

FARGO CITY COMMISSION AGENDA  
Tuesday, January 16, 2018 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/streaming](http://www.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. They are also included in the video archive at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, January 2, 2018).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 1st reading of an Ordinance Amending Section 25-1507 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
- 2. 2nd reading, waive reading and final adoption of the following Ordinances:
  - a. Amending Section 35-0102, of Article 35-01 of Chapter 35 of the Fargo Municipal Code Relating to Sale of Tobacco Products.
  - b. Rezoning Certain Parcels of Land Lying in Ohmer's Addition Subdivision of Lots 65 through 68.
  - c. Rezoning Certain Parcels of Land Lying in Ohmer's Addition Subdivision of Lots 65 through 68.
  - d. Amending Section 20-0402.R.1.b of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Screening of Outdoor Storage Areas.
  - e. Amending the Planned Unit Development Use Master Land Use Plan and Final Plan for Certain Parcels of Land Lying in Harwood's Addition.
  - f. Repealing and Re-Establishing a Conditional Overlay District on Certain Parcels of Land Lying in the District of Fargo Third Addition.
  - g. Repealing and Re-Establishing a Conditional Overlay District on Certain Parcels of Land Lying in Blu Water Creek Addition, Blue Water Creek Second Addition and Bentley Square Addition.
- 3. Proposed revision to the Joint Powers Agreement/Metro Area Transit Master Operating Agreement with the City of Moorhead.
- 4. Site authorization for Plains Art Museum at Fargo Billiards and Gastropub.
- 5. Applications for Games of Chance:
  - a. Red River VW Club for a raffle on 7/28/18.
  - b. Benefit for Kristin Erickson for a raffle on 1/20/18; Public Spirited Resolution.
  - c. Catholic Daughters of the Americas Court Sts. Anne and Joachim #2638 for a raffle on 4/14/18.
  - d. El Zagal 57 Director's Staff for a raffle on 9/9/18.
  - e. Muskie's Inc. F-M Chapter for a raffle on 2/8/18.

- f. Saddle and Sirloin for a raffle on 2/10/18.
  - g. Knights of Columbus Council 11930 for a calendar raffle from 5/1/18 to 5/31/18.
  - h. Boosters of North Dakota Elite Dancers "bonded" for a raffle on 2/18/18.
  - i. El Zagal Escort Motor Patrol for a raffle on 5/5/18.
6. Tax exemptions for improvements made to buildings:
- a. Brett and Ashley Johnson, 3017 21st Street South (3 year).
  - b. Mark A. and Cheryl M. Kraft, 2014 25th Avenue South (3 year).
  - c. Gregory B. and Nicole R. Gullickson, 1607 41st Avenue South (3 year).
  - d. Israel Reyes Hernandez and Catherine E. Reyes, 3150 24th Avenue South (3 year).
  - e. Rolinda M. Mix Life Estate, 3095 22nd Street South (3 year).
  - f. Eric L. and Kristy L. Tarnow, 2913 Southgate Drive South (5 year).
  - g. Jeffrey D. and Susan J. Love, 2323 Sundance Circle South (5 year).
  - h. Bryanna L. Johnson, 1534 8th Avenue South (5 year).
  - i. Rachel J. Hauan, 1742 14th Street South (5 year).
  - j. Arthur L. and Betty J. Haugen, 1014 14th Avenue South (5 year).
  - k. Jace M. and Kaitlyn M. Foss, 1254 2nd Street North (5 year).
  - l. MLB Properties ND LLC, 1261 10th Street North (5 year).
  - m. Randy A. and Joan M. Engebretson, 1506 8th Street North (5 year).
7. Sole Source Procurement for the purchase of an Automated License Plate Reader System (SSP18021).
8. Change Orders for the City Hall Project:
- a. No. 17 for an increase of \$6,961.00 for the general contract.
  - b. No. 9 for an increase of \$6,392.00 for the mechanical contract.
9. Adopt Resolution Approving Bentley Place Second Addition.
10. Change Orders for the Roberts Commons Parking Garage:
- a. No. 1 for an increase of \$20,561.92.
  - b. No. 10 for an increase of \$37,599.20.
11. Purchase of Service Agreement with Cass County Social Service Board for in home services to eligible individuals.
12. Direct the City Attorney's Office to work with Fargo Cass Public Health to review and update Article 13-03 and 13-04 regarding control and regulation of food service establishments.
13. Agreement for Services with Whitney Oxendahl to research, coordinate and implement development of two food access "blue print" documents for the Cass Clay Food Commission.
14. First Amendment to the Southside Sewer Agreement with Southeast Cass Water Resource District.
15. Bid award for Project No. WW1708.
16. Cost Share Agreement Annual Arbor Day Tree Planting and Observance with the Fargo Park District.
17. Easement (Permanent Utility) with Northern States Power Company along 19th Avenue North and 7th Avenue North.

18. Amendment No. 4 to the Engineering Services Agreement from Moore Engineering in the amount of \$45,000.00 for Project No. FM-14-50.
19. Bid advertisement for Project No. SR-18-A.
20. Contract and bond for Project No. QN-17-A1.
21. Bills.
22. Contract Amendment No. 1 to Houston Engineering in the amount of \$596,860.00 for Improvement District No. MS-17-A0.
23. Selection of the preferred contract incentive for the 13th Avenue South street construction project (Improvement District No. BR-18-C1).
24. Reimbursement Agreement with Midcontinent Communications Investor, LLC for Improvement District No. PR-18-E1.
25. Contract and bond for Improvement District No. NR-17-A1.

**REGULAR AGENDA:**

26. Recommendations for appointments to the following Boards and Commissions:
  - a. Community Development Committee.
  - b. Metropolitan Council of Governments Policy Board.
27. Public Hearings - 5:15 pm:
  - a. Application filed by Solid Comfort, Inc. for a property tax exemption on a project located at 3949 37th Avenue South, which the applicant will use in the operation of manufacturing wood case goods for the hospitality industry.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. 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 website at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).



**Dr. Timothy J. Mahoney, Mayor**  
Fargo City Hall  
200 3rd Street North  
Fargo, ND 58102  
Office: 701.241.1310 | Fax: 701.476.4136  
[www.FargoND.gov](http://www.FargoND.gov)

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY**

**DATE: JANUARY 8, 2018**

**SUBJECT: APPOINTMENT TO THE COMMUNITY DEVELOPMENT COMMITTEE**

The term of John Q. Paulsen expired on December 31, 2017. Mr. Paulsen is no longer able to serve on the Committee.

I am recommending the appointment of Ken Enockson to serve as a public member on the Community Development Committee for a three-year term ending December 31, 2020. A web application for Mr. Enockson is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** To approve the appointment of Ken Enockson as a public member on the Community Development Committee for a three-year term ending December 31, 2020.

mmapt18cdc

**Kember Anderson**

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**From:** webmaster@cityoffargo.com  
**Sent:** Tuesday, May 23, 2017 3:39 PM  
**To:** Commissions Applications  
**Subject:** Commission Application

**Name:** Ken Enockson  
**Address:** 1202 8th St N  
**City:** Fargo  
**State:** ND  
**Zip:** 58102  
**Work phone:** 701-730-6636  
**Home phone:** 701-235-5133  
**Email:** kenockson@hotmail.com

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

Planning or Community Development

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

As a resident in a core neighborhood and an active member in our neighborhood association. I see firsthand the impact of decisions made by these commissions that can have major impacts on our community. It is important to have a voice on the commission that can speak to the needs and challenges of the core neighborhoods.

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

5-10

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

My experience with local government lies more in ongoing interactions with the City Planning Department, the Mayor's office, City and Planning Commissions and Fargo Public Schools as I and my fellow neighborhood residents advocate for specific policy or decisions made by the City of Fargo or school district. I have been doing this for nearly 20 years.

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

**Resume:**

KEN A. ENOCKSON 1202 8th St N Fargo, ND 58102 701.730.6635 (mobile) 701.235.5133 (home) EDUCATION: Bachelor of Science in Social Studies Education and Political Science, MSU, 1985-90 WORK EXPERIENCE: Team Lead, Nokia/HERE Technologies, Fargo, ND 2010-present Project Leader, NAVTEQ/Nokia, Fargo, ND 2003-2009 Digital Mapping Geocoder/Technical Trainer, NAVTEQ, Fargo, ND 2000-2003 Software Technology Instructor, MicroAge Learning Center, Fargo, ND, 2000 Technical Writing Intern, Great Plains Inc., 1999-2000 Technology Trainer, Technology Learning Center, NDSU, 1998-1999 Graduate Assistant, English Dept. NDSU, 1997-1999 Substitute Teacher, Oregon and North Dakota, 1991-1996 CIVIC/VOLUNTEER EXPERIENCE (Fargo, ND): Roosevelt Neighborhood Association Knollbrook Covenant Church (now Grace Covenant), Fargo ND Roosevelt Horace Mann Elementary merger citizens group Alliance for Neighborhood Schools Fargo Neighborhood Coalition Results (results.org)




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**Dr. Timothy J. Mahoney, Mayor**  
Fargo City Hall  
200 3rd Street North  
Fargo, ND 58102  
Office: 701.241.1310 | Fax: 701.476.4136  
[www.FargoND.gov](http://www.FargoND.gov)

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY** 

**DATE: JANUARY 9, 2018**

**SUBJECT: APPOINTMENTS TO THE METROPOLITAN COUNCIL OF GOVERNMENTS POLICY BOARD**

I have received a communication from Metropolitan Council of Governments Executive Secretary Savanna Leach requesting that the City Commission appoint its representatives to the Metro COG Policy Board for 2018.

I am recommending the following appointments for 2018:

City Commissioner Dave Piepkorn  
City Commissioner John Strand  
City Commissioner Tony Gehrig  
City Commissioner Tony Grindberg  
Planning Commission Chair Shara Fischer  
Planning Commissioner Rocky Schneider  
Planning Commissioner John Gunkelman

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the appointment of members to the Metropolitan Council of Governments Policy Board for calendar year 2018 as outlined above.

mmappt18cog



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January 10, 2018

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Attached is a copy of an application made by Solid Comfort, Inc. for a property tax exemption according to N.D.C.C. Chapter 40-57.1. This application is a request for an expansion to their operation at 3949 37 Ave. S. where the applicant manufactures wood case-goods for the hospitality industry.

Notices to competitors have been published and the Tax Exempt Review Committee has met to consider this application. The application contains information regarding the projected value of the expansion and the nature of the jobs to be created.

The committee feels that this request does meet the necessary criteria to be eligible for this exemption for the expansion portion of the improvements.

**SUGGESTED MOTION:**

**Approval of a 5 year, 100% exemption on the additional project improvements for the expansion for Solid Comfort, Inc. at 3949 37 Ave. S.**

Sincerely,

A handwritten signature in black ink that reads "Ben Hushka". The signature is written in a cursive style with a large, sweeping initial "B".

Ben Hushka  
Tax Exempt Review Committee

RECEIVED

DEC 12 2017

FARGO ASSESSOR

Application For Property Tax Incentives For New or Expanding Businesses

N.D.C.C. Chapter 40-57.1

Project Operator's Application To Fargo / Cass City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator of new or expanding business Solid Comfort, Inc
2. Address of project 3949 37th Ave S (replat of north approx imate3.2 acres)
City Fargo County Cass
3. Mailing address of project operator 3931 37th Ave S
City Fargo State ND Zip 58104
4. Type of ownership of project
[ ] Partnership [x] Subchapter S corporation [ ] Individual proprietorship
[ ] Corporation [ ] Cooperative [ ] Limited liability company
5. Federal Identification No. or Social Security No.
6. North Dakota Sales and Use Tax Permit No. 79103
7. If a corporation, specify the state and date of incorporation ND - March 1981
8. Name and title of individual to contact Rick Laliberte, CFO
Mailing address 3931 37th Ave S

City, State, Zip Fargo, ND

Project Operator's Application For Tax Incentives Phone No. 701-893-4924

9. Indicate the tax incentives applied for and terms. Be specific.
[x] Property Tax Exemption [ ] Payments In Lieu of Taxes
5 Number of years Beginning year Ending year
100% Percent of exemption Amount of annual payments (attach schedule if payments will vary)
10. Which of the following would better describe the project for which this application is being made:
[ ] New business project [x] Expansion of a existing business project



**Description of Project Property**

11. Legal description of project real property

That part of Lot 2, Block 1, Collins Third Subdivision, in the City of Fargo, Cass County, North Dakota (see attached)

12. Will the project property be owned or leased by the project operator?  Owned  Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?

Yes  No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility?  New construction  Existing facility

If existing facility, when was it constructed? \_\_\_\_\_

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application March 2018

b. Description of project to be constructed including size, type and quality of construction  
64,047 s.f.; IIB as listed in 2015 BC; Pre-engineered steel building; poured concrete foundation walls, footings and slab, full cavity insulation, metal liner panel inside, full exterior metal panel, 24 gauge galvalume standing seam roof panel; metal stud interior; sheetrock/metal liner panel interior finish; concrete/asphalt parking lot/loading dock/access paths; landscaping; chain link security fencing.

c. Projected number of construction employees during the project construction +/- 30 w/ subcontracted trades

14. Approximate date of commencement of this project's operations October 2018

15. Estimated market value of the property used for this project:

a. Land..... \$ TBD - Appraisal

b. Existing buildings and structures for which an exemption is claimed..... \$ 0

c. Newly constructed buildings and structures when completed ..... \$ 3,500,000

d. Total..... \$ \_\_\_\_\_

e. Machinery and equipment ..... \$ 0

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) ..... 

b. Eligible existing buildings and structures..... \$ 0

c. Newly constructed buildings and structures when completed..... \$ 175,000

d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ 175,000

e. Enter the consolidated mill rate for the appropriate taxing district ..... 0.29

f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ 50,750.00

**Description of Project Business**

**Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.**

17. Type of business to be engaged in:  Ag processing  Manufacturing  Retailing  
 Wholesaling  Warehousing  Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Project operator is a manufacturer of wood casegoods for the hospitality industry. Product is produced to order based on customer specifications for premier brands such as Marriott (Fairfield Inn, TownePlace Suites and Residence Inn), Hilton (Home2, Hilton Garden Inn and Hampton Inn), Best Western and MyPlace. Products that are manufactured and warehoused prior to shipment include, but are not limited to: headboards, nightstands, dressers, desks, credenzas, vanities, closets and kitchenettes.

19. Indicate the type of machinery and equipment that will be installed

None at this time.

20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.

Year (12 mo. periods)	New/Expansion Project only Year 1	New/Expansion Project only Year 2	New/Expansion Project only Year 3	New/Expansion Project only Year 4	New/Expansion Project only Year 5
Annual revenue	\$2.76 M	\$6.00 M	\$8.67 M	\$11.75 M	\$14.46 M
Annual expense	\$2.54 M	\$5.50 M	\$7.92 M	\$10.69 M	\$13.20 M
Net income	\$0.22 M	\$0.50 M	\$0.75 M	\$1.06 M	\$1.26 M

21. Projected number and salary of persons to be employed by the project for the first five years:

Current positions & positions added the initial year of project

# Current Positions	New Positions Under \$13.00	New Positions \$13.01-\$15.00	New Positions \$15.01-\$20.00	New Positions \$20.01-\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
100			11			

Year	(Before project)	Year 1	Year 2	Year 3	Year 4	Year 5
No. of Employees	(1) 100	111	122	130	140	149
	(2) 0	0	0	0	0	0
Estimated payroll	(1) \$4.40 M	\$4.75 M	\$5.35 M	\$5.74 M	\$6.18 M	\$6.54 M
	(2) 0	0	0	0	0	0

(1) - full time  
(2) - part time

**Previous Business Activity**

22. Is the project operator succeeding someone else in this or a similar business?  Yes  No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?  
 Yes  No

24. Has the project operator or any officers of the project received any prior property tax incentives?  Yes  No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

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**Business Competition**

25. Is any similar business being conducted by other operators in the municipality?  Yes  No

If YES, give name and location of competing business or businesses

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Percentage of Gross Revenue Received Where Underlying Business Has ANY Local Competition %

**Property Tax Liability Disclosure Statement**

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it?  Yes  No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property?  Yes  No

If the answer to 26 or 27 is Yes, list and explain

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**Use Only When Reapplying**

28. The project operator is reapplying for property tax incentives for the following reason(s):

- To present additional facts or circumstances which were not presented at the time of the original application
- To request continuation of the present property tax incentives because the project has:
  - moved to a new location
  - had a change in project operation or additional capital investment of more than twenty percent
  - had a change in project operators
- To request an additional annual exemption for the year of \_\_\_\_\_ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

**Notice to Competitors of Hearing**

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Rick Laliberte, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

\_\_\_\_\_  
 Signature CFO 12/11/2017  
Title Date

**Solid Comfort, Inc**  
**Property Tax Exemption Application**  
**Legal Description of Real Property**

**Description:**

**That part of Lot 2, Block 1, Collins Third Subdivision, in the City of Fargo, Cass County, North Dakota, described as follows:**

**Beginning at the southwest corner of said Lot 2; thence North 49°30'40" West along the easterly line of 39<sup>th</sup> Street South, for a distance of 35.36 feet to an angle point along the easterly line of said 39<sup>th</sup> Street South, thence North 04°29'17" West along the easterly line of said 39<sup>th</sup> Street South, for a distance of 312.94 feet to the true point of beginning; thence continue North 04°29'17" West along the easterly line of said 39<sup>th</sup> Street South, for a distance of 131.29 feet to the beginning of a tangential curve, concave to the southeast, having a radius of 180.00 feet; thence northeasterly, along the easterly line of said 39<sup>th</sup> Street South and along said curve, for a distance of 116.41 feet, through a central angle of 37°03'16"; thence North 32°34'00" East along the easterly line of said 39<sup>th</sup> Street South, for a distance of 142.51 feet to a point of intersection with the northerly line of vacated 36<sup>th</sup> Avenue Southwest as shown on Document No. 870213, on file at the Cass County Recorder's Office; thence North 87°54'52" East along the northerly line of said vacated 36<sup>th</sup> Avenue Southwest, for a distance of 347.83 feet to the northeast corner of said Lot 2; thence South 04°25'16" East along the easterly line of said Lot 2, for a distance of 346.00 feet to an angle point along the easterly line of said Lot 2 and a point of intersection with the northerly line of a tract of land described in Document No. 946012, on file at said Recorder's Office; thence South 87°58'53" West, along the northerly line of a tract of land described in said Document No. 946012, for a distance of 164.59 feet to the northwest corner of said tract; thence South 85°30'43" West for a distance of 304.91 feet to the true point of beginning.**

**Said tract of land contains 153,758 square feet, more or less.**

# **Solid Comfort**

**Property Tax Exemption Application  
Supplemental Information  
December 11, 2017**

# Supplemental Information

- **History**
- **Business drivers for expansion**
- **Possible solutions**
- **Scope of project – Option 1**

# History – Solid Comfort, Inc.



- **Founded in 1981 at current location in a 12,500 s.f. facility**
- **Second generation family owned small business**
  - Owned by Jason and Calie Larkin
  - Real Estate is held under a separate legal entity, Larkin Properties, LLP
  - Facilities are leased from Larkin Properties, LLP at market rates
- **Manufactures wood casegoods for the hospitality industry**
  - Product is produced to order based on customer specifications
  - Premier brands produced for include: Marriott (Fairfield Inn, TownePlace Suites and Residence Inn), Hilton (Home2, Hilton Garden Inn and Hampton Inn), Best Western and MyPlace
- **Current State**
  - \$30 million in revenue; 65% produced in Fargo and balance is produced by a Winnipeg based contract manufacturer
  - 2 standalone building with a total of 140,500 s.f.
  - 100 FTE's

# Business Drivers for Expansion



- **Capacity Constrained**
  - Raw material - \$1.2+ million
  - Finished goods - \$2.2+ million
  - Lease 9,120 s.f. at remote cold-storage warehouse
  - Actively exploring short-term lease for additional warehouse storage space
  - Finished goods often stored outside during the day (less than ideal for wood casegoods)
- **Business Growth**
  - '18 Plan represents a 15+% increase in product shipments
  - Market indicators for '19 and '20 indicate similar expected growth
- **Business Risk**
  - Weakening US \$ creates exposure with Canadian contract manufacturer



# Possible Solutions



- **Option 1 - Expand at current location**
  - Began pursuit of seeking flood elevation variance in May '17; abandoned in October '17
    - Proposed layout would not provide a flexible footprint
    - Would have created 1 large inefficient factory
      - Cost prohibitive
  - Construct a 3<sup>rd</sup> standalone building on 3.2 acre parcel north of existing warehouse
- **Option 2 – Greenfield operation in West Fargo**
- **Option 3 – Greenfield operation south of Fargo (Horace / Wild Rice area)**

## Scope of Project – Option 1



- Replat of north parcel – 3.2 acres, or 140,116 sq ft
- **67,500 sq ft expansion**
  - 64,100 sq ft – warehouse
  - 3,400 sq ft – 2 connecting corridors
  - Designed and built to code – seeking no variances
- **Budgeted project cost - \$3.5 million**
  - \$52 / sq foot