at 2134 Sterling Rose Lane (Project No. 5958-02).
- m. Declaration concerning dedication document in connection with Improvement District No. 5969.
- n. Health Department budget adjustment in the amount of \$33,550.00 and Grant Agreement with Dakota Medical Foundation to place 15 AED's with first responders in ND and MN.
- o. Health Department budget adjustment in the amount of \$10,000 and Grant Agreement with Dakota Medical Foundation for a Cass-Clay School Wellness Policy Project.
- p. 2012 tree order award to Midwest Landscapes for \$46,819.95.
- q. Change Order No. 4 for an increase of \$71,400 for Project No. 5657 (moved to the Regular Agenda).
- r. Repair Project and Engineering Task Order No. 8 with Apex Engineering for pump and forcemain repairs at Lift Station No. 46.

- s. Fire Department budget adjustment in the amount of \$5,460.70 for F-M Haz Mat training.
- t. Encroachment Agreement with Hotel Donaldson, 101 N. Broadway, to allow construction of a concrete stoop at the east door.
- u. Change Order No. 1 for an increase of \$1,317.92 for Project No. 5990.
- v. Change Order No. 2 for an increase of \$17,160.00 for Project No. 5915.
- w. Change Order No. 5 for a reduction of \$39,448.60 for Project No. 5949; Change Order No. 2 for an increase of \$39,128.70 and contract time extension request for Project No. 5949-03.
- x. Contract time extension request for Project No. 6050.
- y. Contract time extension for Project No. 5951-02 with final completion date of June 16, 2012.
- z. Contract time extension for Project No. 6002-2 with final completion date of July 15, 2012.
- aa. Century Link proposal in the amount of \$7,970.55 for utility line relocation within the South/Fargo Country Club Area Flood Risk Management Project (Project No. 6002-2).
- bb. 2010 joint funding agreement with USGS for cost sharing of the Red River web camera.
- cc. Cost Proposal from Xcel Energy in the amount of \$80,120.28 to install three phase electric power to North Oaks Storm Sewer Lift Station Project No. 5946-02.
- dd. NDDOT Cost Participation and Maintenance Agreement for the Red River lift bridge replacement (Project No. 5884).
- ee. Engineering Services Contract Amendment No. 3 with Ulteig Engineers in the amount of \$128,917.00 for Improvement District No. 5202.
- ff. Engineering Services Contract Amendment No. 2 with Houston Engineering in the amount of \$147,559.00 for Project No. 5946.
- gg. Cass Country Electric proposal in the amount of \$20,044.69 for utility line relocation within the Project No. 6042 area.
- hh. Flood mitigation project reimbursement in the amount of \$55,656.50 (Project No. 5983-02).

- ii. 2011 Budget adjustment in the amount of \$100,000.00 for the Flood Protection Incentive Program (FPIP).
- jj. Professional Services Agreement with AE2S in the amount of \$78,300.00 for development of a tiered CIP model (Project No. 6075).
- kk. Bid award for Project Nos. 5683-11 to Braun Intertec in the amount of \$35,160.00 and 5683-12 to Braun Intertec in the amount of \$54,060.00.
- ll. Contract and Bond for Project No. 6041.
- mm. Bills in the amount of \$9,161,511.40.

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

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

Bid Award for Improvement District No. 5945-03 Moved to the Regular Agenda:

The bid award for Improvement District No. 5945-03 was moved to the Regular Agenda.

Resolution Adopted Creating the Funds of Improvement Districts, Providing for and Appropriating Special Assessments for the Support and Maintenance of Said Funds, and Authorizing the Issuance of Improvement Warrants Thereon:

The Board received a communication from Finance Director Kent Costin stating Fargo's Refunding Improvement Bonds, Series 2011C, 2011D and 2011E will be marketed on November 14, 2011. The bond proceeds, he said, will reimburse the City's capital project fund for completed and nearly completed infrastructure projects and to refinance Series 2003 Refunding Improvement Bonds currently outstanding. He said the bond structure and bond refinancing analysis has been reviewed and approved by the Finance Committee.

David McGillivray, Springsted, Inc., summarized the results of the bond issues and reaffirmed the City's excellent credit rating. He is recommending award to Raymond James and Associates for Refunding Improvement Bonds, Series 2011C and 2011E; and to Robert W. Baird and Company, Inc. for Refunding Improvement Bonds, Series 2011D.

Commissioner Mahoney moved the Resolution entitled "Resolution Creating the Funds of Improvement Districts, Providing for and Appropriating Special Assessments for the Support and Maintenance of Said Funds, and Authorizing the Issuance of Improvement Warrants Thereon" and referred to as Attachment "A", be adopted and attached hereto.

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.

Resolution Adopted Authorizing the Issuance of Refunding Improvement Bonds, Series 2011C and Refunding Improvement Bonds, Series 2011D:

Commissioner Mahoney moved the Resolution entitled "Resolution Authorizing the Issuance of Refunding Improvement Bonds, Series 2011C and Refunding Improvement Bonds, Series 2011D, Approving Certain Actions, Awarding the Sale Thereof and of the Warrants Related Thereto, Prescribing the Terms and Covenants Thereof, and Creating a Fund for the Payment Thereof" and referred to as Attachment "B", be adopted and attached hereto.

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.

Resolution Adopted Providing for the Issuance of \$9,590,000 City of Fargo Refunding Improvement Refunding Bonds, Series 2011E:

Commissioner Mahoney moved the Resolution entitled "Resolution Providing for the Issuance of \$9,590,000 City of Fargo Refunding Improvement Refunding Bonds, Series 2011E" and referred to as Attachment "C", be adopted and attached hereto.

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.

Parcels of Land in GSR Addition Rezoned (5550 63rd Street South):

At a Hearing held on October 4, 2011 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to P/I, Public Institutional of the proposed GSR Addition.

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

Commissioner Williams offered the following Resolution and moved its adoption:

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

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

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Wimmer. On the vote being taken on the question of the adoption of the Resolution Commissioners Williams, Wimmer, Piepkorn, Mahoney 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 GSR Addition, Cass County, North Dakota:

Commissioner Williams 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 GSR Addition, Cass County, North Dakota be placed on first reading.

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.

Resolution Adopted Approving GSR Addition:

Commissioner Williams offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "GSR Addition" containing 2 Lots, 1 Block, and 45.63 acres of land more or less, located at 5550 63rd Street South; and

WHEREAS, A Hearing was held October 4, 2011 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on October 31 and November 7, 2011 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., November 14, 2011 at which time said Plat would be considered and all interested persons would be heard.

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

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

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

Parcels of Land in MGB Second Addition Rezoned (70th Avenue South, West of University Drive South and the Chrisan First Subdivision):

At a Hearing held on July 5, 2011 the Fargo Planning Commission recommended approval of a change in zoning from SR-2, Single-Dwelling, SR-4, Single-Dwelling and MR-3, Multi-Dwelling to SR-2, Single-Dwelling on all of Blocks 1, 2 and 3 of the proposed MGB Second Addition.

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

Commissioner 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.

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

Commissioner Williams voted nay.

The Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in MGB Second Addition, 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 MGB Second Addition, Fargo, Cass County, North Dakota be placed on first reading.

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

Commissioner Williams voted nay.

The motion was declared carried.

Resolution Adopted Approving MGB Second Addition and Vacation Plat of Existing Dedicated Street Right-of-Way of that Part of 71st Avenue South, 72nd Avenue South and 14th Street South within the Boundary of said MGB Second Addition:

Commissioner Wimmer offered the following Resolution and moved its adoption:

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

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "A Major Subdivision Plat of MGB Second Addition to the City of Fargo, a replat of all of Blocks 5 and 6 and part of Blocks 7, 8, and 9, MGB First Addition to the City of Fargo, Cass County, North Dakota, and a vacation of that part of 71st Street South, 72nd Street South and 14th Avenue South within the boundary of said MGB Second Addition" containing 39 Lots, 3 Blocks, and 13.67 acres of land more or less, located South of 70th Avenue South, West of University Drive South and the Chrisan First Subdivision, of Section 12, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota; and

WHEREAS, A Hearing was held June 7, 2011 and continued to July 5, 2011 by the Fargo Planning Commission, and notice of such Hearing had been published,

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

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on October 31, 2011 and November 7, 2011 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., November 14, 2011 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "A Major Subdivision Plat of MGB Second Addition to the City of Fargo, a replat of all of Blocks 5 and 6 and part of Blocks 7, 8, and 9, MGB First Addition to the City of Fargo, Cass County, North Dakota, and a vacation of that part of 71st Street South, 72nd Street South and 14th Avenue South within the boundary of said MGB Second Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

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

Commissioner Williams voted nay.

The Resolution was adopted.

Presentation by Metro COG on Project Summary Updates: Resolution Adopted in Support of the Metropolitan Planning Program for the FM Metropolitan Area:

Fargo-Moorhead Metropolitan Council of Governments (Metro COG) Executive Director Wade Kline said his Policy Board had asked him to speak to the Commission for two reasons, one was to provide a project update regarding overall programs at Metro COG and the second was to talk about the pending reauthorization of the Service Transportation Act which funds a large share of the service transportation in the Fargo-Moorhead metro area. He said a couple of projects to note are the Household Origin Destination Survey which is just about complete. The survey was a random scientific sample of upwards of 875 metropolitan households, he said, to give a unique local perspective as to what the trip patterns are specifically in terms of trips by household type/origin destinations within the metro area. That survey, he said, will be completed soon as well, and will be a big part of the calibration of the next regional travel demand model. He said next year Metro COG will begin updating the socio demographic projections to the year 2040 which is another critical part of what is done at Metro COG. Another reason he is speaking to the Commission, he said, was to talk about the Service Transportation Reauthorization Act. One of the concerns of the Policy Board, he said, is the fact that some of the rules that Metro COG has may be taken away, including the ability to have a Metro planning organization in communities with a population under 200,000. He said Metro COG is now beginning the process of building local support for keeping this program in the FM area so that decisions will be able to remain local. Metro COG is pretty confident that if the rules change they

will meet the standards, however, he said in order to do that Metro COG needs to demonstrate that there is support from the local units of government.

Commissioner Mahoney moved the Board adopt the following Resolution in Support of the Metropolitan Planning Program for the FM Metropolitan Area:

WHEREAS, The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has acted as a Council of Governments for the FM Metropolitan Area for the past four decades to address unique concerns and issues which are of significance to all communities; and

WHEREAS, Metro COG has been entrusted with the development of both short and long range plans and to coordinate on issues of multi-jurisdictional significance which transcend the boundaries of any one single County or City; and

WHEREAS, Metro COG is designated by the Governors of both Minnesota and North Dakota as the Metropolitan Planning Organization (MPO) and coordinates local decisions on the metropolitan surface transportation system within the FM Metropolitan Area; and

WHEREAS, Metro COG in cooperation with the North Dakota Department of Transportation (NDDOT) and the Minnesota Department of Transportation (MnDOT) develops, maintains, and periodically updates a Long Range Transportation Plan (LRTP) for the FM Metropolitan Area which identifies and prioritizes local transportation needs over a 20 year planning horizon; and

WHEREAS, Metro COG in cooperation with NDDOT and MnDOT, implements the LRTP for the FM Metropolitan Area through the annual development of a Transportation Improvement Program (TIP) which coordinates and schedules local, state and federal funds to address locally prioritized transportation needs; and

WHEREAS, Metro COG annually implements a Unified Planning Work Program (UPWP) which sets forth a continuous program to analyze certain transportation and land use issues/needs identified by local units of government, NDDOT, and MnDOT; and

WHEREAS, Potential changes to current Federal rules regarding surface transportation could transfer the transportation planning and programming responsibilities and functions within the FM Metropolitan Area from Metro COG to the either NDDOT and/or MnDOT; and

WHEREAS, If planning and programming responsibilities currently implemented by Metro COG were ceded to NDDOT and/or MnDOT the FM Metropolitan Area will lose its ability to locally develop transportation needs and priorities through a coordinated, continuous, and comprehensive process; and

WHEREAS, If changes are made to remove transportation planning and programming responsibilities from the FM Metropolitan Area it will be necessary for the Governors of Minnesota and North Dakota to request the Secretary of the US DOT retain the Metropolitan Planning Area designation for the FM Metropolitan Area, and keep a local decision making body through Metro COG; and

WHEREAS, If the FM Metropolitan Area wishes to retain the responsibility to make transportation planning and programming decisions locally Metro COG will need to certify to additional requirements regarding the development and implementation of a performance based transportation system.

NOW, THEREFORE BE IT RESOLVED, That the City of Fargo, ND affirms the following:

Continuation of the Metropolitan Planning Program for the FM Metropolitan Area: Support the MPO functions provided by Metro COG and is committed to working cooperatively with the Governors of North Dakota and Minnesota and each respective DOT to retain the local decision making responsibilities regarding surface transportation within the FM Metropolitan Area;

Commitment to Adhere to Additional Requirements Regarding Surface Transportation Planning: Committed to working cooperatively through Metro COG towards the development and implementation of a performance based surface transportation system, in cooperation with the State and Federal DOTs.

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.

Bruce Furness Appointed to the Renaissance Zone Authority:

The Board received a communication from Mayor Walaker recommending that Bruce Furness be appointed to the Renaissance Zone Authority to fill the unexpired term of Ron Robson who resigned.

Commissioner Wimmer moved the appointment of Bruce Furness to the Renaissance Zone Authority for the term ending January 1, 2014 be approved.

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

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

Agenda for Educational Sessions Relating to Pension Plan Administration Approved:

The Board received a communication from Director of Finance Kent Costin stating the Finance Committee approved a tentative agenda for upcoming meetings to evaluate the current retirement plans. He said the first meeting is scheduled for November 21, 2011 at 4:00 p.m. in the City Commission Room and the Committee anticipates that there will be a need for three or four meetings to complete the review process. He said the Finance Committee is also recommending that professional assistance be sought by the City's plan actuary, Van Iwaarden and Associates. Mr. Costin said he would like to limit the meeting lengths to about an hour to an hour and a half so as to not bog everyone down with too much information at once.

Commissioner Williams moved the proposed agenda for upcoming educational sessions relating to pension plan administration be approved, setting the first meeting for November 21, 2011 at 4:00 p.m. in the City Commission Room and to retain Van Iwaarden and Associates to assist in the review process.

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.

Change Order No. 4 for Project No. 5657 Approved:

Enterprise Director Bruce Grubb stated this is a change order for an improvement project at the City's wastewater lagoons. He said construction was just

completed on a 3rd wastewater interceptor and one of the components of the new 3rd interceptor system is the ability to utilize the lagoons during wet weather events. One of the projects, he said, was to repair some of the lagoon infrastructure that allows the transfer of water among six individual cells. He said once the side slopes were reconstructed and some of the top soil completion work was being done it was noticed that there was some slippage occurring on the side slopes. He said Ulteig Engineers and Midwest Testing were brought in to investigate the failures and to develop options for correcting the slope stability issue. City staff, Ulteig Engineers and Midwest Testing reviewed each option along with the costs and factors associated with each option, he said, and they came up with a modified option that will lower the berm elevation between the ponds and places that fill on the lower berm in Pond No. 5.

Commissioner Williams moved approval of Change Order No. 4 for an increase of \$71,400.00 for Project No. 5657.

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.

Bids Received for Storm Sewer and Incidentals Improvement District No. 5945-03:

Mayor Walaker stated this item was moved from the Consent Agenda at the request of Commissioner Piepkorn.

Commissioner Piepkorn said he has a concern awarding this bid to Master Construction when the Finance Committee just recently tried to convince Master Construction to complete all of their work.

City Engineer Mark Bittner said Master Construction is pretty much finished with outstanding projects and he feels comfortable awarding this bid. He said Master Construction is a good contractor and very competitive.

In response to a question from Commissioner Wimmer regarding whether or not the City will penalize Master Construction, City Administrator Pat Zavoral said there is not a current ordinance that would allow the City to do that, however, it is something that the City is working towards doing.

The bids for Storm Sewer and Incidentals Improvement District No. 5945-03 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., November 9, 2011 and the bids were found to be as follows:

Master Construction Company, Inc. Bid:	Fargo, ND \$322,524.68
Ryan Contracting Bid:	Shakopee, MN \$370,843.14
Dakota Underground Company Bid:	Fargo, ND \$449,342.40

Contract for Storm Sewer and Incidentals Improvement District No. 5945-03 Awarded to Master Construction Company, Inc. in the Amount of \$322,524.68:

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 Storm Sewer and Incidentals Improvement District No. 5945-03; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received November 9, 2011 for Storm Sewer and Incidentals Improvement District No. 5945-03 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Storm Sewer and Incidentals Improvement District No. 5945-03 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$322,524.68 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Master Construction Company, Inc. in the sum of \$322,524.68 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Storm Sewer and Incidentals Improvement District No. 5945-03 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$322,524.68, 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 Wimmer, Mahoney and Walaker voted aye.

Commissioners Williams and Piepkorn voted nay.

The Resolution was adopted.

Commissioner Wimmer moved that the Board adjourn to 5:00 o'clock p.m., Monday, November 28, 2011.

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

The time at adjournment was 6:02 o'clock p.m.