

- e. Request to extend the noise Ordinance to 11:00 p.m. on Friday, July 27 and Saturday, July 28 for the Fargo Blues Festival.
- f. Request of Empire Liquors to amend two dates for extensions of the noise Ordinance until 10:30 p.m., with new dates being Friday, August 17th and Friday, August 31st to 10:30 p.m.
- g. PEC recommendation to reclassify the part-time benefited Nurse Practitioner to a part-time benefited Public Health Nurse.

The Public Health Department requests approval of the reclassification of a vacant part-time benefited Nurse Practitioner Position (Grade 16) to a part-time benefitted Public Health Nurse Position (Grade 13). Annual cost savings of \$6,530.

- h. Proposal from Aevenia, Inc., in the amount of \$244,770.00 for cabling and grounding infrastructure upgrades for a new phone system.
- i. Taxable municipal lease financing package award to Midwest Leasing to provide \$5.6 million for the Fargodome turf and parking lot capital projects (moved to the end of the Regular Agenda).
- j. Resolution Authorizing Call and Redemption of the Refunding Improvement Refunding Bonds of 2004, Series B, in the amount of \$2,575,000.00 on July 1, 2012 (Attachment "A").
- k. Reduce listing price for 4332 Timberline Drive South to \$484,000.00.
- l. Agreement for Video Teleconferencing System between the Fargo Fire Department and the North Dakota Department of Emergency Services and grants in the amount of \$32,693.00.
- m. Site Authorizations for Games of Chance:
 - (1) West Fargo Hockey Association at Fort Noks.
 - (2) Prairie Public Broadcasting, Inc. at Mahoney's, Tailgator's and Dempsey's.
- n. Application filed by African Soul, American Heart for a raffle on 11/20/12.
- o. Resolution approving Plat of Osgood Farms Third Addition (Attachment "B").
- p. Resolution approving Plat of Osgood Townsite Tenth Addition (Attachment "C").
- q. Agreement for Special Improvements with CORN II, LLC (Improvement District Nos. 6154 and 6155).

- r. Easement Agreement between DMW Investments LLP and Magnum Real Estate LLC.
- s. Agreement with the Fargo Park District for Improvements, Entry and Construction in connection with Improvement District No. 6139.
- t. Encroachment Agreement at 1205 7th Street South.
- u. Recommendation to sell land located at 1014 17th Street North.
- v. Bid award for Project No. 6119 to Border States Paving, Inc. in the amount of \$266,971.55.
- w. Contract award for construction and materials testing for 2012, 2013 and 2014 to Braun Intertec Corporation, Midwest Testing Laboratory and Northern Technologies (Project No. 6196).
- x. Change Order No. 2, for an increase of \$67,736.96 for Project No. 6042.
- y. Bid advertisement for Project Nos. 5747-29 and 6042-01.
- a. Bills in the amount of \$4,665,905.11.

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

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

Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. 6149 (Brandt Crossing):

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. 6149:

Adopt Resolution Creating Improvement District No. 6149:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6149 in the City of Fargo, North Dakota, be created

33rd Avenue South from 47th Street South to Veterans Boulevard
47th Street South from 32nd Avenue South to 33rd Avenue South

COMPRISING:

The unplatted lot north of 23rd Avenue South bounded to the north by Interstate 94, to the east by 51st Street South, and to the west by Veterans Boulevard.

Lots 1 through 4, inclusive, Block 1

All platted in Amber Valley West 1st Addition.

Lots 1 through 3, inclusive, Block 1
All platted in the Amber Valley West 2nd Addition.

Lots 1 through 4, inclusive, Block 2
All platted in the Amber Valley West 1st Addition.

Lot 1, Block 3
All platted in the Amber Valley West 1st Addition.

Lots 1 and 2, inclusive, Block 4
All platted in the Urban Plains by Brandt 1st Addition.

Lots 2 and 3, inclusive, Block 3
All platted in the Urban Plains by Brandt 1st Addition.

Lot 2, Block 2
All platted in the Urban Plains Center Addition.

Lots 1 through 3, inclusive, Block 1
All platted in the Urban Plains Recreational 2nd Addition.

Lots 1 through 3, inclusive, Block 5
All platted in the Urban Plains by Brandt 1st Addition.

Portions of Lot 1, Block 4 of the Urban Plains Center Addition bounded to the west by Seter Parkway and bounded to the east 150' east of the Seter Parkway right of way.

Lot 1, Block 1
All platted in the Brandt Crossing 1st Addition.

Lot 1, Block 2
All platted in the Brandt Crossing 1st Addition.

All lots platted in Block 3 in the Brandt Crossing 1st Addition.

Lot 1, inclusive, Block 4
All platted in the Brandt Crossing 1st Addition.

Lots 1 through 10, inclusive, Block 1
All platted in the Brandt Crossing 2nd Addition.

Lot 1, Block 5
All platted in the Brandt Crossing 2nd Addition.

Lots 1 through 16, inclusive, Block 1
All platted in the Brandt Crossing 3rd Addition.

Lots 1 through 12, inclusive, Block 6
Lots 1 through 24, inclusive, Block 7
Lots 1 through 24, inclusive, Block 8
Lots 1 through 24, inclusive, Block 9
Lots 1 through 12, inclusive, Block 10
Lots 1 through 14, inclusive, Block 11
Lots 1 through 14, inclusive, Block 12
Lots 1 through 12 inclusive Block 13
Lots 1 through 30, inclusive, Block 14
All platted in the Brandt Crossing 1st Addition.

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, Paving, Street Lights and Incidentals Improvement District No. 6149 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. 6149:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6149 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 \$3,828,000.00.)

Order Plans and Specifications for Improvement District No. 6149:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6149 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6149:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6149 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. 6149 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, Street Lights and Incidentals Improvement District No. 6149 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 Sanitary Sewer, Water Main, Storm Sewer, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

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

Direct City Auditor's Office to Call for Bids for Improvement District No. 6149:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6149 in the City of Fargo, North Dakota.

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

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

Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6151 (Various Locations in South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Sanitary Sewer, Water Main, Storm Sewer and Incidentals Improvement District No. 6151:

Adopt Resolution Creating Improvement District No. 6151:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6151 in the City of Fargo, North Dakota, be created

55th Street South from Amber Valley Parkway South to 30th Avenue South.
26th Avenue South from Veterans Boulevard to 55th Street South.
28th Avenue South from Seter Parkway South to 55th Street South.

COMPRISING:

The unplatted lot north of 23rd Avenue South bounded to the north by Interstate 94, to the east by 51st Street South, and to the west by Veterans Boulevard.

Lots 1 through 4, inclusive, Block 1
Lots 1 through 4 inclusive, Block 2
Lot 1, Block 3
All platted in the Amber Valley West 1st Addition.

Lots 1 through 3, inclusive, Block 1
All platted in the Amber Valley West 2nd Addition.

Lots 2 and 3, Block 3
Lots 1 and 2, Block 4
All platted in the Urban Plains by Brandt 1st Addition.

Lot 2, Block 2.
All platted in Urban Plains Center Addition.

Lots 1 through 3, inclusive, Block 1
All platted in Urban Plains Recreational 2nd Addition.

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. 6151 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. 6151:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6151 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$1,320,000.00.)

Order Plans and Specifications for Improvement District No. 6151:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6151 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6151:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6151 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. 6151 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. 6151:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6151 in the City of Fargo, North Dakota.

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

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

Contract for Mill and Overlay and Incidentals Improvement District No. 6098 Approved:

Commissioner Mahoney moved approval of the Contract between the City of Fargo and Aggregate Industries-MWR, Inc. for Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota.

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

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

Contract Bond for Mill and Overlay and Incidentals Improvement District No. 6098 Approved:

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

Western Surety Company, in the amount of \$797,578.70, for Mill and Overlay and Incidentals Improvement District No. 6098 in the City of Fargo, North Dakota.

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

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

Resolution Adopted Annexing Approximately 82.10 Acres of Land Lying in Sections 14, 15, and 23, Township 140 North, Range 49 West:

The Board received a communication from Senior Planner Jim Hinderaker stating the Planning Department is recommending the City Commission take action to annex certain properties located north of County Road 20 and abutting the existing corporate limits of the City of Fargo.

Commissioner Piepkorn offered the following Resolution and moved its adoption:

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

WHEREAS, the City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with about one hundred five thousand (105,000) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 82.10 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, the following described land:

A part of Sections 14, 15, and 23, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota more particularly described as follows:

Beginning at the southeast corner of said Section 15; thence South 87°58'39" West, along the south line of said Section 15, a distance of 150.02 feet to a point that is 150.00 feet westerly of the east line of said Section 15 as measured perpendicular to the east line of said Section 15; thence North 2°55'05" West, parallel to the east line of said Section 15, a distance of 2650.33 feet to the north line of the Southeast Quarter of said Section 15; thence North 87°55'34" East, along the north line of the Southeast Quarter of said Section 15, a distance of 150.02 feet to the northwest corner of the Southwest Quarter of said Section 14; thence North 88°04'15" East, along the north line of the Southwest Quarter of said Section 14 a distance of 1173.38 feet to the northwest corner of RLN Business Park First Addition to the City of Fargo and the existing City of Fargo corporate limits; thence South 2°37'16" East, along the west line of said RLN Business Park First Addition and the existing City of Fargo corporate limits and the extension thereof, a distance of 2725.99 feet to a point 75.00 feet southerly of the north line of said Section 23 as measured perpendicular to the north line of said Section 23; thence South 88°06'23" West, parallel to the north line of said Section 23, along the existing City of Fargo corporate limits, a distance of 1159.62 feet to the west line of said Section 23; thence North 2°38'41" West, along the west line of said Section 23, a distance of 75.01 feet to the point of beginning.

Said tract contains 82.10 Acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 25th day of June, 2012, at 5:15 p.m., in the City Commission Room, City Hall, Fargo, North Dakota.

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

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

Change to the Start Date for Implementing Changes to Transit Routes Approved:

The Board received a communication from Transit Administrator Julie Bommelman stating at the April 16, 2012 City Commission meeting the Transit Department received approval to implement changes to Routes 11, 12, 13, 14, 16, 17, 18, 21, 22, 23 and 25. The proposed start date for implementation of the route changes was July 2, 2012, she said; however, the Transit Department is requesting the start date be moved to July 23, 2012 to allow better coordination with the City of Moorhead's route changes.

Commissioner Williams moved implementation of all route changes be approved effective July 23, 2012, rather than July 2, 2012.

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

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

Application Filed by Kelly Midwest Ventures Limited Partnership d/b/a Best Western Plus Kelly Inn and Suites for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Kelly Midwest Ventures Limited Partnership d/b/a Best Western Plus Kelly Inn and Suites for a Class "GH" Alcoholic Beverage License at 1767 44th 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, Mahoney, Wimmer and Walaker voted aye.

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

Application Filed by Rare Hospitality Management, Inc. d/b/a LongHorn Steakhouse #5432 for an Alcoholic Beverage License Approved:

A Hearing had been set for this day and hour on the application filed by Rare Hospitality Management, Inc. d/b/a LongHorn Steakhouse #5432 for a Class "FA" Alcoholic Beverage License at 4410 13th Avenue 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, Mahoney, Wimmer and Walaker voted aye.

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

GO2030 Fargo Comprehensive Plan Approved:

A Hearing had been set for this day and hour to consider approval of the GO2030 Fargo Comprehensive Plan, a City of Fargo initiated comprehensive policy plan intended to guide decision makers through the year 2030 on issues related to the health, safety and welfare of citizens in the City of Fargo, notice of which had been duly published in the official newspaper for the City of Fargo.

The Fargo Planning Commission recommended approval of the GO2030 Fargo Comprehensive Plan at their May 1, 2012 regular meeting.

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

The Board determined that no person is present to protest or offer objection to the GO2030 Fargo Comprehensive Plan.

Senior Planner Bob Stein said one of the keys to the success of this project was the success of the public process. He said a tool that was used in that success was called Mindmixer, which generated nearly 9,000 visitors and over 60,000 page views over the course of the public process. In addition to that there were three traditional public meetings which were well attended, he said, and they were especially encouraged by the number of young people that attended and were involved in the process. He said every effort was made to get input and ideas from the public. This plan was in great part funded by a grant from the Department of Energy, he said, and certain things needed to be included in the plan. One of those items, he said, was energy efficiency and conservation which was needed in order to comply with the terms of the grant. He said it had to be included as a separate energy component, but was also woven into the plan as a whole.

Director and CEO of the Plains Art Museum Colleen Sheehy said she would like to speak in favor of the arts and culture portion of the plan, although, she said she is very happy about the plan as a whole. This plan positions Fargo in a really exciting place to become better known as a creative city, she said, and to build on the foundation of arts and culture that is already in place. She said she gives the plan her strong endorsement.

Chair of the Planning Commission John Paulsen said he would like to speak on behalf of the Planning Commission to express their strong support of the plan. He said this is a marvelous policy roadmap that will guide the City in the next couple of decades and he would strongly urge the Commission to support this document as well.

Director of Public Affairs for the Fargo-Moorhead Homebuilders Association Rocky Schneider said he would like to compliment the City on the process of how this document was reached and looks forward to working with the City and staff on these processes over the next couple of decades.

NDSU Scientist John Bagu said he liked the chapter on energy since a lot of that has to do with the City's future. This plan, he said, helps to address deficiencies that Fargo has relative to other places with fewer resources and less space and will help to put the City on a path to match what others are doing and do it even better.

Commissioner Williams said the City has a long way to go with the plan, but is well on its way to implementing the plan's goals.

Commissioner Wimmer moved the GO2030 Fargo Comprehensive Plan be approved.

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

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

Procedures for Handling Requests for Waivers from the River Setback Ordinance Approved:

The Board received a communication from City Attorney Erik Johnson stating the amendments to the Land Development Code that are referred to as the "River Setback Ordinance" took effect on May 14, 2012. He said a property owner whose property is within the overall setback area but more than 100 feet from the floodway is eligible to request a waiver from the City Commission. He recommended the following three-step process for handling these requests:

1. The property owner submits application for waiver. The application will be submitted to the City Commission Office along with any and all supporting information. It is requested that the property owner submit three copies of the application so that the extra copies may be promptly distributed to the City Engineer for review, with assistance from other applicable City staff members, of the application for comment and recommendation to the City Commission. The City Engineer is authorized to ask the property owner for additional information as may be needed for proper analysis and review.
2. The City Commission Office will place the request for waiver on the next City Commission agenda for receipt and filing.
3. Once the City Engineer has completed the review of the completed application and the information submitted by the property owner, the matter will then be placed before the Board of City Commissioners for review, consideration of the factors prescribed by Ordinance (see post-script below) and a decision can be made.
 - a. The extent to which the subject property is already protected from the risk of flooding.
 - b. The extent to which the soil is sufficiently stable to support the proposed building or structure without slumping or shifting of soil.
 - c. The extent to which the proposed building or structure may be elevated to such a level as to mitigate against the risk of flooding.
 - d. The adequacy of area available to install emergency flood protection if the proposed building or structure were in place.

- e. If the proposed building or structure is accessory to a principal building or structure, the extent to which the accessory building or structure to either be constructed to an elevation to appropriately minimize risks of flooding, or in the alternative, or be designed and constructed so as to tolerate being flooded.

Commissioner Williams moved the procedures for handling requests for waivers from the river setback Ordinance be approved.

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.

Receive and File Request from Schmit Brothers Construction for Waiver from the River Setback Ordinance: Appropriate Staff Directed to Evaluate the Waiver for Property Located at 4385 66th Street South:

The Board received a communication from President of Schmit Brothers Construction Richard E. Schmit requesting a waiver of Ordinance No. 4818. He said the buyers of the property would like to build a house on the lot located at 4385 66th Street South.

Commissioner Williams moved the request from Schmit Brothers Construction for a waiver from the river setback Ordinance be received and filed and that appropriate staff be directed to evaluate the waiver for property located at 4385 66th Street South and come back to the Commission in two weeks with a recommendation.

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

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

Receive and File Request from Jon Norberg for Waiver from the River Setback Ordinance: Appropriate Staff Directed to Evaluate the Waiver for Properties Located at 4355 66th Street South and 4375 66th Street South:

The Board received a communication from President of Norberg Transfers LLC Jon Norberg requesting a waiver of watercourse setbacks for property located at 4355 66th Street South and 4375 66th Street South. He said it has been a couple of years that he has been waiting for an answer from Engineering on whether or not he is able to build on these lots.

City Engineer April Walker said Engineering did determine that Mr. Norberg was eligible to ask for a waiver; however, no specific structure plans have been received which is necessary information to evaluate the request.

City Administrator Pat Zavoral said one of the most difficult issues that these lots are going to face is the geotechnical work that needs to be done and without that work it is difficult for the Engineers to make a determination.

Mr. Norberg said he does not want to incur the cost of a geotechnical survey if the answer will be no to building on the peninsula lot.

Commissioner Williams stated the whole process of having the Engineering staff review the waiver is to get the Commission to the next step and without the geotechnical survey a final decision cannot be made.

Commissioner Williams moved the request from Jon Norberg for a waiver from the river setback Ordinance be received and filed and that appropriate staff be directed to evaluate the waiver for properties located at 4355 66th Street South and 4375 66th Street South, and come back to the Commission in two weeks with a recommendation.

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

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

Update on the City Pension Plans:

Director of Finance Kent Costin said three educational meetings were held with the Board to review current pension plans administration. He said as far as changes to the City Pension and the NDPERS system, employees have agreed to increase contributions by 1% over the next two years. The Pension Board, he said, has also been discussing raising the pension age from 62 to 65 years old. He said they are still trying to work out the mechanics and logistics of how to make that transition and who it would impact. One other action that was taken, he said, was to add a Park District employee to the Pension Board, as the Park District is an invested employer in the pension as well. Fire pension has met and voted to increase their contributions by 1% over the next two years as well, he said, and Police has had a series of discussions about plan design and will complete their discussions with the actuary on June 5th. He said in regard to the issue of dealing with the current shortfalls, the bottom line is if the Commission is interested in continuing with the current plan design, more money would need to be put into the funds in order to stabilize them over the long term. Mr. Costin said he will bring forth a more distinctive and clear funding policy on June 25th.

At 6:00 the Board took a five-minute recess.

After recess: All Commissioners present. Mayor Walaker presiding.

Update on the On-Street Bike Facility Plan for 2012:

The Board received a communication from Division Engineer-Transportation Jeremy Gorden updating the Board on the progress of the proposed on-street bike facilities planned this year for 10th Street North, University Drive, 4th Avenue North and 1st Avenue South. He gave an overview of the need for on-street facilities and reviewed engineering standards. He said relevant studies include the NDSU Pedestrian/Bike Access Study, the GO2030 Comprehensive Plan, NDDOT's 10th Street Reconstruction Project Concept Report and the 2011 Metro COG Bike Plan. He outlined public input meetings held specifically regarding on-street bike facilities and the pros and cons of roadway impacts north of 12th Avenue North on 10th Street and University Drive and on 4th Avenue North from Roberts Street North to University Drive. He said from a legal standpoint, potential liability to the City by placing bike lanes on streets is small with the biggest concerns being design and maintenance. Striping costs are included in the 10th Street reconstruction project which is under

construction, he said, and if bike lanes were eliminated, the potential cost savings is \$20,000, of which \$2,000 is the responsibility of the City. He said potential future projects on 10th Street North – 4th Avenue North to 12th Avenue North, and University Drive – 4th Avenue North to 12th Avenue North could include buffered or conventional bike lanes, which would be 100% funded by the City. He said reconstruction of 4th Avenue North – Roberts Street to University Drive will be under construction in June with a cost of \$5,000 for permanent tape with no bike lane or \$20,000 for a conventional bike lane. A public awareness campaign for sharing the road is underway, he said, and Metro COG has updated and published their 2012 FM Metro Area Bikeways Map. He shared safety information, referencing findings from a report from the Federal Highway and Transportation Secretary that when the rate of walking and biking went up, the crash rate did not.

Jane Pettinger Reappointed to the Civil Service Commission:

The Board received a communication from Mayor Walaker recommending that Jane Pettinger be reappointed to the Civil Service Commission.

Commissioner Mahoney moved Jane Pettinger be reappointed to the Civil Service Commission for a three-year term ending June 30, 2015.

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.

Wayne Larson Reappointed to the Board of Appeals:

The Board received a communication from Mayor Walaker recommending that Wayne Larson be reappointed to the Board of Appeals.

Commissioner Mahoney moved Wayne Larson be reappointed to the Board of Appeals for a five-year term ending June 30, 2017.

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.

Daniel Dunn Reappointed to the Special Assessment Commission:

The Board received a communication from Mayor Walaker recommending that Daniel Dunn be reappointed to the Special Assessment Commission.

Commissioner Mahoney moved Daniel Dunn be reappointed to the Special Assessment Commission for a three-year term ending July 1, 2015.

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.

Presentation of the 2011 Fire Department Statistics:

Fire Chief Steve Dirksen shared details of the 2011 Annual Report for the Department of Fire and Emergency Services. He reported the total incidents for the Fire Department totaled 4,785 in 2011 with fire losses totaling \$1,103,492. He said there were no civilian or firefighter fatalities, compared to national statistics for a city

the size of Fargo averaging fire loss at \$3.5 to \$4.5 million and 2 to 4 civilian fire deaths per year. He said the Department was active in fire suppression inspections and fire prevention bureau inspections. He listed a number of projects on the horizon, including the delivery of a 100' aerial platform, continued work with NDDDES to purchase equipment and train personnel, work with ISO (Insurance Service Office), ProBoard Training Certification and CFAI Accreditation.

Taxable Municipal Lease Financing Package for the Fargodome Turf and Parking Lot Capital Projects Approved:

The Board received a communication from the City and Fargodome Finance Committees stating the Fargodome is planning two major capital projects where long term capital financing is being recommended to fund the acquisition and installation. The two projects included are the replacement of the turf and a parking lot expansion with a cost estimated at \$5.6 million, they said. Four bids were received, they said, and the lowest financing rate for a ten-year lease financing package was for 3.738% offered by Midwest Leasing.

Director of Finance Kent Costin said he was asked to pull this item by the Fargodome Authority. He said bids were opened last week and the intent was to finance the turf and parking lot, using a ten-year term. When bids were opened the best bid for ten-year financing was for 3.738% with Midwest Leasing, he said, however, there was a five-year financing bid for 2.57% from US Bank. The Fargodome Authority would like to approve the five-year financing instead of the ten-year financing due to the interest rate and the considerable amount of interest savings, he said.

Commissioner Piepkorn moved the taxable municipal lease financing package be awarded to US Bank for 2.57% for a five-year term providing \$5.6 million for the Fargodome turf and parking lot capital projects.

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.

Commissioner Piepkorn moved that the Board adjourn to 5:00 o'clock p.m., Monday, June 11, 2012.

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

The time at adjournment was 6:48 o'clock p.m.