

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting: Monday: June 29, 2009:

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, June 29, 2009.

The Commissioners present or absent were as shown following:

Present: Mahoney, Piepkorn, Williams, Wimmer (via conference call), Walaker.

Absent: None.

Mayor Walaker presiding.

Order of Agenda Approved:

Commissioner Mahoney moved the Order of the Agenda be approved moving Item "a" 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 June 15, 2009 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. 2nd reading, waive reading and final adoption of the following rezoning Ordinances; 1st reading, 6/15/09 (moved to the Regular Agenda):
 - (1) Certain Parcels of Land Lying in Davies First Addition to the City of Fargo.
 - (2) Certain Parcels of Land Lying in C & G Addition, Cass County, North Dakota.
- b. Police Department authorization to enter into a license agreement with Mattel, Inc. to use the likeness of the Department's patrol vehicles on various die-cast and/or plastic toy replicas.
- c. Resolution Approving the Publication of a Proposed Resolution and Approving the Advertising for a Public Hearing on the Issuance of \$2,890,000 City of Fargo General Obligation Development Bonds, Series 2009B; hearing to be held at 5:15 p.m. on September 8, 2009 (Attachment "A").

- d. Contract award to Route Match to provide paratransit scheduling and routing software.
- e. 2009 allocation from Southeastern North Dakota Community Action Agency in the amount of \$52,000 to address emergency needs for people that utilize the Gladys Ray Shelter.
- f. Application filed by Bryan and Tifanie Gelinske for a 5-year tax exemption for improvements made to a building at 1602 3rd Street North.
- g. Applications for Games of Chance:
 - (1) The Arc of Cass County for a raffle on 10/6/09.
 - (2) FM/AM Rotary for a sports pool from 9/1/09 to 2/6/10.
- h. Change Order No. 002 for an increase of \$10,567 for interior signage for the Main Library (\$5,782.00) and an alteration to the Dr. James Carlson Library sign (\$4,785.00).
- i. Temporary Construction Easement with John Campbell and James Gompf (Project No. 5799).
- j. Project Concept Report for Bicycle/Pedestrian Lift Bridge Replacement (Project No. 5884).
- k. Purchase of 2009 Pictometry Aerial Imagery of the Fargo area taken during the first Red River flood crest.
- l. Bid award for Project No. 5896 to Specialized Contracting in the amount of \$218,665.10.
- m. Contract Amendment No. 1 with 3M Company for Project No. 5718.
- n. Contract Amendment with Houston Engineering for Project No. 5574-03.
- o. Change Order No. 1 for an increase of \$19,575.98 for Project No. 5846.
- p. Balancing Change Order No. 1 for an increase of \$132.48 for Project No. 5813.
- q. Bid advertisement for Project Nos. 5747-14, 5865, 5897 and 5899.
- r. Contract with T.L. Stroh Architects, Ltd. to provide assistance for flood damage restoration.
- s. Bills in the amount of \$7,259,542.77.

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

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

Change Order No. 2 for Improvement District No. 5746 Approved:

Commissioner Mahoney moved approval of Change Order No. 2 for an increase of \$3,676.33 for Improvement District No. 5746.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on May 25 and June 1, 2009 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 24, 2009 and the bids were found to be as follows:

Specialized Contracting Bid:	Fargo, ND \$674,334.15
Border States Paving, Inc. Bid:	Fargo, ND \$691,729.10
Dakota Underground Bid:	Fargo, ND \$693,305.20
Master Construction Company, Inc. Bid:	Fargo, ND \$695,537.80
Shermans, LLC Bid:	West Fargo, ND \$718,987.41

Northern Improvement Company Bid:	Fargo, ND \$763,638.61
Ernst Trenching, Inc. Bid:	Fargo, ND \$770,822.90
Robert Gibb & Sons, Inc. Bid:	Fargo, ND \$771,933.00
Central Specialties, Inc. Bid:	Alexandria, MN \$777,648.20

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784 Awarded to Specialized Contracting in the Amount of \$674,334.15:

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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 24, 2009 for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784 shows the bid of Specialized Contracting of Fargo, North Dakota, in the sum of \$674,334.15 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 Specialized Contracting in the sum of \$674,334.15 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5784 in the City of Fargo, North Dakota, be and the same is hereby awarded to Specialized Contracting for the sum of \$674,334.15, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

No Protests Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862 in the City of Fargo, North Dakota, was duly published in the official newspaper for the

City of Fargo, North Dakota on May 25 and June 1, 2009 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Mahoney moved that the Board declare that no protests have been filed to the construction of Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862.

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

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

Bids Received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862:

The bids for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., June 24, 2009 and the bids were found to be as follows:

Specialized Contracting Bid:	Fargo, ND \$1,791,164.29
Border States Paving, Inc. Bid:	Fargo, ND \$1,877,609.95
Dakota Underground Bid:	Fargo, ND \$1,898,247.60
Opp Construction Company Bid:	Grand Forks, ND \$1,920,548.89
Master Construction Company, Inc. Bid:	Fargo, ND \$1,985,922.46
Northern Improvement Company Bid:	Fargo, ND \$2,157,524.45
Duininck Brothers Bid:	Prinsburg, MN \$2,434,905.10

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862 Awarded to Specialized Contracting in the Amount of \$1,791,164.29:

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 Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received June 24, 2009 for Water Main Replacement, Street

Reconstruction and Incidentals Improvement District No. 5862 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862 shows the bid of Specialized Contracting of Fargo, North Dakota, in the sum of \$1,791,164.29 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 Specialized Contracting in the sum of \$1,791,164.29 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5862 in the City of Fargo, North Dakota, be and the same is hereby awarded to Specialized Contracting for the sum of \$1,791,164.29, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

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

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

City of Fargo Concurs with the NDDOT Bid Award for Improvement District No. 5881:

Commissioner Mahoney moved the City of Fargo concur with the NDDOT bid award for Improvement District No. 5881 to Border States Paving, Inc. in the amount of \$744,982.45.

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.

City of Fargo Concurs with the NDDOT Bid Award for Improvement District No. 5882:

Commissioner Mahoney moved the City of Fargo concur with the NDDOT bid award for Improvement District No. 5882 to Border States Paving, Inc. in the amount of \$425,411.97.

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.

City of Fargo Concurs with the NDDOT Bid Award for Improvement District No. 5883:

Commissioner Mahoney moved the City of Fargo concur with the NDDOT bid award for Improvement District No. 5883 to Border States Paving, Inc. in the amount of \$563,567.15

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.

City of Fargo Concurs with the NDDOT Bid Award for Improvement District No. 5886:

Commissioner Mahoney moved the City of Fargo concur with the NDDOT bid award for Improvement District No. 5886 to Traffic Safety Services in the amount of \$534,536.00

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, Paving, Street Lights and Incidentals Improvement District No. 5898 (Fayland Drive and 46th Street North from 12th to 13th Avenues North):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898:

Adopt Resolution Creating Improvement District No. 5898:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5898, in the City of Fargo, North Dakota, be created

On Fayland Drive and 46th Street North from 12th to 13th Avenues North.

COMPRISING:

Lots 1 through 3 inclusive, Block 2.
Lots 1 through 6, inclusive, Block 3.
Lots 4 through 6, Block 4.
All in Fayland Industrial 1st Addition.

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

NOW, THEREFORE, BE IT RESOLVED, That Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898, 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. 5898:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5898, 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 \$780,000.00)

Order Plans and Specifications for Improvement District No. 5898:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5898, in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5898:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5898, 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. 5898, in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Necessary:

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

That it be and is hereby declared necessary to construct Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 5898 in the City of Fargo, North Dakota, according to the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection.

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

Protests against the proposed Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 5898:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5898, 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.

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 Approved:

Commissioner Mahoney 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. 5861 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.

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 Approved:

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

United Fire and Casualty Company, in the amount of \$1,429,070.80, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 5861 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.

Second Reading and Final Adoption of an Ordinance Annexing a Certain Parcel of Land Lying in the North Half of the East Half of the Northwest Quarter of Section 13, Township 138 North, Range 49 West, Cass County, North Dakota:

Commissioner Williams moved the annexation be denied.

Mayor Walaker relinquished the Chair to second the motion. (Deputy Mayor Mahoney presiding)

Commissioner Williams said with the increased frequency of flooding and stretching the City limits out further, it is in the interest of the taxpayer to deny the annexation at this time. He said the Southside Flood Control (SSFC) project will not be completed for a few years, so in the interim the City should not get too far ahead of itself.

Commissioner Mahoney said Engineering staff is currently looking at constructing temporary dikes along 76th Avenue. Upon authorization by FEMA and the Corps of Engineers, he said, temporary dikes should be in place by next year. He stated the new Davies High School is within the City limits so it is difficult not to defend that part of the City.

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

Commissioners Wimmer, Piepkorn and Mahoney voted nay.

The motion was declared lost for the lack of a majority.

Commissioner Williams stated this annexation request leapfrogs over underdeveloped and undeveloped property that would make for more efficient growth using existing infrastructure. Fargo, he said, should first focus on targeting incentives for developing available land in the City's current footprint making better use of existing buildings and infrastructure. This annexation, he said, makes it difficult and costly for timely, efficient, delivery of City services of police, fire, garbage, street

cleaning/snow removal, forestry, water and sewer and is not beneficial for the Fargo taxpayer at this time.

Commissioner Piepkorn stated the job of the Commission is to look to the future, which this annexation would do.

Commissioner Mahoney moved that the proposed Ordinance Annexing a Certain Parcel of Land Lying in the North Half of the East Half of the Northwest Quarter of Section 13, Township 138 North, Range 49 West, Cass County, North Dakota which was placed on its first reading June 15, 2009 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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

Commissioners Williams and Walaker voted nay.

The motion was declared carried.

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

On the vote being taken on the question of the final passage and adoption of the Ordinance, Commissioners Mahoney, Piepkorn and Wimmer voted aye.

Commissioners Williams and Walaker voted nay.

The Ordinance was duly passed and adopted.

Deputy Mayor Mahoney returned the Chair. (Mayor Walaker presiding)

Application Filed by Casa Ramos, Inc. d/b/a Casa Ramos for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Casa Ramos, Inc. d/b/a Casa Ramos for a Class "F" Alcoholic Beverage License at 1649 38th Street South, 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, Wimmer, Mahoney and Walaker voted aye.

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

Application Filed by Fargo Billiards, LLC d/b/a Fargo Billiards for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Fargo Billiards, LLC d/b/a Fargo Billiards for a Class "FA-Entertainment" Alcoholic Beverage License at 3234 43rd Street South, 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 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.

Addition of Route 33 to Fargo Metro Area Transit Between the Memorial Union at NDSU and Klai & Richard H. Barry Halls in Downtown Fargo Approved.

A Hearing had been set for this day and hour for the purpose of adding Route 33 to the existing transit system with the proposed starting date for Monday, August 24, 2009. The notice stated Route 33 will build on Routes 13A and 13B to provide travel between the Memorial Union at North Dakota State University (NDSU) and Klai and Richard H. Barry Halls in Downtown Fargo. The notice stated NDSU will provide the money needed for the cost of this new route and the cost has been incorporated into two transit agreements between NDSU and the City of Fargo for the 2009-2010 year.

Bruce Frantz, Director of Facilities Management at NDSU, said the addition of Route 33 will help reduce the parking and traffic downtown. NDSU, he said, has extended the U-Pass to staff and faculty to encourage ridership.

Commissioner Williams moved approval of the addition of Route 33 effective August 24, 2009, the Transit Services Agreement with NDSU for 2009-2010 and the Amendment to the Joint Powers Agreement for Transit Support with NDSU.

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

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

Renaissance Zone Project for Land Elements, Inc. Approved:

A Hearing had been set for this day and hour to receive comments on a Renaissance Zone Project for Land Elements, Inc. for a business leasing property as part of a zone project at 102 Broadway, Suite 205.

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 Law states "a business that purchases or leases property as part of a zone project is exempt from income tax for five taxable years beginning in the year of the investment or lease for income derived from the business locations within the zone". He said the Fargo Renaissance Zone Development Plan further states "Tenant must be leasing space in a building that has been approved as a zone project to be eligible for consideration". He stated the Renaissance Zone Authority felt that lease projects such as the application from Land Elements, Inc. would generally be straightforward and could be advanced to the City Commission following staff review and would generally not require direct Authority action. He said staff review found the applicant has met the aforementioned requirements. He said the project

addresses the business retention and expansion goals stated in the Renaissance Zone Development Plan.

Commissioner Piepkorn moved the Renaissance Zone application filed by Land Elements, Inc. for a project located at 102 Broadway, Suite 205 be approved and the income 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.

Second Reading and Final Adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Davies First Addition to the City of Fargo:

Commissioner Williams stated housing expansion to this area is premature until a flood plan is in place.

Commissioner Mahoney moved that the proposed Ordinance Rezoning Certain Parcels of Land Lying in Davies First Addition to the City of Fargo which was placed on its first reading June 15, 2009 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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

Commissioner Williams voted nay.

The motion was declared carried.

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

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

Commissioner Williams voted nay.

The Ordinance was duly passed and adopted.

Second Reading and Final Adoption of an Ordinance Rezoning Certain Parcels of Land Lying in C & G Addition, Cass County, North Dakota:

Commissioner Mahoney moved that the proposed Ordinance Rezoning Certain Parcels of Land Lying in C & G Addition, Cass County, North Dakota which was placed on its first reading June 15, 2009 be now placed on its second reading and a vote taken on the question of its final passage and adoption.

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

Commissioner Williams voted nay.

The motion was declared carried.

There was unanimous consent to waive reading of the Ordinance in its entirety and no one was present to request that the Ordinance be read.

On the vote being taken on the question of the final passage and adoption of the Ordinance, Commissioners Mahoney, Piepkorn, Wimmer, Williams and Walaker voted aye.

No Commissioner being absent and none voting nay, the Ordinance was duly passed and adopted.

Commissioner Mahoney moved that the Board adjourn to 11:30 o'clock a.m., Monday, July 6, 2009 to canvass the votes from the June 30, 2009 Special Election.

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

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