

FARGO CITY COMMISSION AGENDA  
Monday, August 14, 2017 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [FargoND.gov/streaming](http://FargoND.gov/streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m.; and are also included in our video archive at [FargoND.gov/citycommission](http://FargoND.gov/citycommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 31, 2017).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file the following Ordinances:
  - a. Relating to Classification of Ordinance Violations.
  - b. Relating to Distracted Driving.
  - c. Relating to Use of a Wireless Communication Device Prohibited.
- 2. 2nd reading, waive reading and final adoption of the following Ordinances:
  - a. Rezoning Certain Parcels of Land Lying in Osgood Sixth Addition.
  - b. Rezoning Certain Parcels of Land Lying in Dewitts Addition.
- 3. Termination of Declaration and Developer Agreement with J & O Real Estate, LLC and Cottagewood Townhomes, LLC.
- 4. Receive and file General Fund- Budget to Actual through July 31, 2017 (unaudited).
- 5. Amended Site Authorization for Team Maker's Club, Inc. at the Holiday Inn.
- 6. Amended Site Authorization for Team Maker's Club at Frank's Lounge.
- 7. Applications for Games of Chance:
  - a. FirstLink for a raffle on 8/15/17.
  - b. North Dakota Dental Foundation for a raffle on 9/15/17.
  - c. WDAY Honor Flight for a raffle on 8/27/17; Public Spirited Resolution.
  - d. Dakota Medical Foundation – Lend A Hand for a raffle on 9/16/17.
  - e. Fargo Moorhead Derby Girls for a raffle on 9/16/17.
  - f. Fargo South High School for a calendar raffle from 12/12/17 to 2/6/18.
  - g. Fargo South High School for a calendar raffle from 8/29/17 to 2/20/18.
- 8. Six-month extension of the Class "A" Alcoholic Beverage License for the Firebox.
- 9. Applications for property tax exemptions for improvements made to buildings:
  - a. Amit Panwalkar and Arundhati Goswami, 1395 Elm Circle North (3 year).
  - b. 22 Ave LLC, 418 22nd Avenue North (5 year).
  - c. Sheryl Klugman, 1254 8th Street North (5 year).
  - d. Patrick C. Farha, 2831 Elm Street North (5 year).
  - e. James D. and Catherine M. Garvey, 1209 3rd Street North (5 year).

- f. Travis M. and Nikki Kurtz, 1732 Whitestone Circle South (5 year).
10. Sixth Amended Lease Agreement between the Fargo Dome Authority and North Dakota State University.
11. Agreement for Services with BriAnna Wanner.
12. Purchase of Service Agreement with Fargo Public Schools for nursing services for the 2017/2018 school year.
13. Bid award for accounting software from High Plains Technology in the amount of \$69,688.00 (RFP17219).
14. Bid award for Children's Library-Bound Materials with Apple Books (RFP17237).
15. Sole Source Procurement for repair of Unit #601 from RDO Equipment Company in the amount of \$30,818.60.
16. Change Orders for the City Hall Project:
  - a. No. 9 for an increase of \$13,774.00 for the general contract.
  - b. No. 10 for an increase of \$46,706.00 for the general contract.
  - c. No. 5 for an increase of \$13,072.00 for the mechanical contract.
  - d. No. 5 for an increase of \$29,075.00 for the electrical contract.
  - e. No. 6 for an increase of \$1,857.00 for the electrical contract.
17. Agreement for Engineering Services with Houston Engineering, Inc. for Project No. MS-17-A0.
18. Concur with Traffic Technical Advisory Committee to continue work with the Kilbourne Group to develop a plan for the temporary construction and parking impacts associated with the Block 9 construction project and to put the finishing touches on the Developer's Agreement.
19. Change Order No. 3 for an increase of \$4,560.00 for The Fargo Project – Water Features.
20. Notice of Award for The Fargo Project – Overlook, Natural Play, Trails.
21. Adopt Resolutions Approving the following Plats:
  - a. Valley View 7th Addition.
  - b. Prairie Farms Commercial Second Addition.
22. 31-day time extension for Project No. HD-17-A1.
23. Utility Relocation for Xcel Energy (Project No. FM-15-J1).
24. Bid award for Project No. EP-17-A1.
25. Bills.
26. Memorandum of Offer to Thomas K. and Kari D. Smith for purchase of a temporary easement (Improvement District No. BR-17-F1).
27. Cost Participation, Construction and Maintenance Agreement – Urban Federal Aid Project with the ND Department of Transportation for improvements to the Oak Grove/Memorial Parks Pedestrian Lift Bridge (Improvement District No. QN-17-A1).

28. Documented Categorical Exclusion and selection of Alternative B as the preferred alternative for the Oak Grove/Memorial Parks Pedestrian Lift Bridge (Improvement District No. QN-17-A1).
29. Creation of Improvement District No. AN-17-G to provide for the design and construction of the alley in 2017.
30. Change Order No. 1 for an increase of \$28,423.66 for Improvement District No. BR-17-A1.
31. Final Balancing Change Order No. 1 for an increase of \$14,605.40 for Improvement District No. TN-16-B1.
32. Final Balancing Change Order No. 2 for an increase of \$3,529.05 for Improvement District No. TN-16-E1.
33. Final Balancing Change Order No. 3 for a decrease of \$1,442.42 for Improvement District No. BN-16-F1.
34. Task Order No. 7 to KLG in an amount not to exceed \$499,891.00 for Improvement District No. BN-17-A3.
35. Reimbursement of \$5,309.00 for the repair of a sprinkler system impacted by Improvement District No. BN-15-K1.
36. Create Improvement District No. AN-17-G.
37. Contracts and bonds for Improvement District Nos. BN-17-G1, SL-17-F1 and SL-17-G1.

**REGULAR AGENDA:**

38. Commissioner Piepkorn would like to discuss the approval process for programs like the F5 Project.
39. Update on The Fargo Project.
40. Public Hearings - 5:15 pm:
  - a. Osgood Townsite Fifteenth Addition (5050 47th Street South); approval recommended by the Planning Commission on 7/6/17; continued from the 7/31/17 Regular Meeting:
    1. Zoning Change from LC, Limited Commercial to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay.
    2. 1st reading of rezoning Ordinance.
    3. Planned Unit Development Master Land Use Plan
  - b. Special assessments of sewer repairs.
  - c. Special assessment of nuisance abatement fees.
  - d. CONTINUE TO 9/25/17 - Special assessments for the maintenance of the Skyway System.
41. Consider renewal of the Downtown Business Improvement District.

42. Recommendation to appoint Jon Offutt to the Arts and Culture Commission.
43. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
  - a. Costs totaling \$25,546.00.
  - b. Costs totaling \$751,091.00
44. Recommendation to approve the Mayor's 2018 Preliminary Budget and set the public hearing date for September 11, 2017.
45. Bid award for Improvement District No. PR-17-F1.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo web site at [FargoND.gov/citycommission](http://FargoND.gov/citycommission).



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**PLANNING AND DEVELOPMENT**

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: NICOLE CRUTCHFIELD, PLANNING ADMINISTRATOR** *NC*

**DATE: AUGUST 9, 2017**

**SUBJECT: UPDATE OF THE FARGO PROJECT**

We are finally starting to see the physical transformation at The Fargo Project: World Garden Commons (Rabanus Park). There has been significant construction this past winter. Heading into the Fall of 2017 we are beginning our last significant phase of construction. At the August 14<sup>th</sup> City Commission, staff will present a brief overview of the history and current status of The Fargo Project.

The Fargo Project: World Garden Commons began in 2011. The City has received funds from the National Endowment for the Arts, Outdoor Heritage Funds, ArtPlace America, and Kresge Foundation.



400a

City of Fargo Staff Report			
<b>Title:</b>	Osgood Townsite Fifteenth Addition	<b>Date:</b>	6/28/2017
		<b>Update:</b>	7/26/2017
<b>Location:</b>	5050 47th Street South	<b>Staff Contact:</b>	Kylie Murphy
<b>Legal Description:</b>	Lot 2, Block 1, of the Osgood Townsite Fifteenth Addition		
<b>Owner(s)/Applicant:</b>	Nate Vollmuth	<b>Engineer:</b>	Nate Vollmuth
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (From LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay) and a <b>PUD Master Land Use Plan and Final Plan</b>		
<b>Status:</b>	City Commission Public Hearing: July 31, 2017		

Existing	Proposed
<b>Land Use:</b> Vacant Land	<b>Land Use:</b> Veterinary Clinic and Dog Boarding
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> LC, Limited Commercial, with a PUD, Planned Unit Development Overlay
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.	<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.
<b>Maximum Building Coverage:</b> 55% of lot area	<b>Maximum Building Coverage:</b> 55% of lot area

**Proposal:**

The applicant is seeking approval of 1) a zoning change from LC, Limited Commercial, to LC, Limited Commercial, zoning district with a PUD, Planned Unit Development, Overlay and 2) a PUD Master Land Use Plan. The intent of the these two applications is to allow the development of a dog boarding facility within 300ft of any residentially zoned property.

Zoning Amendment and PUD Overlay

The zoning map amendment would rezone the subject property from LC (Limited Commercial) to LC (Limited Commercial) and establish a PUD (Planned Unit Development) overlay-zoning district for the subject property. This PUD overlay is intended to tailor development standards to the specifics of the proposed project. The following modifications are being proposed:

Setback: A pet enclosure cannot be within 300ft of a residentially zoned property will be modified to having a 15ft rear setback from the pet enclosure to the MR-3 property to the north.

PUD Master Land Use Plan and Final Plan

The applicant has submitted a project narrative, PUD Master Land Use Plan, and Final Plan which further describes the proposed development. These documents are attached.

Additional Information:

The required amount of open space of PUD's has recently been contemplated by the Planning Commission. According to the applicant, the project surpasses 10% open space on site. This item has been included in the draft PUD overlay.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

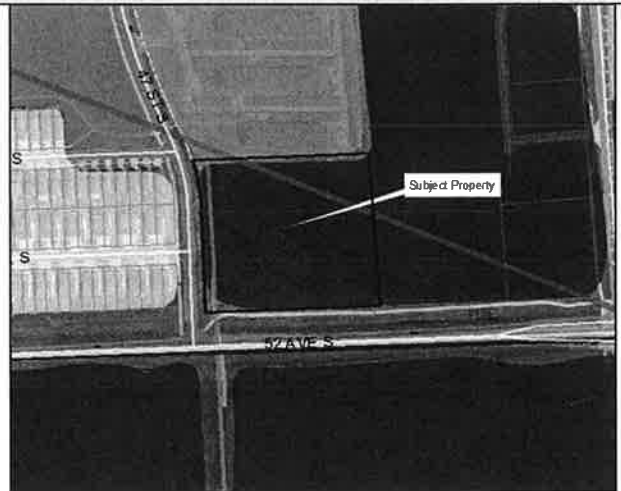
**Surrounding Land Uses and Zoning Districts:**

- North: MR-3, Multi-Dwelling Residential with apartment use
- East: MR-3, Multi-Dwelling Residential and LC, Limited Commercial with vacant land use
- South: Across 52 Avenue South, GC, General Commercial with agricultural use
- West: Across 47<sup>th</sup> Street South, SR-4, Single-Dwelling Residential and P/I, Public and Institutional, with single-family, twin home, and park uses.

**Area Plans:**

**2003 Growth Plan**

- Commercial
- Commercial or Medium/High Density
- Commercial or Medium/High or Park/Open Space
- Commercial or Park/Open Space
- Either Industrial or Commercial
- Either Office or Commercial
- Either Office or Medium/High Density Residential
- Industrial
- Low/Medium Density Residential
- Low/Medium Density or Medium/High Density
- Medium/High Density Residential
- Medium/High Density or Park/Open Space
- Office
- Office or Commercial or Medium/High Density
- Park/Open Space
- Public
- Public or Commercial
- Public or Low/Medium Density
- Public or Office
- Storm Water



**Schools and Parks:**

**Schools:** The subject property is located within the West Fargo School District and is served by Independence Elementary, Liberty Middle, and Sheyenne High schools.

**Parks:** Osgood Park (4951 47<sup>th</sup> Street S) is located across 47<sup>th</sup> Street South, west of the subject property and provides basketball, grill, multipurpose field, picnic table, playground, recreational trail, shelter, and soccer amenities.

**Pedestrian / Bicycle:** There is an off-road bike facility located along 47<sup>th</sup> Street South. This bike facility is a component of the metro area bikeways system.

**Staff Analysis:**

**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
Staff is unaware of any error in the zoning map as it relates to this property. The base zoning will stay the same with the addition of a PUD Overlay zoning district. The proposed PUD Overlay zoning district is intended to accommodate the development of this currently underutilized property. **(Criteria Satisfied)**
- 2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**  
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in

the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the development.  
**(Criteria satisfied)**

**3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received one inquiry into the application and no comments from the public. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

**4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**

**Master Land Use Plan:** The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

**1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**

The plan represents an improvement over what could have been accomplished through strict application of the base LC zoning district. In exchange for allowing dog boarding within 300ft of a residentially zoned property the applicant has proposed the following standards to be included within the proposed PUD ordinance:

- Additional landscape buffering
- Limited hours when the dogs can be in the outdoor dog run.

**(Criteria Satisfied)**

**2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. All standards and requirements as set forth in the LDC have been met.

**(Criteria Satisfied)**

**3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the development.

**(Criteria satisfied)**

**4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City.



**(Criteria Satisfied)**

**5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing redevelopment of an underutilized property within an area of the City that is serviced with existing utilities.

**(Criteria Satisfied)**

**PUD Final Plan Section 20-0908.D:**

The petitioner has submitted plans as part of the building permit application process. These plans will be considered the PUD Final Plan. Planning staff has reviewed the submitted plan set and has found that the plans meet the development requirements of the LDC, as well as the requirements of the adopted PUD ordinance. The Master Plan and Final Plans are being brought forth concurrently. Relevant plan sheets from the submitted plan set have been attached to this staff report for review.

The LDC stipulates that the Planning Commission shall approve the PUD Final plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in:

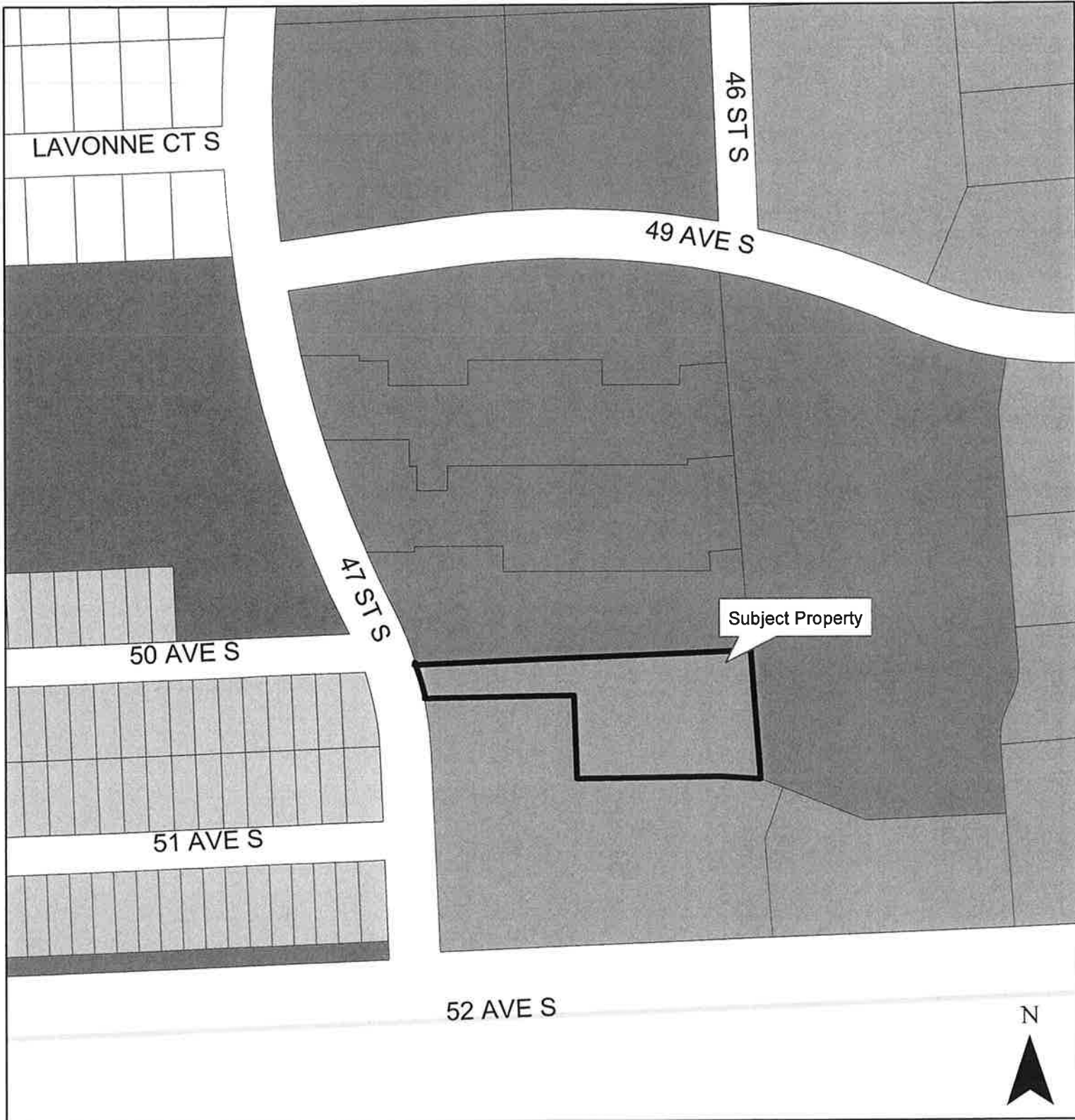
- 1. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**  
There has been no change in project density or intensity.  
**(Criteria Satisfied)**
- 2. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**  
There has been no change in the type of nonresidential uses. There have been no substantial changes from the PUD Master Land Use Plan.  
**(Criteria Satisfied)**
- 3. A reduction in the amount of open space;**  
There has been no substantial changes in the amount of open space.  
**(Criteria Satisfied)**
- 4. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**  
There have been no substantial changes from the PUD Master Land Use Plan.  
**(Criteria Satisfied)**
- 5. Any change within 50 feet of any SR or MR zoning district;**  
There have been no substantial changes from the PUD Master Land Use Plan.  
**(Criteria Satisfied)**
- 6. Any change determined by the Planning Commission to represent an increase in development intensity;**  
Staff suggests that there has been no increase in development intensity from the PUD Master Land Use Plan.  
**(Criteria Satisfied)**
- 7. A substantial change in the layout of buildings.**  
There have been no substantial changes from the PUD Master Land Use Plan.  
**(Criteria Satisfied)**

<b>Planning Commission Recommendation: July 6, 2017</b>
On July 6, with a 8-0 vote, the Planning Commission accepted the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, and approve: 1) the PUD Final Plan, contingent on City Commission approval of the zoning change and PUD Master Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”
<b>Staff Recommendation:</b>
Suggested Motion: “To accept the findings and recommendations of Planning Commission and staff and hereby waive the requirement to receive the ordinance one week prior to the first reading and place the rezoning ordinance on first hearing, and approve the proposed:1) Zoning Change from LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”
<b>Attachments:</b>
<ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li><li>3. Narrative submitted by Applicant</li><li>4. PUD Master Land Use Plan</li><li>5. PUD Final Plan</li></ol>

# PUD and Zone Change (LC to LC w/ a PUD)

## Osgood Townsite 15 Addition

5050 47th Street South



### Legend

AG	DM	LC	MHP	SR	SR-2
GC	GO	MR-1	MR-2	MR-3	UMU
City Limits					

300 Feet



Fargo Planning Commission

July 6, 2017

## Osgood Townsite 15 Addition

5050 47th Street South



5.25.17

City of Fargo  
Planning Department

Project Narrative below:

Proposed Vet Clinic and Boarding Facility.

Project is adjacent to MR-3, 3-story apartment units.

Owners of apartments have been contacted and we are working thru any issues they have with the proposed project. Campbell Properties

We are proposing a landscape buffer and restricted use of out-door play area.

Facility will install a combination of berms/trees between the outdoor boarding area “pet run” and the apartment units to the north.

Restrictions on time of day usage and frequency have been discussed with apartment owner and are as follows:

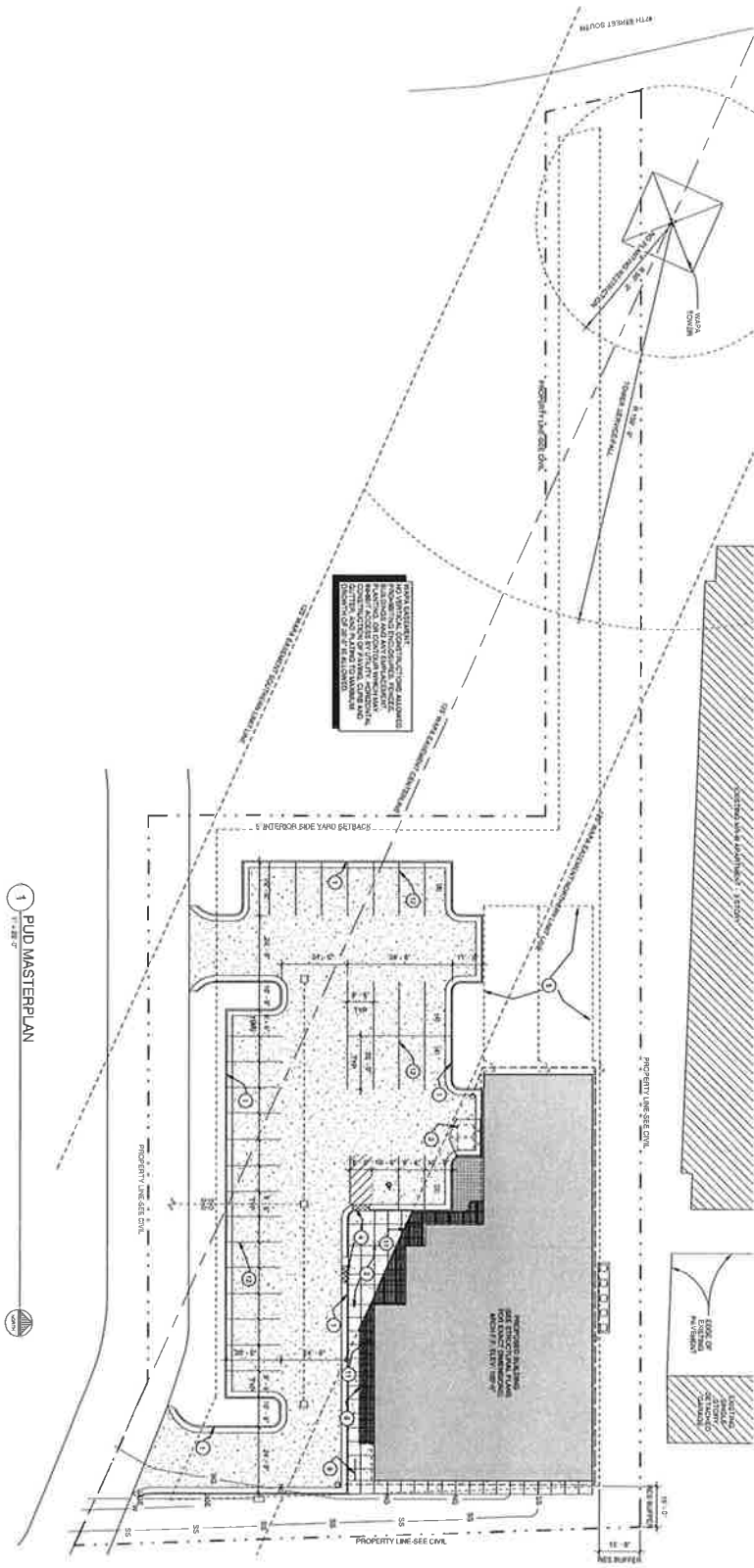
Free play/run: 10 to noon and 3 to 5pm free play

Only other times would be for bathroom breaks, if needed.

Please feel free to contact me with any questions or concerns.

Sincerely,

Nate Vollmuth, AIA  
Director of Development  
PACES Lodging Corporation  
701-499-3895 O  
701-388-3635 C  
[nv@paces.co](mailto:nv@paces.co)



EXISTING CONCRETE FOUNDATION TO REMAIN. NEW CONCRETE FOUNDATION TO BE CAST IN PLACE. ALL FOUNDATION WORK TO BE COMPLETED PRIOR TO THE START OF SUPERSTRUCTURE CONSTRUCTION. ALL FOUNDATION WORK TO BE COMPLETED PRIOR TO THE START OF SUPERSTRUCTURE CONSTRUCTION.

- MASTERPLAN KEY NOTES**
- 1 LINE OF CONC. CURB GUTTER
  - 2 NEW REINFORCED CONCRETE WALK CONTROL JOINTS
  - 3 REINFORCED CONC. DRIVEWAY LOCATIONS SHOWN
  - 4 REINFORCED CONC. DRIVEWAY APPROACH
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  - 98 REINFORCED CONC. DRIVEWAY
  - 99 REINFORCED CONC. DRIVEWAY
  - 100 REINFORCED CONC. DRIVEWAY

1 PUD MASTERPLAN  
1" = 88'

0001  
PROJECT # 170321  
DATE 08/20/17  
DRAWN BY A. A. A.  
CHECKED BY K. C. C.

PUD MASTERPLAN

**(CVS) - FARGO BRANCH  
NEW VETERINARY SERVICES CLINIC**  
5012 47TH STREET SOUTH  
FARGO, ND 58104



NOT FOR CONSTRUCTION  
DATE: 06/15/2017



**ARTEKTA ARCHITECTS**  
375 7TH STREET S. FARGO, ND 58103  
701.576.2663 TEL. 701.576.3694 FAX  
WWW.ARTEKTA.COM



AOA-2

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN OSGOOD TOWNSITE FIFTEENTH ADDITION,  
FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Osgood Townsite Fifteenth Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on July 6, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 31, 2017,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lot Two (2), Block One (1), Osgood Townsite Fifteenth Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "LC", Limited Commercial, District, to "LC", Limited Commercial with a PUD, Planned Unit Development Overlay, District as follows:

Setback: The minimum rear setback for a pet enclosure part of a pet boarding facility shall be 15 feet.

Landscaping: An additional 29 trees will be installed between the outdoor pet enclosure and the adjacent MR-3 zoning district to the north, as shown on the Final Plan Exhibit B.

Open Space: The minimum open space shall be 10% of the lot area.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Additional Standards:

1            Hours of Operation: Use of the pet enclosure for outdoor play by pets shall be restricted  
2 to the hours of 10 am to 12 pm and 3 pm to 5 pm, seven days per week. Use of the pet enclosure  
to allow pets to relieve themselves (i.e. bathroom breaks) as needed, shall be allowed at any time.

3            Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his  
4 office so as to conform with and carry out the provisions of this ordinance.

5            Section 3. This ordinance shall be in full force and effect from and after its passage and  
6 approval.

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\_\_\_\_\_  
Timothy J. Mahoney, Mayor

10 (SEAL)

11  
12 Attest:

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Steven Sprague, City Auditor

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First Reading:  
Second Reading:  
Final Passage:



Cont. to 8-14-17 at 5:15 p.m.  
400

NOTICE OF HEARING  
FOR SPECIAL ASSESSMENT OF  
SEWER REPAIRS

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Sewer Repairs, provided in the list below, on Monday, August 14, 2017, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment
1501 9th Street North	01-0380-00700-000	\$ 8,876.75
919 College Street North	01-1620-00610-000	\$ 8,099.75
518 9th Street South	01-2400-01060-000	\$ 3,500.00
919 10th Street North	01-1130-00860-000	\$ 2,400.00
2307 10th Street South	01-2710-00480-000	\$12,596.75
2821 10th Street North	01-4181-00700-000	\$ 6,125.00
1101 7th Street South	01-0780-00840-000	\$ 6,184.25
1111 10th Street North	01-0440-00950-000	\$12,337.00
349 15th Avenue South	01-0120-01160-000	\$ 9,702.50
507 22nd Avenue South	01-3200-00100-000	\$ 9,422.75
103 35th Avenue North	01-1005-00010-000	\$ 6,600.00
2213 6th Avenue South	01-0740-03100-000	\$ 5,450.00
3637 Par Street North	01-1003-00180-000	\$ 8,600.00
214 6th Avenue North	01-1540-02300-000	\$ 7,375.00
111 7th Avenue North	01-1760-00380-000	\$11,374.00
417 22nd Avenue North	01-2780-00610-000	\$ 7,250.00
1421 9th Avenue South	01-0540-01020-000	\$ 6,000.00
206 22nd Avenue North	01-2780-00150-000	\$ 6,125.00
2830 10th Street North	01-4182-01020-000	\$ 8,210.00
1249 11th Street North	01-2220-03000-000	\$11,000.00
102 9th Avenue North	01-3260-00400-000	\$ 4,670.00
1042 Oak Street North	01-1160-01810-000	\$ 8,000.00
71 South Woodcrest Dr N	01-4050-00090-000	\$12,248.75
1106 8th Street North	01-0440-00570-000	\$ 5,286.50
736 2nd Street North	01-1760-00240-000	\$10,972.00
501 16th Street South	01-0340-01060-000	\$ 7,000.00
310 8th Avenue North	01-0580-00180-000	\$ 6,536.75
915 Broadway St N	01-4140-00050-000	\$13,050.00
2101 8th Street North	01-3020-00530-000	\$ 5,935.50
2307 6th Street South	01-0500-00130-000	\$ 7,625.00
1006 20th Street South	01-1270-01670-000	\$ 5,900.00
1122 2nd Street North	01-1160-00800-000	\$ 9,894.00
115 8th Avenue North	01-3260-00320-000	\$ 5,107.00
415 8th Street South	01-2140-00160-000	\$ 7,600.00
423 10th Street South	01-2140-00420-000	\$11,309.75
1313 9th Street North	01-2220-01460-000	\$ 9,096.50
1830 5th Street North	01-2100-00610-000	\$ 9,818.75
1545 7th Street North	01-0380-00120-000	\$ 5,000.00
229 20th Avenue North	01-1110-00230-000	\$ 5,000.00
1702 1st Avenue South	01-0060-00150-000	\$ 7,250.00
721 1st Street North	01-1760-00580-000	\$ 6,450.00

730 1st Street North	01-1760-00450-000	\$12,500.00
1525 7th Street North	01-0380-00170-000	\$ 9,875.00
344 7th Avenue South	01-1440-00700-010	\$ 9,014.75
1261 3rd Street North	01-1360-01380-000	\$10,923.50
1413 7th Street South	01-1400-01830-000	\$13,348.81
1015 6th Street South	01-0780-01920-000	\$ 9,976.25
1513 15th Street South	01-2040-04480-000	\$ 4,625.00
3018 9th Street North	01-1660-00470-000	\$ 6,781.25
1213 9th Street North	01-2220-01110-000	\$ 9,140.00
360 7th Avenue South	01-1440-00650-000	\$ 9,987.50
2018 10th Street North	01-3100-00310-000	\$ 9,356.00
1311 5th Street South	01-0140-00040-000	\$ 9,485.00
409 20th Avenue North	01-1100-00600-000	\$ 7,100.00
1446 10th Street South	01-1400-01430-000	\$ 8,100.00
605 15th Street South	01-0560-00020-000	\$11,109.00
1510 2nd Street North	01-1890-00190-000	\$12,125.00
1437 12th Street South	01-0280-00320-000	\$ 6,125.00
817 2nd Street North	01-3260-00280-000	\$ 6,111.00
1420 7th Avenue South	01-0540-00740-000	\$ 4,400.00
1035 University Drive North	01-0440-01840-000	\$10,900.00
1322 9th Avenue South	01-0540-00410-000	\$10,300.00
1917 16th Street South	01-0163-02930-000	\$ 7,464.50
424 10th Avenue South	01-4100-01000-000	\$10,900.00
350 20th Street North	01-3300-01830-000	\$ 7,625.00
1328 7th Avenue South	01-0540-00190-000	\$10,500.00
1101 9th Avenue North	01-1140-00510-000	\$ 8,408.00

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 14, 2017, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office  
(July 24 & July 31, 2017- Legals)

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4001

NOTICE OF HEARING  
FOR SPECIAL ASSESSMENT OF  
NUISANCE ABATEMENT FEES

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Nuisance Abatement fees, provided in the list below, on Monday, August 14, 2017, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment
3702 Dorthea	01-6980-00530-000	1,750.00
6159 Martens Way	01-5720-00430-000	750.00
6238 Martens Way	01-5720-01580-000	750.00
6296 14th Street South	01-5720-01330-000	1,250.00
4239 39 1/2 Ave South	01-6600-00711-000	250.00
4332 39th Ave South	01-6600-00523-000	750.00
1964 54th Ave South	01-1060-00800-000	150.00
1224 10th Street South	01-0780-01580-000	2,600.00
1002 27th Street North	01-0480-01170-000	1,100.00
1501 14th Street South	01-2040-03910-000	1,000.00
806 16th Street South	01-0560-01140-000	1,404.00
1221 9th Avenue North	01-2900-00010-000	750.00
1432 6th Avenue South	01-0540-00650-000	1,350.00
1306 3rd Avenue South	01-0700-01940-000	750.00
1710 1st Avenue South	01-0060-00130-000	225.00
734 3rd Street North	01-0580-00190-000	225.00
1038 3rd Street North	01-1160-02290-000	2,750.00
1338 7th Avenue South	01-0540-00220-000	1,400.00
617 9th Avenue North	01-0620-00070-000	1,120.00
730 20th Street North	01-0100-02090-000	1,550.00
1620 8th Ave South	01-0560-01430-000	1,800.00
1642 4th St North	01-2100-01140-000	2,000.00
1642 Broadway	01-0380-03150-000	750.00
711 9th Street North	01-1120-00160-000	1,350.00
1701 Park Blvd South	01-2840-01210-000	78.39
32 Birch Lane South	01-2330-00440-000	78.39
1124 10th St South	01-0780-00690-000	78.39
1645 1st St N	01-1890-00600-000	389.45
320 22nd St S	01-0740-01790-000	196.04
2402 N Broadway	01-3060-00040-000	357.35
1205 University Dr S	01-0020-01650-000	197.92
6125 24th St S	01-6350-00580-000	523.10
700 College St N	01-1620-00130-000	193.41
1309 6th Ave S	01-0700-02810-000	163.56
2313 5th Ave S	01-0740-02590-000	245.28
4920 Spencer Lane S	01-8440-01450-000	280.08
813 7th Ave N	01-1120-00040-000	84.04
322 20th St N	01-3300-01900-000	305.86

1964 54th Ave S	01-1060-00800-000	138.16
5822 56th Ave S	01-8449-04080-000	193.41
1806 13th Ave S	01-1240-00140-000	136.28
1033 5th St N	01-1160-02360-000	136.28
1601 5th Ave S	01-0340-00510-000	245.28

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 14, 2017, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office  
(July 24 & July 31, 2017 - Legals)

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41

**MEMORANDUM**

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TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor **JS**

SUBJECT: Business Improvement District (BID) Renewal

DATE: August 9, 2017

In 2012, the Downtown Community Partnership (DCP) presented the concept of a Business Improvement District (BID) to provide for Safety, Cleaning, Maintenance and Beautification/Promotion in the downtown core, from the Red River to University from 1<sup>st</sup> Avenue South to 7<sup>th</sup> Avenue North. The original term of the BID assessment was for 5 years and encompassed five tiers with various levels of services provided. The original BID expires in December 2017 and the DCP has been working on the renewal of the BID.

The proposed BID renewal will expand zone one a half block east off Broadway and extend zone two along Main Avenue to include 8<sup>th</sup> Street South. The assessment continues to be partially based on value and partially based on square footage. The BID advisory team met with any property owner who's assessment increased by more than \$1,000, in addition four open public meetings have been held to allow conversation regarding the BID assessment, levels of service and the memorandum of understanding between the BID and the City. The proposed renewal is a 3 year BID assessment.

On March 27, 2017, the City Commission passed the Creation Resolution. Presented today are; a Report of Costs detailing the Nature, Purpose and Feasibility of the project, a Resolution accepting the Plans and Specifications including an MOU between the BID and the City and the Resolution of Necessity.

**Recommended Motion:**

**Move to approve the Report of Costs, Resolution Accepting the Plans and Specifications and related Memorandum of Understanding and the Resolution Declaring the Downtown Business Improvement District Necessary.**

REPORT OF COSTS  
BUSINESS IMPROVEMENT DISTRICT  
IMPROVEMENT DISTRICT NO. 9117

**NATURE**

The purpose of the Business Improvement District (BID) is to provide for Cleaning, Safety, Maintenance and Promotion/Beautification of the Downtown Business District consisting of an area from the Red River to University Drive and from 1<sup>st</sup> Avenue South to 9<sup>th</sup> Street North.

**PURPOSE**

The goal is to provide added benefits to the property owners increasing the visibility and viability of Downtown through the Clean, Safe, Maintain, Promote/Beautify moto.

**FEASABILITY**

The estimated cost of the Business Improvement District is approximately \$340,000. The cost breakdown is as follows:

Clean	\$ 138,820
Safe	\$ 64,200
Maintain	\$ 28,330
Promote/Beautify	\$ 68,650
Administration	<u>\$ 40,000</u>
Total Estimated Cost (100% Assessed)	<u>\$ 340,000</u>

We believe this project to be cost effective



Steven Sprague

City Auditor

**RESOLUTION DECLARING  
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT  
NECESSARY  
IMPROVEMENT DISTRICT NO. 9117**

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

That it be and is hereby declared necessary to create Downtown Business Improvement District, Improvement District No. 9117 in the City of Fargo, North Dakota, according to the Auditor'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 amount proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Downtown Business Improvement District 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.

**CERTIFICATE**

**STATE OF NORTH DAKOTA**            )  
  ) ss.  
**COUNTY OF CASS**                    )

I, Steven Sprague, the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the Board of City Commissioners of the City of Fargo at the Regular Meeting of the Board held on Monday, August 14, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of Fargo, North Dakota, this 14<sup>th</sup> day of August 2017.

40-22.1-05  
40-22.1-07

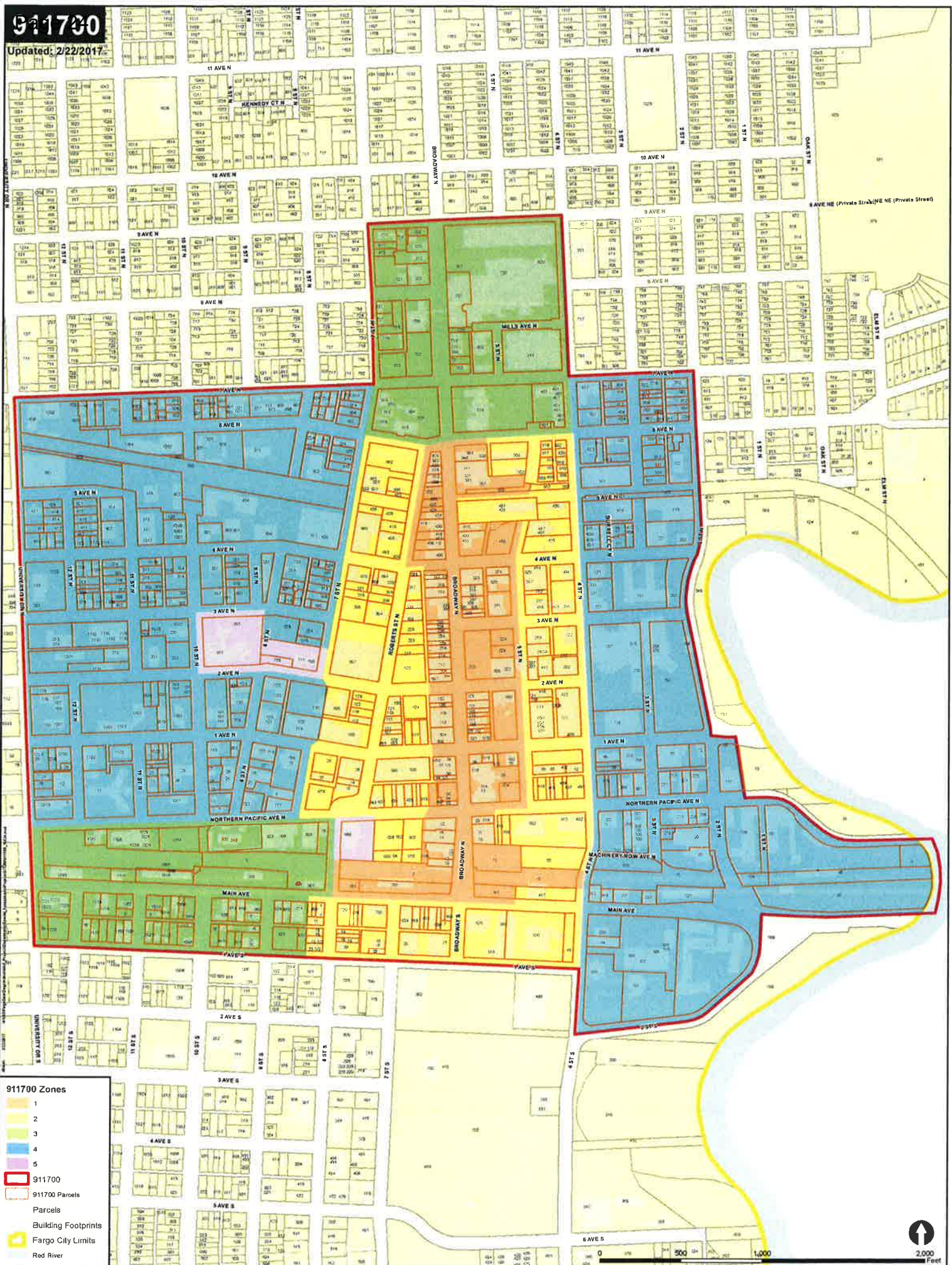
  
Steven Sprague  
City Auditor

(SEAL)

(August 14 and 21, 2017)

911730

Updated: 2/22/2017



**911700 Zones**

- 1
- 2
- 3
- 4
- 5

**911700**

911700 Parcels

Parcels

Building Footprints

Fargo City Limits

Red River





**RESOLUTION ACCEPTING  
DOWNTOWN BUSINESS IMPROVEMENT DISTRICTS  
PLANS AND SPECIFICATIONS**

WHEREAS, the Downtown Community Partnership has made a proposal to the City for creation of a business improvement project under Chapter 40-22.1 of the North Dakota Century Code (“Special Assessments for Promotion of Business Activity”) and the City, by action of the Board of City Commissioners, has taken steps to create Business Improvement District Number 9117; and

WHEREAS, Chapter 40-22.1-05 of the North Dakota Century Code requires approval of the detailed plans and specifications of the business improvement district by the governing body of the municipality.

NOW THEREFORE, the plans and specifications attached hereto are approved as filed with the Board of City Commissioners of the City of Fargo.

**CERTIFICATE**

**STATE OF NORTH DAKOTA )**

**) ss.**

**COUNTY OF CASS )**

I, Steven Sprague, the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the board of City Commissioners of the city of Fargo at the Regular Meeting of the Board held on Monday, August 14, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fargo, North Dakota, this 14th Day of August 2017.



Steven Sprague

City Auditor

(Seal)



**DRAFT 170803**

# **PLANS & SPECIFICATIONS**

**January 1, 2018 – December 31, 2020**

## **Mission Statement**

The Downtown Community Partnership Business Improvement District works to improve and enhance the overall attractiveness and appeal of Downtown Fargo. This is done by making sure our downtown is clean, safe, maintained and properly promoted.

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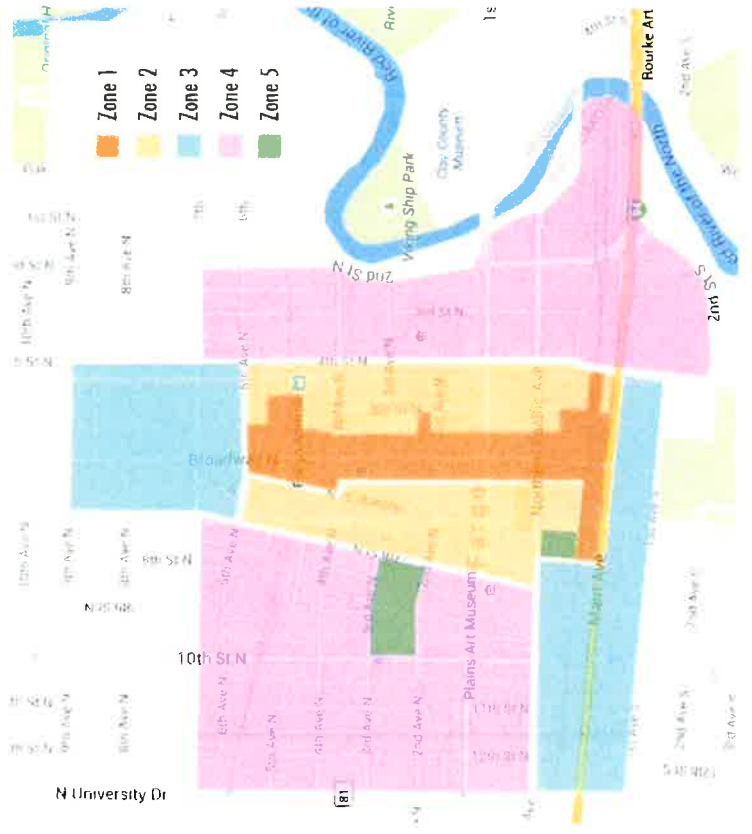
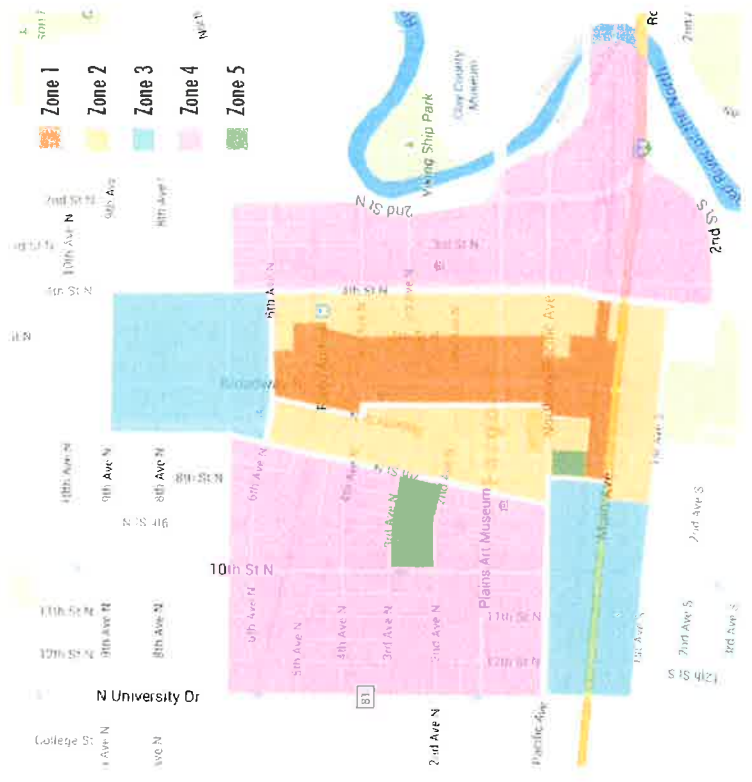
**Specifications Zone 3..... Page | 13**

**Specifications Zone 4..... Page | 16**

**Specifications Zone 5..... Page | 19**

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# Proposed Downtown Fargo Business Improvement District (BID) Zones



2013-2017

2018-2020

# Business Improvement District (BID) Specifications – Zone 1

## CLEAN

## RESPONSIBILITY

	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Power Washing	Annual pressure washing using heated power washer of ROW sidewalk services on Broadway completed by annual Street Fair. Proper filtration device for storm sewer will be used. No bleach used.	1x	\$3,500	\$3,500			
Spot Power Washing	Incidental cleanup from May to Oct. Pressure washing using heated power washer of sidewalk surfaces in ROW to manage spills or other incidents. Proper filtration device for storm sewer will be used. No bleach used.	12x	\$250	\$3,000			
Vacuuming	Use of Billy Goat Vacuums from Apr. to Oct. to remove waste from public sidewalks and street gutters. This will be done four times per week using two machines.	224x	\$40	\$8,960			
Graffiti/Sticker Removal	Daily monitoring of graffiti. Removal of stickers or tagged symbols within public right of way (ROW).	360x	\$54	\$19,440			
Litter Management/Incidental Cleaning	Daily monitoring of litter and incidentals. When needed removal/scrubbing of bodily fluids and other waste.	360x	\$54	\$19,440			
Weed Control	Abatement of weeds specifically targeting planter beds three times annually in Apr. Jun. and Aug.	3x	\$1,400	\$4,200			
Wipe Downs	Daily monitoring. When necessary, wipe down and clean streetscape amenities including benches, trash cans, corrals, recycling cans, bicycle racks and other items legally placed in the public ROW.	360x	\$14	\$5,040			
Cigarette Butt Waste Dispensers	Service waste dispensers, collect debris and send to TerraCycle for recycling once per month.	52x	\$30	\$1,560			
Trash Can Management	The BID will service 33 trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately. Servicing of Zone 1 trash cans paid for by the City of Fargo.	33 cans	\$432	0	\$14,260		Public Works
Waste Dumpsters	Will be used by cleaning ambassadors and placed at two locations identified by the BID. The City will provide weekly collection.	2x	\$5,040	0	\$10,080		Solid Waste

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Recycling	The BID will provide weekly collection of downtown recycling bins, paid for by the City of Fargo	12 cans	\$432	0	\$5,184		Solid Waste
Acquisition/Installation of Additional Trash cans	Trash cans will be placed in expanded Zone 1 and be similar in design to current Broadway canisters. Trash cans will be serviced by the BID	6 cans	\$1,500	0	\$9,000		Public Works
Additional Trash Can Management for 6 cans if expansion occurs in zone 1	The BID will service 6 additional trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately. Servicing of Zone 1 trash cans paid for by the City of Fargo.	6 cans	\$432	0	\$2,595		Public Works
Street Sweeping	During warm weather months, the City will frequently sweep the streets. Frequency reports will be provided to the BID.			0	Baseline Service		Public Works
Special Event Clean-Up	The City of Fargo will update special event permits (parades, 5k runs, etc.) specifically concentrating on post-event clean-up. This would include coordination with the BID and Public Works to ensure proper clean-up after each special event.			0	Baseline Service		Traffic Engineering
			<b>SUBTOTAL</b>	<b>\$65,140</b>	<b>\$41,119</b>		

**SAFE**

**RESPONSIBILITY**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	360x	\$46	\$16,560			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, bicycling on sidewalks, public intoxication and snow/ice management.	360x	\$4	\$1,440			
Bump Outs Snow/Ice Management	Manage snow and ice removal at the pedestrian corners along the Broadway from NP Avenue to Sixth Avenue North. This will be done from Oct. to Mar.	24x	\$400	\$9,600			
Snow/Ice Management of Railroad Pedestrian	The BID shall maintain and care for snow/ice management of the pedestrian crossings along	2x	\$2,000		\$4,000		Public Works

Crossings	the north and south tracks of Broadway, paid for by the City of Fargo.									Public Works
Snow/Ice Management of Roadway	The City is responsible for the snow/ice management of the road surfaces of downtown streets								Baseline Service	Public Works
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There will be a DRO assigned to a day shift and an evening shift.								Baseline Service	Police Department
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per City of Fargo policy.							X		Public Works Code Enforcement
									<b>\$27,600</b>	
									<b>\$4,000</b>	
									<b>SUBTOTAL</b>	

**RESPONSIBILITY**

**MAINTAINED**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Streetscape Maintenance/Minor Repairs	Maintenance and minor repairs to amenities including benches, trash cans, publication corrals and fencing that are part of the original Broadway streetscape.	12x	\$400	\$9,800			Public Works
Bump Out Paver Bricks	Maintenance of loose paver bricks and installation of replacement bricks in the pedestrian bump out areas of Broadway from NP Avenue to Sixth Avenue North.	24x	\$45	\$1,080			Engineering
Planter Bed Maintenance	Maintenance of the interior sections of the planter beds. This would include proper mulching, weed control, irrigation maintenance, and transplanting when needed. This does not include exterior curbing of the beds.	28x	\$150	\$9,200			Forestry
Maintenance of Directory Signs	When needed, the BID will update 13 directory signs.	1x	\$500	\$1,010			Planning (can help to produce maps, etc.)
Water Usage	The City shall reimburse BID cost of water, not to exceed \$2,000, for services such as irrigation and pressure washing.	1x	\$2,000		\$2,000		Auditors
Planter Bed	The City will provide funding for replacement	30x	\$15		\$450		Forestry

Replacement	plants (when needed) for Broadway planter beds.					Baseline Service		Planning
News Publication Rack Ordinance	The City of Fargo will study the ordinance on portable plastic publication boxes. They will work together with the BID to provide possible ordinance updates with the goal of managing the placement of the publication boxes in order to keep them from infringing on the ROW within the BID. To provide a uniform look for news/publication boxes, the ordinance will aim to set design standards that the private owner will have to comply with.							
Street and Curb Maintenance	The City is responsible for the maintenance of street and curb surfaces including curb that are exterior to Broadway planter boxes.					Baseline Service		Public Works
Street Pavers	The City is responsible for the maintenance and replacement of decorative street pavers that are part of the original Broadway streetscape including those at intersections.					Baseline Service		Engineering
Damaged Sign Poles	In the event a sign pole is damaged or bent, the City is responsible for fixing or straightening the pole.					Baseline Service		Engineering
Broadway Mosaic Replacement	In the event a mosaic insert is damaged beyond replacement, the City is responsible for the replacement.					Baseline Service		Planning & Engineering*
Broadway Column Replacement	In the event a brick column is damaged or deteriorated beyond replacement, the City is responsible for the replacement.					Baseline Service		Planning & Engineering*
ADA Truncated Dome Pads	In the event an ADA Truncated Dome Pad is in need of replacement, the City is responsible for the replacement. All replacement pads will be brick red.					Baseline Service		
Public Art	The BID is not responsible for any current or future public art placed in the Broadway ROW. Creators of such pieces must follow City of Fargo policy.						X	Planning - Arts & Culture Commission
Brick Red Band	In the event the red brick band along the original Broadway Streetscape becomes damaged or is a trip hazard, it becomes the responsibility of the property owner to repair per City of Fargo policy. The repairs shall be completed with the intent to preserve the original design of the streetscape.						X	Engineering
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of the property owner to repair as per City of Fargo policy. It is requested that any repairs or replacement is done with the intent to preserve						X	Engineering





# Business Improvement District (BID) Specifications – Zone 2

## CLEAN

### RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Vacuuming	Use of Billy Goat Vacuums to remove waste from public sidewalks and street gutters. This will be done three times per week using two machines.	168x	\$40	\$6,720			
Graffiti/Sticker Removal	Removal of stickers or tagged symbols within public right of way (ROW).	360x	\$54	\$19,440			
Litter Management/Incidental Cleaning	Removal/scrubbing of bodily fluids and other waste.	360x	\$54	\$19,440			
Trash Can Management	The BID will service 18 trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately, paid for by the City of Fargo.	18 cans	\$432		\$7,780		Public Works
Street Sweeping	During warm weather months, the City will frequently sweep the streets. Frequency reports will be provided to the BID.				Baseline Service		Public Works
			<b>SUBTOTAL</b>	<b>\$45,600</b>	<b>\$7,780</b>		

## SAFE

### RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	360x	\$46	\$16,560			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, public intoxication and snow/ice management.	360x	\$4	\$1,440			

Snow/Ice Management of Railroad Pedestrian Crossings	The BID shall maintain and care for snow/ice management of the pedestrian crossings along the north and south tracks at 4 <sup>th</sup> Street North and south tracks at 8 <sup>th</sup> Street South, paid for by the City of Fargo.	4x	\$2,000		\$8,000	Public Works
Snow/Ice Management of Roadway	The City is responsibility for the snow/ice management of the road surfaces of downtown streets				Baseline Service	Public Works
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There will be a DRO assigned to a day shift and an evening shift.				Baseline Service	Police Department
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per City of Fargo policy.				X	Public Works Code Enforcement
			<b>SUBTOTAL</b>	<b>\$18,000</b>	<b>\$8,000</b>	

**MAINTAINED**

**RESPONSIBILITY**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Streetscape Amenities Maintenance/Minor Repairs	Maintenance and minor repairs to amenities such as trash cans.	4x	\$400	\$5,600			Public Works
Planter Bed Maintenance	Maintenance of the interior sections of the planter beds. This would include proper mulching, weed control, irrigation maintenance, and transplanting when needed. This does not include exterior curbing of the beds.	4x	\$150	\$1,600			Forestry
Maintenance of Directory Signs	When needed, the BID will update directory signs. One directory sign.	1x	\$40	\$40			Planning (can help produce maps, etc.) Public Works
Street and Curb Maintenance	The City is responsible for the maintenance of street and curb surfaces including curb that are exterior to planter boxes.				Baseline Service		Public Works
Damaged Sign Poles	In an event a sign pole is damaged or bent, the City is responsible for fixing or straightening the pole.				Baseline Service		Engineering
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of the property owner to repair as per City of Fargo policy. It is requested that any repairs or					X	Engineering



# Business Improvement District (BID) Specifications – Zone 3

## CLEAN

### RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owners	City Department to Contact with Questions
Graffiti/Sticker Removal	Done twice per week, removal of stickers or tagged symbols within public right of way (ROW).	104x	\$54	\$5,616			
Litter Management/Incidental Cleaning	Done twice per week, removal/scrubbing of bodily fluids, glass and large debris.	104x	\$54	\$5,616			
Trash Can Management	The BID will service 1 trash can. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately.	1 can	\$432		\$432		Public Works
Street Sweeping	During warm weather months, the City will frequently clean the streets. Frequency reports will be provided to the BID.				Baseline Service		Public Works
			<b>SUBTOTAL</b>	<b>\$11,232</b>	<b>\$432</b>		

## SAFE

### RESPONSIBILITY

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	152x	\$46	\$6,992			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, public intoxication and snow/ice management.	152x	\$4	\$608			
Snow/Ice Management of Roadway	The City is responsible for the snow/ice management of the road surfaces of downtown streets				Baseline Service		Public Works
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There				Baseline Service		Police Department



# Business Improvement District (BID) Specifications – Zone 4

**RESPONSIBILITY**

**CLEAN**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Graffiti/Sticker Removal	Done three times a week, removal of stickers or tagged symbols within public right of way (ROW).	156x	\$54	\$8,424			
Litter Management/Incidental Cleaning	Done three times a week, removal/scrubbing of bodily fluids, glass and large debris.	156x	\$54	\$8,424			
Trash Can Management	The BID will service 2 trash cans. From Nov. to May, at least twice a week. From Jun. to Oct., at least three times per week. Overflowing cans will be serviced immediately.	2 cans	\$432		\$864		Public Works
Street Cleaning	During warm weather months, the City will frequently clean the streets. Frequency reports will be provided to the BID.				Baseline Service		Public Works
			<b>SUBTOTAL</b>	<b>\$16,848</b>	<b>\$864</b>		

**RESPONSIBILITY**

**SAFE**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Safety Ambassadors	On-street hospitality services provided daily from 8 am to 3 pm available to assist downtown patrons in answering questions/directions/inquiries. Also provide extra presence on weekends to monitor street activities notifying public safety authorities when necessary.	220x	\$46	\$10,120			
Ordinance Enforcement	Notifying downtown patrons when city ordinances are not being followed. These may include, but are not limited to panhandling, public intoxication and snow/ice management.	220x	\$4	\$880			
Snow/Ice Management	The City is responsible for the snow/ice				Baseline		Public Works

of Roadway	management of the road surfaces of downtown streets	Service					
Downtown Resource Officers	The City shall maintain at least two full-time Fargo Police Downtown Resource Officers (DROs). There will be a DRO assigned to a day shift and an evening shift.	Baseline Service					Police Department
Snow/Ice Management of Sidewalks	Property owners are responsible for the snow and ice management of the public sidewalk surfaces as per say City of Fargo policy.		X				Public Works Code Enforcement
		<b>SUBTOTAL</b>	<b>\$11,000</b>				
			<b>\$0</b>				

**MAINTAINED**

**RESPONSIBILITY**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Damaged Sign Poles	In the event a sign pole is damaged or bent, the City is responsible for fixing or straightening the pole.				Baseline Service		Engineering
Landscaping	The City is responsible for maintaining installed landscaping along flood walls.				Baseline Service		Forestry
Sidewalk	In the event a sidewalk becomes worn, broken or becomes a trip hazard, it's the responsibility of the property owner to repair as per City of Fargo policy.					X	Engineering
			<b>SUBTOTAL</b>	<b>\$0</b>	<b>\$0</b>		

**PROMOTE/BEAUTIFY**

**RESPONSIBILITY**

Service	Description	Unit(s)	Estimated Unit Cost	Estimated BID Annual Subtotal	Estimated City Annual Subtotal	Property Owner	City Department to Contact with Questions
Future Winter Lights	Installation maintenance and removal of commercial grade cool white swags. Installation by second Thursday in November and removal around March 15	1x	\$10,792	\$10,792			Forestry & Public Works
Downtown Entrance Banners	Installation of seasonal banners to select light poles within the downtown Zone 4 area to be completed within 3 years. Banner brackets and banner materials will be wind resistant.	30x	\$100	\$3,000			Engineering



Tree Pruning/Replacement	The BID will monitor and notify the City of Fargo's Forestry Division when trees need to be pruned or replaced.								Forestry
		<b>SUBTOTAL</b>	<b>\$13,792</b>	<b>\$0</b>					

	<b>ZONE 4</b>	<b>TOTALS</b>	<b>BID</b>	<b>CITY Request</b>
			<b>\$41,640</b>	<b>\$864</b>

## Business Improvement District (BID) Specifications – Zone 5

**RESPONSIBILITY**

Exempted – North Dakota State University (NDSU) Properties

	<b>ZONE 5</b>	<b>TOTALS</b>	<b>BID</b>	<b>CITY Request</b>	<b>Property Owner</b>	<b>City Department to Contact with Questions</b>
			<b>\$0</b>	<b>\$0</b>		

# Report of Costs

## Zone 1

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	\$65,140	\$41,119
Safe	\$27,600	\$4,000
Maintained	\$21,090	\$2,450
Promote/Beautify	\$31,762	\$0
<b>TOTAL</b>	<b>\$145,592</b>	<b>\$56,694</b>

## Zone 2

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	\$45,600	\$7,780
Safe	\$18,000	\$8,000
Maintained	\$7,240	\$0
Promote/Beautify	\$15,432	\$0
<b>TOTAL</b>	<b>\$86,272</b>	<b>\$15,780</b>

## Zone 3

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	\$11,232	\$432
Safe	\$7,600	\$0
Maintained	\$0	\$0
Promote/Beautify	\$7,664	\$0
<b>TOTAL</b>	<b>\$26,496</b>	<b>\$432</b>

## Zone 4

Category	BID Estimated Annual Costs	City Estimated Annual Costs
Clean	\$16,848	\$864
Safe	\$11,000	\$0
Maintained	\$0	\$0
Promote/Beautify	\$13,792	\$0

<b>TOTAL</b>	<b>\$41,640</b>	<b>\$864</b>
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**Zone 5**

<b>Category</b>	<b>BID Estimated Annual Costs</b>	<b>City Estimated Annual Costs</b>
Clean	\$0	\$0
Safe	\$0	\$0
Maintained	\$0	\$0
Promote/Beautify	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>

<b>SUBTOTAL ZONE 1 THRU 5 COSTS</b>	<b>\$300,000</b>	<b>\$64,645</b>
<b>BID ADMINISTRATION COST</b>	<b>\$40,000</b>	<b>\$0</b>
<b>ESTIMATED GRAND TOTALS</b>	<b>\$340,000</b>	<b>\$64,645</b>

This document is subject to change per the requirements and development of Downtown Fargo.

The BID will report appropriate issues through the FargoOne application and follow-up with applicable departments when necessary.

\*Some components of the plans and specs are not standard city policy. BID and City of Fargo will coordinate these items as documented in the communications procedures set forth. The communications procedures are a set of guidelines for coordinating new policies and operations that are not currently established at the City of Fargo and that are known to likely come forward as topics of interest for downtown operations.

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY**



**DATE: AUGUST 9, 2017**

**SUBJECT: ARTS AND CULTURE COMMISSION APPOINTMENT**

Cassandra Miller, who serves on the Arts and Culture Commission, has moved out of the area and is therefore unable to serve on the Commission. Her term would have expired on June 1, 2018.

My recommendation is to appoint Jon Offutt to fill the vacancy created by Ms. Miller. A web application for Mr. Offutt is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the appointment of Jon Offutt to the Arts and Culture Commission to fill the unexpired term of Cassandra Miller for a term ending June 1, 2018.

mmappt17accoffutt

## **Kember Anderson**

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**From:** webmaster@cityoffargo.com  
**Sent:** Thursday, December 04, 2014 1:52 PM  
**To:** Sharon Odegaard - DISABLED 3/21/16 RPE  
**Subject:** Commission Application

**Name:** Jon B. Offutt  
**Address:** 4824 12th St. S.,  
**City:** Fargo  
**State:** ND  
**Zip:** 58104  
**Work phone:** 7012983936  
**Home phone:** 7012983936  
**Email:** Mulciberglass@hotmail.com

### **Which boards or commissions would you like to be considered for?**

Arts and Culture commission

### **Briefly state why you would like to be on this panel:**

To offer an artist's perspective.

### **How many hours per month could you volunteer as a panel member?**

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### **Please list any past experience you have with city government here or in other cities:**

Past President of the Lake Aggasiz Arts Council.

### **Please describe any professional experience you have related to the responsibilities of the panel you are interested in:**

I have a Masters of Fine Arts Degree and am the director of the Fargo Moorhead Visual Artists Studio Crawl.


### **Resume:**

Jon B. Offutt Glassblower/Arts Advocate 4824 South Twelfth Street 701-298-3936 Fargo, ND 58104  
mulciberglass@hotmail.com Education 1996 Southern Illinois University, Carbondale Illinois M.F.A., Glass Program, College of Art and Design 1991 Moorhead State University, Moorhead Minnesota B.A., Studio Art with Concentration in Glass and Ceramics Glass Experience 1999-present Owner/Operator, House of Mulciber Glass Studio, Fargo North Dakota 2006-present Partner, Art Connection Gallery, Fargo North Dakota 2010 Renovated Building and Constructed New Glass Studio, Fargo North Dakota 2002-2009 Demonstrating Artist, House of Mulciber Mobile Glass Studio 2001-2002 Outreach Facilitator, NDSU, Fargo North Dakota 2000 Student with Michael Schunke, Penland School of Crafts, Penland North Carolina 1996-1998 Instructor/Studio Coordinator, Glass Program, MSUM, Moorhead Minnesota 1997 Resident, Smokey Hills Artisan Community, Osage Minnesota 1996 Studio Assistant to Flo Perkins, Penland School of Crafts, Penland North Carolina 1995-1996 Shop Steward, Studio Instructor, Glass Program, SIU, Carbondale Illinois Professional Affiliations 2007-present Executive Director, FM Visual Artists Studio Crawl 2005-present Partnership Formation Committee, Fargo Public Schools/Plains Art Museum 2009-2011 Founding Board Member, Arts North Dakota 2002-2008 Editorial Board, Art Forum Newspaper 2005-2008 Mayor, New Bohemia Virtual Arts Community, ND 2002-2006 Executive Board Member, Past President, Lake Agassiz Arts Council 2003-2006 Founding Board Member, FM Visual Artists 2004-2006 Chair, FM Visual Artists Studio Crawl Committee Selected Professional Engagements and

Awards 2011 Best of Show, Artists of the Plains Exhibit, Sioux Falls, SD 2010 Second Medal Award, 51st Midwestern Exhibit, Rourke Art Museum 2010 Best of Show, Pekin Art Exhibit, Pekin, North Dakota 2009 Commission for Permanent Public Art Installation, Fargo Public Library 2008 Inductee, Fargo North High School Alumni Hall of Fame, Fargo ND 2007 First Medal Award, 48th Midwestern Exhibit, Rourke Art Museum 2005-2007 Organizer/Presenter, New Bohemia, ND Conference, Rugby, North Dakota 2006 Individual Arts Advocate Award, Lake Agassiz Arts Council 2006 Individual Artist Fellowship, North Dakota Council on the Arts 2005 Extension Service Community Building Initiative, five locations in North Dakota 1999-2008 Tour Destination, High School Career Exploration Day 2005 Juror, Nelson County Regional Art Exhibit, Pekin North Dakota Selected Solo Exhibitions 2010 "Dakota Horizons" Center for Western Studies, Sioux Falls South Dakota 2010 "Vessels and Landscapes" Edge Center for the Arts, Bigfork Minnesota 2009 "Texture and Transparency" Taube Art Museum, Minot North Dakota 2008 "Recent Vessels" Jamestown Fine Arts Center, Jamestown North Dakota 2008 "Surface and Scale" Third Street Gallery on Kittson, Grand Forks North Dakota 2005 "The Cutting Edge" Alamance County Arts Council, Graham North Carolina "Alchemy" Creative Arts Studio, Fargo North Dakota "Vessels; Fantastic Glass" Rourke Art Museum, Moorhead Minnesota 2004 "New Forms" Atomic Coffee, Moorhead Minnesota "Exploring Surface" Jaques Art Center, Aitkin Minnesota "Recent Forms" Dakota Hospital, Fargo North Dakota 2003 "Enjoy Breathing" Creative Arts Studio, Fargo North Dakota 2002 "Recent Work" Governor's Offices, Bismarck North Dakota Selected Collections Plains Art Museum, Fargo North Dakota Rourke Art Museum, Moorhead Minnesota Alamance County Arts Council, Graham North Carolina Polk Museum of Art, Lakeland Florida Art Museum of Southeast Texas, Beaumont Texas Kentucky Art and Craft Foundation, Louisville Kentucky Southern Illinois University, Carbondale Illinois City of Fargo North Dakota State of North Dakota Hotel Donaldson, Fargo North Dakota Selected Outreach In 2001, North Dakota State University contracted me to build a mobile glassblowing studio as an outreach project. Since then, I have traveled with the unit to do more than seventy multi-day demonstration engagements, including the following: Extension Service Community Building Initiative, five locations in North Dakota Youth Educational Services, Moorhead Minnesota South Dakota Art Museum, Brookings South Dakota Pekin Days, Pekin North Dakota Mississippi River Festival, Grand Rapids Minnesota Minot Arts Festival, Minot North Dakota Alamance County Arts Council, Graham North Carolina Becker County Historical Society, Detroit Lakes Minnesota Lisbon Public Schools, Lisbon North Dakota Farm Fire, Fargo Parks, Fargo North Dakota Art Street Festival, Green Bay Wisconsin A Capital Affair, Bismarck North Dakota New Bohemia Educational Conference, Rugby North Dakota Brookings Arts Festival, Brookings South Dakota Pelican Rapids Public Schools, Pelican Rapids Minnesota Perham Public Schools, Perham Minnesota Becker Public Schools, Becker Minnesota

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**TO: BOARD OF CITY COMMISSIONERS**

**FROM: KENT COSTIN, DIRECTOR OF FINANCE** 

**RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL**

**DATE: August 10, 2017**

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for July 2017.

**Suggested Motion:**

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$25,546.

August 10, 2017

Garland Erbele, P.E.  
 North Dakota State Water Commission  
 900 East Boulevard Avenue, Dept 770  
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #49 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from July 1, 2017 to July 31, 2017. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$25,546.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$166,375,004	<b>\$51,093</b>	50%	<b>\$25,546</b>	<b>\$144,099,450</b>

**Project Narrative, this request:**

Project Number	Project Description
V02411	Residential relocation assistance for homeowners that will be displaced by the O/H/B ring levee project
V03801	Pay Application #1 for WP 42E.2E – Schnell Drive & Oxbow Country Club Removals

We certify that \$75,229,082 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,

  
 Kent Costin  
 Director of Finance, City of Fargo  
 Metro Flood Diversion Authority

**Required Local Approvals:**

\_\_\_\_\_  
 City of Fargo

\_\_\_\_\_  
 Cass County Commission

\_\_\_\_\_  
 Cass County Joint Water Resource Dist.




**FM Metropolitan Area Flood Risk Management Project  
 Summary of Cash Disbursements Eligible for SWC Funding  
 July 2017 - OHB Levee Related Costs**

Account Number	Check Date	Check Number	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	8/3/2017	280022	(4,180.00)	SCHMIDT DR/OXBOW CC DEMO	V03801	DEMO SCHNELL DR & OCC
			<b>(4,180.00)</b>			
790-7930-429.67-11	8/3/2017	279921	6,982.13	FETTES TRANSPORTATION COM	V02411	OXBOW MOU-RESIDENT RLCTN
790-7930-429.67-11	8/3/2017	279921	6,490.60	JEFF AND CATHY ANDERSON	V02411	OXBOW MOU-RESIDENT RLCTN
		<b>Total LERRDS - North Dakota - Residential Buildings</b>	<b>13,472.73</b>			
790-7930-429.73-20	8/3/2017	280022	41,800.00	SCHNELL DR/OXBOW CC DEMO	V03801	DEMO SCHNELL DR & OCC
		<b>Total LERRDS - North Dakota - Site Improvements</b>	<b>41,800.00</b>			
		<b>Total Expense</b>	<b>51,092.73</b>			
		Land - From Local Match Spreadsheet	-			
		<b>Total Expense for Period</b>	<b>51,092.73</b>			

(436)

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: KENT COSTIN, DIRECTOR OF FINANCE** 

**RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL**

**DATE: August 10, 2017**

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

**Suggested Motion:**

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$751,091.

August 10, 2017

Garland Erbele, P.E.  
 North Dakota State Water Commission  
 900 East Boulevard Avenue, Dept 770  
 Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #48 pursuant to the terms and conditions of House Bill 1020 for costs incurred from July 1, 2017 to July 31, 2017 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$751,091.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$165,623,913	<b>\$1,502,182</b>	50%	<b>\$751,091</b>	<b>\$144,124,996</b>

**Project Narrative, this request:**

Project Number	Project Description
V02812	Pay Application #18 for WP 42F.1S 2 <sup>nd</sup> St North Floodwall, South of the Pump Station
V02821	Pay Application #3 for WP42H.2 – Flood Control 2 <sup>nd</sup> St S
V04201	Dust and Traffic Control at Inlet Construction Site
N/A	Land for Diversion Inlet and Phase 1B of Diversion Channel

We certify that \$75,229,082 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in HB 1020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,

  
 Kent Costin  
 Director of Finance, City of Fargo  
 Metro Flood Diversion Authority

**Required Local Approvals:**

\_\_\_\_\_  
City of Fargo

\_\_\_\_\_  
Cass County Commission

\_\_\_\_\_  
Cass County Joint Water Resource Dist.

**FM Metropolitan Area Flood Risk Management Project  
 Summary of Cash Disbursements Eligible for SWC Funding  
 July 2017**


Account Number	Check Date	Check Number	Transaction Amount	Description 1	Project Number	Project Description
790-7950-429-38-99	8/3/2017	279922	5,304.10	CASS COUNTY TREASURER DIVERSION DUST CONTROL	V04201	DUST/TRAFFIC CONTRL-INLET
<b>Total ND Construction - Other Services</b>			<b>5,304.10</b>			
790-7950-429-73-52	7/27/2017	279753	6,905.08	INDUSTRIAL BUILDERS INC 2 ST N FLOODWALL	V02812	2ND ST NORTH FLOODWALL
790-7950-429-73-52	7/27/2017	279753	22,802.93	INDUSTRIAL BUILDERS INC ADJUSTMENT TO COF SHARE OF PROJ	V02812	2ND ST NORTH FLOODWALL
790-7950-429-73-52	8/3/2017	279950	409,829.80	HOUGH INCORPORATED FLOOD CONTROL 2 ST S	V02821	2ND ST S FLOOD CONTROL
<b>Total ND Construction - Flood Control</b>			<b>499,537.81</b>			
<b>Total Expense</b>			<b>444,841.91</b>			
Land - From Local Match Spreadsheet			1,057,340.00			
<b>Total Expense for Period</b>			<b>1,502,181.91</b>			



## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: KENT COSTIN, DIRECTOR OF FINANCE** 

**RE: APPROVAL OF THE 2018 PRELIMINARY BUDGET AND BUDGET HEARINGS SCHEDULE**

**DATE: AUGUST 8, 2017**

The Mayor presented the highlights of the 2018 preliminary budget on July 31, 2017. The preliminary budget books were distributed for your review on Friday, August 4, 2017.

The next step of the budget approval process is to approve the preliminary budget and set the public budget and taxation hearings schedule planned for September 11, 2017 at 6:00 p.m. in the City Commission Chambers.

The notice of budget and taxation hearing will be published in the FORUM as required and individual notices will be sent out to all property owners in conjunction with a consolidate tax hearing notice from Cass County.

**Suggested Motion:**

Approve the 2018 preliminary budget, reducing the property tax mill rate from 53 mills to 51 mills, and setting the date of the public hearings for September 11, 2017.

45  
August 7, 2017

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Honorable Board of City  
Commissioners  
City of Fargo  
Fargo, ND

Re: Improvement District No. PR-17-F1

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, July 26, 2017, for Concrete Pavement Rehabilitation & Incidentals, Improvement District No. PR-17-F1, located at 25th St S from 12th Ave S to 17th Ave S.

The bids were as follows:

Adelman Concrete & Excavation	\$966,078.40
Opp Construction LLC	\$1,028,188.29
Northern Improvement Co.	\$1,497,627.10

Engineer's Estimate	\$1,422,568.50
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The special assessment escrow is not required.

Improvement District No. PR-17-F1 contained a prequalification provision which required the Contractor to have successfully performed and completed one or multiple projects totaling at least 2,000 square yards of full depth concrete spot repairs and 50 square feet of partial-depth repairs in the last five years. The lowest bid, Adelman Concrete & Excavating, provided a list of previous projects, but failed to meet the minimal requirements as outlined. Adelman Concrete & Excavating has experience with concrete placement, but only had approximately 300 square yards of full depth concrete spot repairs and no experience with partial-depth repairs. The second bid, Opp Construction LLC, provided a list of previous projects which successfully met the minimal requirements as outlined. Opp Construction LLC provided acceptable documentation verifying the completion of 2,519.3 square yards of full depth concrete spot repair and 116 square feet of partial-depth repairs.

This office recommends award of the contract to Opp Construction LLC in the amount of \$1,028,188.29 as the lowest and best bid meeting the contractor prequalification provision outlined in the Special Instruction to Bidders. No protests have been received.

Sincerely,

 for Thomas Knakmuhs

Thomas Knakmuhs  
Division Engineer

TAK/klo

Street Lighting  
Sidewalks

Design & Construction  
Traffic Engineering

Truck Regulatory  
Flood Plain Mgmt.

Mapping & GIS  
Utility Locations



**ENGINEER'S STATEMENT OF ESTIMATED COST**  
**IMPROVEMENT DISTRICT # PR-17-F1**  
**Concrete Pavement Rehabilitation and Incidentals**

25th Street S from 12th Ave S to 17th Ave S

WHEREAS, bids have been opened and filed for the above described Improvement District for City of Fargo, North Dakota; and  
 WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE April E. Walker, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

Concrete Pavement Rehabilitation and Incidentals Improvement District # PR-17-F1 of the City of Fargo, North Dakota.

Line Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
<b>Paving</b>				
1 Temp Fence - Safety	LF	500.00	2.00	1,000.00
2 Remove Pavement All Thicknesses All Types	SY	4,982.00	11.10	55,300.20
3 Clean & Seal Concrete Joints	LF	2,800.00	2.80	7,840.00
4 Repair Pavement - Partial Depth Conc	SF	600.00	43.85	26,310.00
5 F&I Curb & Gutter Standard (Type II)	LF	2,788.00	23.70	66,075.60
6 Remove Curb & Gutter	LF	2,243.00	6.50	14,579.50
7 F&I Pavement 10.5" Thick Doweled Conc	SY	4,560.00	79.00	360,240.00
8 F&I Median Nose - Conc	SY	19.20	116.00	2,227.20
9 F&I Sidewalk Curb	LF	62.00	17.80	1,103.60
10 F&I Sidewalk 4" Thick Reinf Conc	SY	94.00	43.35	4,074.90
11 F&I Sidewalk 6" Thick Reinf Conc	SY	254.00	44.50	11,303.00
12 Remove Sidewalk All Thicknesses All Types	SY	957.00	7.50	7,177.50
13 F&I Impressioned 4" Thick Reinf Conc	SY	546.90	79.65	43,560.59
14 F&I Det Warn Panels Cast Iron	SF	231.00	42.00	9,702.00
15 F&I Casting - Inlet	EA	2.00	1,050.00	2,100.00
16 F&I Casting - Std Manhole	EA	2.00	525.00	1,050.00
17 Casting to Grade - w/Conc	EA	11.00	560.00	6,160.00
18 GV Box to Grade - w/Conc	EA	4.00	375.00	1,500.00
19 Repair Pavement - Patch Asph	SY	790.00	49.00	38,710.00
20 Mill / Grind Conc Pvmt	SY	2,200.00	14.60	32,120.00
21 Mulching Type 1 - Hydro	SY	400.00	3.20	1,280.00
22 Seeding Type B	SY	400.00	10.25	4,100.00
23 Inlet Protection - Existing Inlet	EA	18.00	110.00	1,980.00
24 Construction Signing	SF	50.00	10.70	535.00
25 Flagging	MHR	700.00	38.00	26,600.00
26 Traffic Control - Type 2	LS	1.00	55,700.00	55,700.00
			<b>Paving Total</b>	<b>782,329.09</b>
<b>Traffic Signals</b>				
27 Remove Pull Box PVC	EA	4.00	480.00	1,920.00
28 F&I Pull Box PVC	EA	4.00	1,125.00	4,500.00
29 F&I Traffic Signal Interim System	EA	1.00	29,425.00	29,425.00
30 F&I Detection In-Ground Loop	EA	24.00	1,445.00	34,680.00
31 F&I Ped Push Button & Sign	EA	8.00	935.00	7,480.00
32 F&I Ped Push Button Post	EA	8.00	590.00	4,720.00
33 F&I Foundation Type V	EA	2.00	535.00	1,070.00
34 Salvage Signal Standard Type V	EA	3.00	160.00	480.00
35 Install Signal Standard Type V 10' High	EA	3.00	375.00	1,125.00
36 F&I Equipment Fargo Type B Cabinet	EA	1.00	33,500.00	33,500.00
37 F&I Head 4 Sect w/12" LED Post Mtd	EA	2.00	1,470.00	2,940.00
38 F&I Head 4 Sect w/12" LED MA Mtd	EA	2.00	1,250.00	2,500.00





**ENGINEER'S STATEMENT OF ESTIMATED COST**  
**IMPROVEMENT DISTRICT # PR-17-F1**  
**Concrete Pavement Rehabilitation and Incidentals**

39 F&I Conduit 1" Dia	LF	96.00	16.00	1,536.00
40 F&I Conduit 2" Dia	LF	67.00	21.40	1,433.80
42 F&I Signal Cable AWG 14/2	LF	1,712.00	1.28	2,191.36
43 F&I Signal Cable AWG 14/7	LF	272.00	1.98	538.56
44 F&I Signal Cable AWG 14/20	LF	876.00	3.48	3,048.48
45 Fiber Optic Termination	EA	6.00	4,495.00	26,970.00
46 Paint Signal Standard	EA	4.00	3,745.00	14,980.00
<b>Traffic Signals Total</b>				<b>175,038.20</b>

**Pavement Markings**

47 F&I Grooved Plastic Film 4" Wide	LF	600.00	6.50	3,900.00
48 F&I Grooved Plastic Film 6" Wide	LF	1,400.00	10.00	14,000.00
49 F&I Grooved Plastic Film 8" Wide	LF	1,600.00	13.40	21,440.00
50 F&I Grooved Plastic Film 16" Wide	LF	360.00	26.85	9,666.00
51 F&I Grooved Contrast Film 7" Wide	LF	800.00	13.40	10,720.00
52 F&I Grooved Plastic Film Message	SF	300.00	20.45	6,135.00
53 Obliterate Pavement Markings	SF	3,100.00	1.60	4,960.00

**Pavement Markings Total** 70,821.00

**Total Construction in \$** **1,028,188.29**

Engineering	8.34 %	85,750.90
Legal & Misc	3.00 %	30,845.65
Contingencies	10.00 %	102,818.83
Administration	2.81 %	28,892.09
Interest	4.00 %	41,127.53

**Total Estimated Costs** **1,317,623.29**

Traffic Engineering Funds - 101	81,069.00
Street Rehabilitation Funds - 401	220,747.24
Sales Tax Funds - Infrastructure - 420	371,081.00
Special Assessments	644,726.00

**Unfunded Costs** **0.05**

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 08/09/2017

*B. E. D.* for Thomas Knakmuhs

Thomas Knakmuhs  
 Division Engineer

