

FARGO CITY COMMISSION AGENDA
Monday, July 15, 2019 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at 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.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 1, 2015).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading of the following Ordinances:
 - a. Relating to Plumbing Code.
 - b. Relating to Waterworks System.
- 2. 2nd reading and final adoption of an Ordinance rezoning Certain Parcels of Land Lying in Blu Water Creek 4th Addition.
- 3. Reject the proposals received for the Park East property.
- 4. Sole Source Procurement for Professional Consulting Services with Walker Consultants for the parking facility portion of the proposed Mercantile Mixed-Use project.
- 5. Direct the City Attorney to draft a Parking Agreement with the owners of the Bison Apartments, for the agreed upon terms contingent upon the construction of the Mercantile Parking Ramp.
- 6. Applications for Games of Chance:
 - a. Osgood Kindergarten Center PTO for a raffle from 8/5/19 to 11/16/19.
 - b. Bison Wrestling Club for a raffle on 11/2/19.
 - c. Horse Race North Dakota Foundation for a calendar raffle from 7/19/19 to 7/28/19.
 - d. Fargo Moorhead Derby Girls for a raffle on 9/14/19.
 - e. River Keepers for a raffle on 8/8/19.
- 7. Memorandum of Offer to Landowner – Permanent Easement with Douglas James Anderson (Project No. FM-15-J2).
- 8. Revisions to the City Municipal Code Nos.16-0105 and 22-0301.
- 9. General Fund – Budget to Actual through June 2019 (unaudited).
- 10. Agreement for the Financial Support of Valley Water Rescue.
- 11. Notice of Grant Award Amendment with the ND Department of Health for the PHEP/EPR Statewide Management Team (CFDA #93.074).

- Page 12.
12. Direct City Attorney to review and amend Articles 10-0103, 35-0103 and 1-0305 regarding tobacco use and sales to minors.
 13. Notice of Grant Award with the ND Department of Health for Water Pollution – EPA Block (CFDA #66.605).
 14. Agreement for Services with Josh Ebert.
 15. Agreement with Upper Missouri District Health Unit for Statewide Tobacco Prevention Public Education Campaign.
 16. Notice of Grant Award with the ND Department of Health for local public health unit tobacco prevention and control program.
 17. Memorandum of Understanding with F-M Ambulance Service, Inc.
 18. Bid award for conduit and fiber placement, contingent upon Cass County Commission approval (RFP19098).
 19. Bid award for Construction Manager at Risk Services for the Civic Plaza, Area 1 (RFQ19106).
 20. Acquisition of 1529 10th Avenue South in the amount of \$47,000.00 using 2019 CDBG Block Grant Funds.
 21. Bid award for hook hoist refuse body (RFP19092).
 22. Bid award for one motorgrader with wing (RFP19105).
 23. Memorandum of Understanding with National Audubon Society, Inc. to support their urban woods and prairies initiative.
 24. Contract and bond for Project No. FM-15-J2.
 25. Bills.
 26. Change Order No. 1 for an increase of \$10,201.23 for Improvement District No. BN-19-J1.
 27. Negative Final Balancing Change Order No. 1 in the amount of -\$16,815.90 for Improvement District No. BN-18-L1.
 28. Negative Final Balancing Change Order No. 5 in the amount of -\$8,243.95 for Improvement District No. BR-18-E1.
 29. Amendment No. 3 to the Professional Services Agreement with Apex Engineering in the amount of \$32,500.00 for Improvement District No. BR-18-C0.
 30. Amended Utility Relocation and authorize payment to Minnkota Power in the adjusted amount of \$137,357.43 (Improvement District No. BN-19-A2).

REGULAR AGENDA:

31. Commissioner Gehrig would like to discuss Commissioners Cost of Living Increases.

Public Hearings - 5:15 pm:

- a. Transfer of a Class "A" Alcoholic Beverage License from Firebox, LLC d/b/a Firebox to International African Restaurant and Nightclub, LLC d/b/a International African Restaurant and Nightclub at 4554 7th Avenue South; denial recommended by the Liquor Control Board; continued from the 7/1/19 Regular Meeting.
- b. Renaissance Zone Project for Clark Equipment Company for a commercial lease project located at 118 Broadway North; continued from the 7/1/19 Regular Meeting.
- c. CONTINUE to 7/29/19 - Renaissance Zone Project for Great Plains 1001 Holdings, LLC for a new construction project located at 1001 and 1011 Northern Pacific Avenue North; 28 10th Street North; 1016 1st Avenue North and 11 11th Street North.
- d. CONTINUE to 7/29/19 - Application filed by Great Plains 1001 Holdings, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 1001 NP Avenue, 28 10th Street North, 1016 1st Avenue North and 11 11th Street North which the applicant will use in the operation of leasing of residential apartments and commercial space.
- e. CONTINUE to 7/29/19 – Application filed by Great Plains Antique Holdings, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 1017 4th Avenue North which the application will use in the operation of leasing residential apartments.
- f. CONTINUE to 7/29/19 – Application filed by DFI Kesler, LLC for a payment in lieu of tax exemption (PILOT) for a project located at 624 2nd Avenue North, 621 1st Avenue North and 617 1st Avenue North which the application will use in the operation of leasing residential apartments and commercial space.
- g. CONTINUE to 8/12/19 - Right-of-Way Vacation of the alley between Lots A, B, C, D, E, F, T and U, the vacated 10 foot alley adjacent to Lots T and U, Hagaman's Subdivision of part of Block 2, Roberts Addition (624 2nd Avenue North and 613, 617, and 621 1st Avenue North); approval recommended by the Planning Commission on 4/2/19.
- h. Annexation of property located in the Northeast Quarter in Section 11, Township 138 North, Range 49 West, of the Fifth Principal Meridian containing 171.972 acres, more or less.
 1. 1st reading of annexation Ordinance.
- i. Zoning Change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, SR-4, Single Dwelling Residential, GC, General Commercial, and P/I, Public and Institutional, Selkirk Place First Addition (2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South); approval recommended by the Planning Commission on 5/7/19:
 1. 1st reading of rezoning Ordinance.
 2. Plat of Selkirk Place First Addition.
- j. Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and SR-5, Single-Dwelling Residential, Madelyn's Meadows Second Addition (7269 25th Street South); approval recommended by the Planning Commission on 3/5/19:
 1. 1st reading of rezoning Ordinance.
 2. Plat of Madelyn's Meadows Second Addition.

33. Request to prepare a Renewal Plan and Development Agreement for a project located Northeast of University Drive and 11th Avenue North.
34. Request from the Attorney's Office to approve the engagement of Andrus Anderson LLP, working in affiliation with the Robbins Geller Law firm as legal counsel for the City in the opioid lawsuit and the fees as proposed.
35. Request from the Transit Department for a budget adjustment in the amount of \$206,101.00 to bring bus operator's wages in line with industry and local wages.
36. Contract Amendments for the Ground Transportation Center (GTC) Remodel Project:
 - a. Approve Deck Concept C, with the option to reevaluate Option B at a future date.
 - b. Approve the additional \$725,000.00 in needed repair costs to support the remodel.
 - c. Acknowledgment of continued commitment to maintain the GTC structure in a state of good repair through the deferred maintenance schedule.

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.

2015 wages:

31

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PR700U04                CITY OF FARGO
                        Display Employee Status History

Employee . . . . . : 3194                GEHRIG, ANTHONY W
Status change . . . . : 5/12/15            NEW HIRE
User ID . . . . . : JLYON                HR-JENNIFER L LYON
                                           Previous value
Authorized position . : CITY COMMISSIONER (OTHER)
Actual position . . . : CITY COMMISSIONER (OTHER)
DpDvAct . . . . . : Commission
Auth number . . . . . : 5

Annual rate . . . . . : 23,285.60                .00
Hourly rate . . . . . : 22.3900                .0000
Grade . . . . . : Z90
Step . . . . . : 01                00
Employee status . . . : ELECTED OFFICIALS
Group code . . . . . : ELECTED OFFICIALS
Hourly or salaried . : Salaried

Press Enter to continue.

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2019 wages:

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Employee . . . . . : 3194                GEHRIG, ANTHONY W
Status change . . . . : 12/31/18            COLA INCREASE
User ID . . . . . : MZAHRADKA            FIN-MEGAN H ZAH
                                           F
Authorized position . : CITY COMMISSIONER (OTHER)    $
Actual position . . . : CITY COMMISSIONER (OTHER)    $
DpDvAct . . . . . : Commission                $
Auth number . . . . . : 5                $

Annual rate . . . . . : 25,511.20
Hourly rate . . . . . : 24.5300
Grade . . . . . : Z90                $
Step . . . . . : 01                $
Employee status . . . : ELECTED OFFICIALS    $
Group code . . . . . : ELECTED OFFICIALS    $
Hourly or salaried . : Salaried                $

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32a

MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Application – International African Restaurant & Nightclub
DATE: June 19, 2019

The following application to transfer a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: A Full Alcohol, no food sales required
Business Name: International African Restaurant and Nightclub
Location: 4554 7th Avenue South
Applicants: Francis Brown & Corey Schultz

Corey Schultz has a criminal felony conviction from 2004 for Delivery of a Controlled Substance. Francis Brown has criminal felony convictions in 2007 for Theft by Deception in Pennsylvania and in 2015 for Theft over \$10,000 in Iowa.

The Liquor License Application Guidelines (City Commission approved Resolution attached) list among other considerations that applicants have not been convicted of a Felony in the past 5 years. The Liquor Board voted with full knowledge that it did not have all of the necessary information so as to move the matter forward in a timely manner, but the Board members know and understood that the Guidelines adopted by the Resolution of the Commission would necessarily dictate the outcome of the application.

On a 3-2 split vote (the Resolution was not available at the time of the Liquor Board meeting, Sprague and Chief Todd voted against the transfer), the Liquor Control Board voted to approve the transfer of the license from Firebox, LLC d/b/a Firebox to International African Restaurant and Nightclub LLC d/b/a International African Restaurant and Nightclub. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to DENY the transfer of a Class A alcoholic beverage license from Firebox, LLC d/b/a Firebox to International African Restaurant and Nightclub LLC d/b/a International African Restaurant and Nightclub based on City established guidelines.



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

February 22, 2018

4

Board of City Commissioners
City Hall
200 North Third Street
Fargo, ND 58102

Dear Commissioners:

I am enclosing a Resolution Establishing License Application Qualification Guidelines for parties applying for a liquor license. The Liquor Control Board discussed this License Application Qualification Guideline at its meeting in January, and put it out for public comment and review for further consideration at its meeting on February 21, 2018. The Liquor Control Board is recommending the adoption of the Resolution.

Recommended Motion: I move to approve the Resolution Establishing License Application Qualification Guidelines.

Sincerely,

Nancy J. Morris
JAR

Nancy J. Morris

Enclosure



COMMISSIONER Gehrig introduced the following resolution and moved its adoption:

RESOLUTION ESTABLISHING LICENSE APPLICATION QUALIFICATION
GUIDELINES

WHEREAS, the City of Fargo has enacted Article 25-15 of the Fargo Municipal Code for the purposes of licensing retail liquor in the city of Fargo; and

WHEREAS, Section 25-1505 of the Fargo Municipal Code mandates the Police Chief investigate the applicant, including the character, reputation, and fitness of the applicant to hold a license, and make a recommendation to the Board of City Commissioners as to whether or not a license should be granted under this Article; and

WHEREAS, the Board of City Commission of the City of Fargo desires to establish guidelines for purposes of considering the character, reputation, and fitness of an applicant for a license pursuant to Article 25-15.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF CITY COMMISSIONERS,

1. Applicant may not have had revoked, in the previous 5 years, any license for the sale of alcoholic beverages.
2. Property taxes and special assessments for the building in which the licensed premises are located may not be delinquent.
3. Applicant may not be in default on any obligation owed to the city of Fargo.
4. Applicant may not have sought any form of Bankruptcy protection within the past 5 years.
5. Applicant's credit must be in good standing. Applicant must not have any outstanding/unsatisfied civil or criminal judgments, including restitution judgments.
6. Applicant must be identified as in Good Standing with the North Dakota Secretary of State and the North Dakota Attorney General's Office.
7. Any false statement in the application process shall result in automatic refusal of the license application, or immediate withdrawal of prior issuance.
8. Applicant and/or manager may not have been convicted of any of the following offenses within the previous five (5) years, or if the applicant is not otherwise considered rehabilitated within the meaning of NDCC 12.1-33-02.1, or the offense has a direct bearing on the owner or manager's ability to serve the public in a liquor business:

- a. A felony;
- b. Conviction of an offense involving the manufacture, sale, distribution or possession of alcoholic beverages;
- c. Forfeiture of a bond or failure to appear in court pursuant to court order;
- d. Conviction of an offense involving the sale or felony possession of drugs;
- e. Conviction of any offense of Domestic Violence, Child Endangerment, or Sexual Assault;
- f. Conviction of a Prostitution offense;
- g. Conviction of an Obscenity or Pornography offense.

In the application of this section, it shall be presumed that a violation of paragraphs 7 (b), 7 (d-g) has a direct bearing on the applicant's ability to serve alcoholic beverages to the public.

9. Applicant must not have two (2) or more convictions in the two (2) years immediately prior to the application of the following offenses:


- a. Actual physical control of a motor vehicle while under the influence of alcohol or drugs;
- b. Minor in possession of alcohol;
- c. Sale or delivery of alcohol to a minor;
- d. Consuming in public.

10. Any other offense determined by the Board of City Commission to have a direct bearing on the applicant's or manager's ability to serve alcoholic beverages, and in the protection of the public interests.


11. Pending charges of either a felony or misdemeanor in any jurisdiction will result in the application being held until disposition of the charges, at which time the application will be considered in accordance with the foregoing criteria. Applications will be processed as they are received, and applications held for pending charges will be withdrawn from que until fully reviewable.

The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER Grindberg, and upon roll call vote, the following voted in favor thereof: COMMISSIONERS Gehrig, Grindberg, Piepkorn, Strand, Mahoney The following were absent

and not voting: none, and the following voted against the same: none,
whereupon the resolution was declared duly passed and adopted.


Timothy J. Mahoney, Mayor

ATTEST:


Steve Sprague, City Auditor

MEMORANDUM

TO: Chief David Todd
FROM: Sergeant Matt Christensen
DATE: June 12th, 2019

SUBJECT: Application for transfer of a Class "A" Alcoholic Beverage License from Firebox, LLC d/b/a: Firebox, to International African Restaurant and Nightclub, LLC d/b/a International African Restaurant and Nightclub, to be located at 4554 7th Avenue South, Fargo, ND.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I questioned the applicant's criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

Francis Brown – Owner

Criminal History-

- 2007- Theft by Deception in Pennsylvania
 - Pled Guilty (Felony 3rd Degree)
 - Criminal Use of Communication Facility
 - Pled Guilty (Felony 3rd Degree)
 - Unsupervised Probation for both – Completed
- 2015- Theft 1st Degree General over \$10,000 in Iowa
 - Convicted (Felony)
 - Suspended sentence- 3 years Probation – Completed
 - Assault causing bodily injury
 - Convicted (Misdemeanor)
 - Suspended sentence- 3 years Probation – Completed

Credit History-

Current Experian Credit Score: 567

(See inv. Notes and attached documents)

- 4 Accounts are currently in Collections for recovery
 - Comcast: Balance \$549
 - **Paid as of 6/7/19**
 - Gate City Bank: Balance \$130
 - **Paid down from \$805 as of 5/30/19**
 - Credit One Bank: Balance \$447
 - Progressive Insurance: Balance \$75
 - **Paid as of 6/7/19**

Corey Schultz – Owner

Criminal History-

June 2004-

Pled Guilty to Delivery of a Controlled Substance (Cass County ND) A Felony
-3 years in jail with 2 suspended, supervised Probation and \$1,000 fine

Credit History-

No areas of concern

Investigation Notes

This application is for the transfer of a class “A” Alcoholic Beverage License which allows the licensee to sell alcohol “on-sale” only. The business will be a bar and restaurant atmosphere. The business hours will be 10am to 2am, however the restaurant portion will close at 10pm and the bar will then open between the hours of 10pm and 2am.

In speaking with the owner, Francis Brown, he said his business will NOT be hosting any private parties or be available for rent to private parties. Brown and I discussed issues Law Enforcement has had with establishments being utilized for private parties and large gatherings, and the potential for them to turn violent. Brown explained he would not be catering to those groups in any way or be available for use by those private entities. Brown also said he will NOT be having live entertainment after he and I discussed problems with live entertainment at this location with previous business owners. Brown had checked he would be having live entertainment on occasion on his application, but after our discussion he said he would not be interested in providing any type of live entertainment at the business.

I asked Brown what his plan was for problems that could arise from large groups of customers that might want to cause problems, and he said he was going to be contracting a private security firm to conduct checks and be present at the business. I informed Brown to let me know which security company he will be using once that is decided.

On May 28th, I spoke with Brown regarding his current credit situation and he informed me he is working to pay off his debts and accounts which are currently turned over to collection agencies. Brown will notify me once these have been taken care of. I also spoke with Brown regarding his past criminal convictions. Both appear to be related to business partners he was involved with and he has completed his share of the punishment. In looking at Brown's local history, it appears he had dealings with law enforcement while going through a divorce with his wife. Since the divorce was finalized, there does not appear to have been any further issues. The dealings with Law Enforcement were related to allegations made against him by his wife, however no charges were ever pursued for those allegations by the State's Attorney's office or City Prosecutor's office.

On June 3rd, I spoke to Brown again and he stated he had paid the outstanding balances on his overdue accounts. He also said he was in the process of lining up a security company to have a contract with for security at the establishment. I informed Brown I would check his credit again later in the week as he was told it would not show up on his credit report for a few days.

On June 7th, I checked Brown's credit report again to see if any of the accounts had been updated. The current credit report shows he paid two of the accounts off, paid down one of them to a balance of \$130, and one is still showing no payments on the current balance of \$447 (Credit One Bank). I contacted Brown and made him aware of this. He informed me he did pay the accounts off and would email me the documentation.

I have included what I received with this memorandum. One document shows a receipt from United Accounts (Collection Agency) in which it says the Gate City Bank account is settled after paying \$675. One document is a Full Satisfaction of Judgement from Cass County showing the account settled with LVNV Funding, LLC (Collection Agency) for the Credit One Bank Account. From the documentation received it appears the accounts mentioned in the Credit History section above have been settled. However, the history of poor credit and failure to pay his accounts is notable.

The last document I received was a contract with Sentry Security showing Schultz and Brown intend to utilize their security services on Fridays and Saturdays. This contract was generated on 6/7/2019 and does not appear to have been paid or finalized yet. This shows intent on the applicants' part, but it is understandable to not sign a contract with this security firm until they know the fate of their liquor license application.

Business Location

International African Restaurant and Night Club will be located at 4554 7th Avenue South, Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Super Buffet & Mongolian Grill, Gorkha Palace, and Passage to India.

Conclusion

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief David Todd for his review and recommendation.



A-3

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): International African Restaurant and Nightclub LLC

Doing business as: International African Restaurant and Nightclub LLC

Business address (location): 4554 7th Ave S, Fargo, ND 58103

Mailing address: 4554 7th Ave S, Fargo, ND 58103

Business e-mail address: brownfb1973@gmail.com

Phone number: (215) 909-1946 Other number: ()

The following section to be completed by City Staff:

Date Received by Auditor's Office: 5/3/19

Investigations Fee Paid (\$250) Yes No Date Paid: 5/3/19 Check # 1185

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

____ Approval Recommendation

Chief of Police

Denial Recommendation
06/12/19
Date

FELONY CONVICTIONS FOR BOTH APPLICANTS RT

Reviewed – Liquor Control Committee on (date): _____

____ Approval Recommendation (See attached comments or minutes) _____ Denial Recommendation

Reviewed – City Commission on (date): _____

____ Approval _____ Denial



CONMY ♦ FESTE
Attorneys

May 7, 2019

CONMY FESTE LTD.

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E.T. Conmy, Jr. (1912-2006)
Charles A. Feste (1928-2013)

Also Licensed in Minnesota

† Certified Civil Trial Specialist -
National Board of Trial Advocacy

Via Email (ssprague@fargond.gov)

Steve Sprague
City of Fargo
200 3rd Street North
Fargo, ND 58102

RE: Firebox, LLC
503 7th Street North
Fargo, ND 58102
Class A Alcoholic Beverage License No. 10

Dear Mr. Sprague:

Firebox, LLC is the owner of City of Fargo Class A Alcoholic Beverage License No. 10 (the "License"). Firebox, LLC has entered into an agreement to transfer the License to International African Restaurant and Nightclub, LLC (the "Buyer"). I understand the Buyer is owned by Francis Brown and Cory Schultz.

If you have any questions or need anything further, please contact me.

Sincerely,

Douglas Murch



City of Fargo – Auditor’s Office
Licensing Department
225 4th Street North
Fargo, ND 58102

Re: License Application for International African Restaurant and Nightclub LLC

Dear Sir/Madam:

Please find enclosed the application for a Class A alcoholic beverage license for International African Restaurant and Nightclub LLC. This application relates to a proposed transfer of an existing Class A license from Firebox LLC to International African Restaurant and Nightclub LLC. A representative for Firebox LLC should be contacting you regarding this transfer as well.

If you have any questions about the application or require any additional information please don't hesitate to contact me. You may reach me at 701-353-7101.

Sincerely,


A handwritten signature in black ink, appearing to read 'Stephen J. Baird'. The signature is fluid and cursive, with a prominent initial 'S'.

Stephen J. Baird

Attorney for International African Restaurant and Nightclub LLC

326

MEMORANDUM

TO: City Commission
FROM: Nicole Crutchfield, Planning Director 
DATE: July 11, 2019
RE: Renaissance Zone Project Lease Application

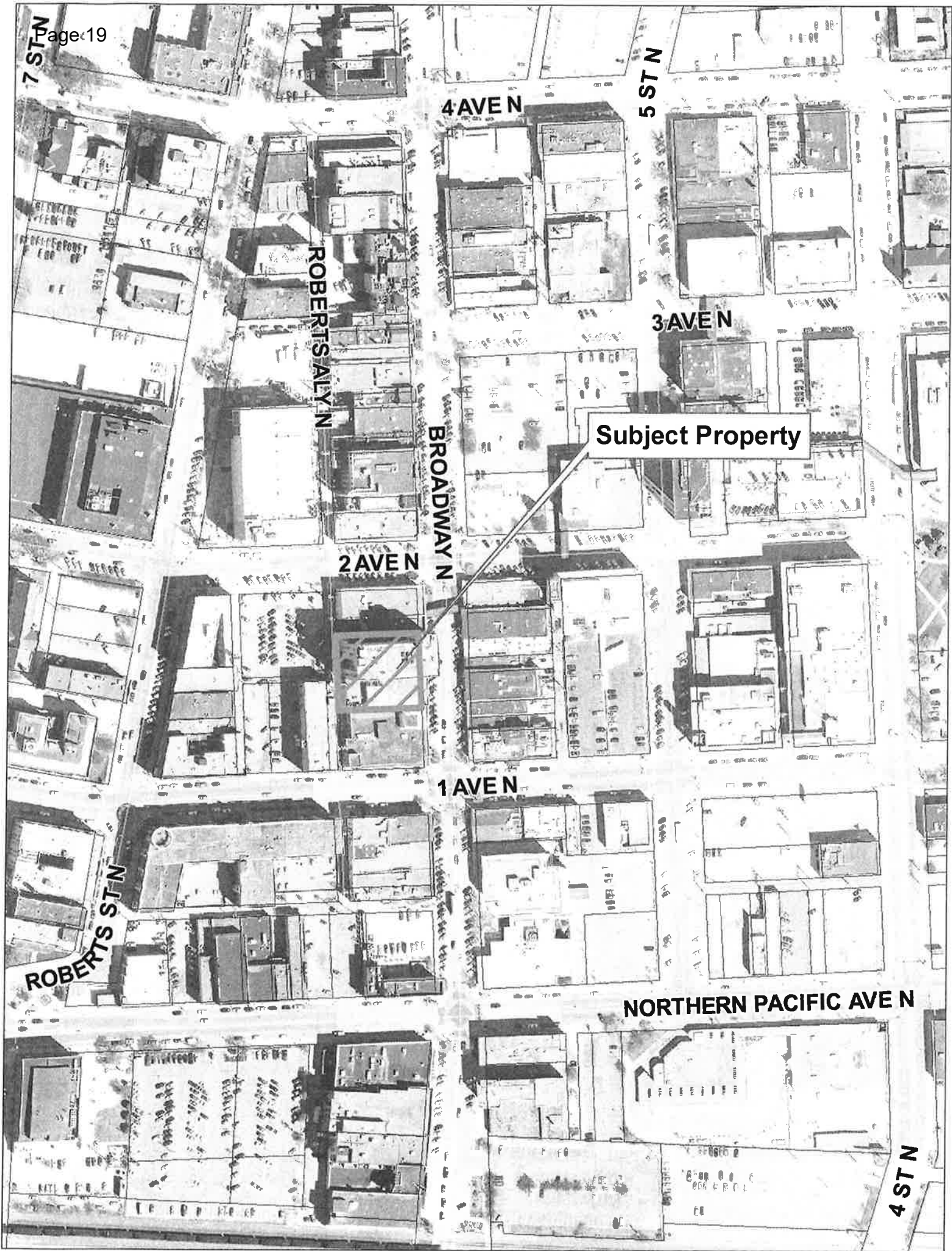
The following Renaissance Zone project application was reviewed and recommended for approval by staff per Renaissance Zone Authority Policy:

Clark Equipment Company (Project 282-F) is proposing to lease commercial space located at 118 Broadway North. This project application meets all of the State and local requirements for approval including that, the use is consistent with the goals and objectives as set forth within the Fargo Renaissance Zone Development Plan. The applicant is proposing to lease 13,318 square feet and is looking to occupy the space by September 2019.

According to the Renaissance Zone Development Plan, the prospective tenant must be leasing a space from a building that has been approved as a Renaissance Zone project.

A Renaissance Zone application for *DFI Black Building, LLC (253-F)* was approved by the City of Fargo on December 5, 2016 and the application has yet to be reviewed by the State for final approval. This lease application will not be reviewed by the State prior to final approval for *DFI Black Building, LLC (253-F)*.

Recommended Action: To approve the Renaissance Zone project application (Clark Equipment Company) for a lease project at 118 Broadway North and to grant state income tax exemptions as recommended by staff per Renaissance Zone Authority policy, once final approval is received on *DFI Black Building, LLC*.



7 STN N

4 AVE N

5 STN N

ROBERTS ALY N

3 AVE N

Subject Property

BROADWAY N

2 AVE N

1 AVE N

ROBERTS STN

NORTHERN PACIFIC AVE N

4 STN N

APPLICATION FOR RENAISSANCE ZONE – LEASE

Property owners, business owners, developers or investors interested in pursuing a Renaissance Zone project should review the *2015 RZ Plan*. The RZ Plan delineates the current geographical boundaries of the program (only certain blocks within the downtown core are included) and provides additional detail on minimum investment requirements and applicable program goals and objectives that must be met.

Property Owner Information
Name <i>(printed)</i> : <u>Clark Equipment Company</u>
Address: <u>250 East Beaton Drive, W.Fargo, ND 58078</u>
Primary Phone: <u>678-714-6310</u>
Alternative Phone: <u>678-714-6734</u>
Email: <u>kathleen.merkel@doosan.com or anna.barden@doosan.com</u>
<u>C Corporation</u>

Representation Information <i>(if applicable)</i>
Name <i>(printed)</i> : <u>Kathy Merkel/Anna Barden</u>
Address: <u>2905 Shawnee Industrial Way, Suite 100, Suwanee, GA 30024</u>
Primary Phone: <u>678-714-6310</u>
Alternative Phone: <u>678-714-6734</u>
Email: <u>kathleen.merkel@doosan.com or anna.barden@doosan.com</u>

Location of property involved in the application decision
Address or Parcel Number: <u>118 Broadway North, Fargo, North Dakota 58102</u>
Legal Description <i>(attach separate sheet if more space is needed)</i> : <u>Lot: 3 Block: 2 ROBERTS LOT 3 & S 4' LOT 4 & N 25' OF S 29' OF LT 4 & N 21' OF LT 4 & S 1/2 OF LT 5 BLK 2 **6-20-16 OWNER REQUESTED COMBINE FRM 01- 2381-00290-000 & 01-2381-00300-000 FGO #2016-071</u>
Renaissance Zone Block Number: <u>10</u>
Current Use of Property: <u>Office property</u>
How will this property affect historical properties: <u>Located within a historic building that is undergoing a complete renovation</u>

Square Footage
Building: <u>110,000</u> sf Space Leased: <u>13,318</u> sf
List Each Floor sf Separately <u>3rd floor - 3,906 square feet</u>
<u>4th floor - 9,412 square feet</u>

Project Description
Expected Date of Lease: <u>September 2019</u>
Expected Date of Occupancy: <u>September 2019</u>
Tenant Activities: <u>Bobcat Digital Innovation Center - See Attachment 1</u>
Scope of Activities the Tenant will Undertake: <u>\$2,000,000 Investment in facility - See Attachment 2</u>

Estimated Tax Impact	
Current True and Full Value:	\$4,712,000
Current Annual Property Tax:	\$67,994 (288.60 mills) <i>Total Building</i>
Estimated Value of Building after Improvements:	Estimated value at start of Lease \$14.1M then at stabilization \$27.8M. Occupy approx 10.9% of building.
Estimated Five-Year Impact:	\$339,970

Acknowledgement – We hereby acknowledge that we have familiarized ourselves with the rules and regulations to the preparation of this submittal and that the forgoing information is true and complete to the best of our knowledge.

Owner (Signature):	_____	Date:	_____
Representative (Signature):	<i>Kathleen M. [Signature]</i> North America Tax Director	Date:	<i>5/23/2019</i>

Office Use Only			
Date Filed:	<i>5/24/19</i>	Planning Office Contact:	<i>Maepi</i>

- need owner sig.

**Clark Equipment Company
C Corporations
Application For Renaissance Zone – Lease**

Attachment 1

Tenant Activities: Dedicated workplace for accelerating digital innovation which will help Bobcat secure new business and competitive edges in a rapidly changing industry.

Attachment 2

Scope of Activities the Tenant will Undertake:

Project Objectives:

1. Unplug from current facilities to break company norms.
2. Provide a workplace for joint ventures or internal ventures.
3. A space to encourage rapid validation for data analytics.
4. A space to cooperate with future resources. ex. Local institutions and start-up companies.
5. Facility will house our Engineering "Student Development Program" (SDP), Engineering (Software), Telematics and other related project groups.

Attachment B

Please complete the following that apply:

A. Is the proposed use of the project consistent with the RZ Plan (as per Visions and Goals)? As noted in the 2015 Renaissance Zone Development Plan the desired land use on **Block 10** will contribute to a number of goals and objectives as outlined in the RZ Plan as follows:

1. *Activity Generator [goal]:* Will the project develop activity-generating enterprises along major commercial corridors of the Renaissance Zone? If true, how?

The space will office approximately 35 team members. Those individuals will increase the foot traffic and activity in and around the Black Building.

2. *Walkable Districts [goal]:* Will the project create “walkable districts” that integrate a wide range of activities and land uses that encouraging on-street activity? If true, how?

Broadway is already the most walkable street in downtown Fargo. The additional office workers located in the project will have a positive impact in increasing activity in downtown.

3. *Ground Floor Uses [goal]:* Will the project reserve ground floor land uses to those that will encourage streets to come to life – shops, offices, cafes, restaurants and other “public” facilities? If true, how?

N/A - this lease is for office space on the upper floors of this building

4. *Neighborhood Center [goal]:* Will the project make “Broadway” Fargo’s “Main Street” – a pedestrian-friendly, mixed-use magnet that anchors downtown neighborhoods? If true, how?

Black Building is located in the heart of downtown and along Broadway. The renovation of this property and the increase in the number of businesses and officers workers will make this property an anchor for the central business district.

5. *Urban Design [goal]:* Will the project the projects embody strong urban design principles inclusive of building massing and form, building materials, pedestrian orientated design, streetscape, building orientation and recognition of the importance of defined block corners, architectural style, high building coverage percentages, limited setbacks or downtown district appropriate setbacks, design longevity and street level transparency? If true, how?

Lease is located in Black Building which embodies great urban design.

6. *Transportation [goal]:* Will the project manage downtown transportation, accessibility and parking issues in a manner that will allow for further commercial developments and make the entire area more user-friendly. If true, how?

Project has a Walk Score of 96, is located in close proximity to Roberts Commons garage, in close proximity to MatBus transit lines, and a half block from the Great Rides Bike Share station.

Attachment B

7. *Safe Streets – Safe Neighborhoods [goal]*: Will the project encourage safe streets and safe neighborhoods by relying on and utilizing the “natural surveillance” of lively and active streets? If true, how?

Yes - the additional office workers will increase the pedestrian presence around the site

8. *High Quality Housing [goal]*: Will the project continue to encourage the production of unique, high quality housing that is developed in areas targeted for residential development or as a component of a mixed-use project? If true, how?

n/a

9. *Infill [goal]*: Will the project encourage and actively pursue projects that increase the productivity of underutilized property such as surface parking lots, vacant land and parcels with low building to land value ratios? (Infill projects shall conform and be consistent with urban design principles as set forth in Goal 5 above.) If true, how?

n/a - located in a renovated historic building

10. *Housing Amenities [goal]*: Will the project integrate quality housing with public open space and neighborhood amenities, requiring the enhancement of existing amenities in conjunction with the creation of new ones? If true, how?

n/a

11. *Downtown Entryways [goal]*: Will the project enhance auto entry experiences with landscaping improvements to all major corridors (Broadway, Roberts St, 1st/NP Avenue, Main Avenue) and gateway statements at Broadway/Main Avenue, Broadway/6th Ave N, 1st Avenue/Red River, Main Avenue/Red River and Main Ave/10th Street N? If true, how?

Located adjacent to Broadway

12. *The Place to Be [goal]*: Will the project make downtown the entertainment/cultural/recreational center of the city, a key destination for visitors/conventioners, and a key destination for residents? If true, how?

The renovation of Black Building will result in the creation of some of the most premier office space in all of Fargo.

Attachment B

- 13. *A Place Like No Other [goal]:* Will the project highlight the unique historic character of the Renaissance Zone by placing a high value on historic preservation and overall awareness of the history of the area? If true, how?

The renovation of the building will bring the historic building back to its former status as premier office space. Historical features of the building are being restored and all the buildings systems will meet modern design standards.

- 14. *24 Hours a day – 7 Days per Week – 365 Days a Year [goal]:* Will the project design spaces, facilities and features that will attract people to the area both day and night, on weekdays and weekends, and during all seasons of the year? If true, how?

The office workers will contribute to the new activation of the building.

- 15. *Connections and Coordination [goal]:* Will the project create strong connections between people, places, and things to do that are vital to creating a strong sense of community? If true, how?

The property will in located in the heart of downtown and the building has historically been and is once again a node of activity.

B. Does the investment comply with minimum investment thresholds (locally determined) for residential and commercial projects as set forth in this RZ Plan? [Note that for mixed-use projects the total square footage should be dissected into commercial and residential totals for comparison to minimum investment thresholds]:

Pursuant to City of Fargo Renaissance Zone standards, in order to qualify for consideration, a project must meet a minimum \$25 square foot capital improvement threshold for residential rehabilitation, \$40 per square foot capital improvement threshold for commercial rehabilitation, and \$100 per square foot for any new construction.

- 1. The structure accommodates 86,288 square feet, as follows:
 - a. Lot Size: 17,500 SF
 - b. Proposed Building Total: 86,288 SF
 - c. Overall, the application estimates a total capital investment (cost incurred for the repair, replacement or renovation of a building's: exterior, roof, structure, electrical and/or plumbing systems, heating/ventilation/air conditioning systems, windows, exterior doors, elevator improvements and accessibility. The square footage used to calculate required investment levels will be based on the square footage of the entire building excluding the basement) of \$16228,000 investment in Priority - San Antonio, which calculates to approximately \$ 162 per square foot.

Attachment C

Please complete the following that apply:

A. The proposed development or lease are representative of "High Priority Land Uses" as defined by this RZ Plan (see pg. 29).

1. Is this a Primary Sector Business? If true, how?

Yes - manufacturing company

2. Is this an Active Commercial, Specialty Retail or Destination? If true, how?

No - office user (innovation office)

3. Is this a Mixed-Use Development? If true, how?

Yes - office and retail commercial

4. Does this development include large, upscale residential units? If true, how?

No

B. Target Area Considerations: consideration shall be given to whether this property has been vacant or underutilized for a period of time and/or whether the property is specifically targeted for clearance.

1) Is this parcels vacant or underutilized for an extended period of time? If true, how?

Prior to renovation the building's condition and office layout result in low utilization

2) Is this a parcel specifically targeted for clearance in the Renaissance Zone Plan?

Block 10 - "Preservation and Rehabilitation"

C. Will the project create civic space or public space and/or will enhance pedestrian connectivity, streetscape amenities or contribute to street level activation?

N/A - the lease is for space on the upper floors. The overall project renovation though will improve the storefront activation along Broadway and Roberts Alley

D. Will the proposed project meet investment minimum criteria? How?

Yes - the overall building renovation is \$162/SF which exceeds the \$40/SF threshold

E. Will the proposed project accommodate the relocation of a business from another North Dakota community? If true, how?

This is the expansion of an existing business.

F. Is the project located within a historic district? Will the project fit contextually and will the project contribute or enhance the area from an architectural perspective? If true, how?

Located in a historic building in a historic district. The renovation will ensure the building continues to contribute to the downtown historic district.

32h

MEMORANDUM

TO: Board of City Commissioners

From: Donald Kress, current planning coordinator

Date: July 10, 2019

RE: Annexation by Petition for a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.

July 15, 2019 is the date set by the City Commission to confirm petition of protest and take action on an ordinance for annexation of a tract of land in the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.

The petition for annexation was brought forward by the land owner, who owns over three-fourths of the property in the annexation area. Some area is owned by the City of Fargo and the Southeast Cass Water Resources District. Advertisements were placed in The Forum and notices were sent by certified mail to Stanley Township and Cass County. Staff has not received any form of protest or concerns from the public.

The property is proposed to be developed as a residential and commercial development on the south side of 64th Avenue South, east of Interstate 29. The boundaries of the annexation and corresponding legal description are attached. The proposed residential and commercial development is titled "Selkirk Place First Addition."

RECOMMENDED MOTION:

To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the annexation Ordinance on for first reading, and move to approve the proposed annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, as depicted in the attached map and legal description.

City of Fargo Staff Report			
Title:	Annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.	Date: Update	5/2/2019 7/10/2019
Location:	South of 64 th Avenue South; east of Interstate 29; generally west of Cass County Drain 53	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.		
Owner(s)/Applicant:	Earlyne Hector; City of Fargo; SE Cass Water Resources District/ R.Scott Carey	Engineer:	Bolton & Menk
Entitlements Requested:	Annexation		
Status	City Commission public hearing July 15, 2019		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Residential, commercial, public—fire station, detention basin, County drain and levee	
Zoning: AG, Agricultural and GC, General Commercial		Zoning: SR-2, Single Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; P/I, Public/Institutional	
Uses Allowed: <u>AG – Agricultural.</u> Allows detached houses, parks and open space, safety services, basic utilities, and crop production <u>GC, General Commercial.</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.		Uses Allowed: <u>GC, General Commercial</u> no change <u>SR-2, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities <u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; <u>P/I – Public and Institutional.</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial	

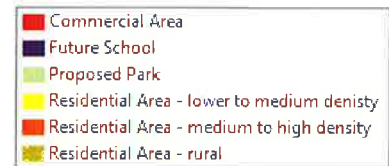
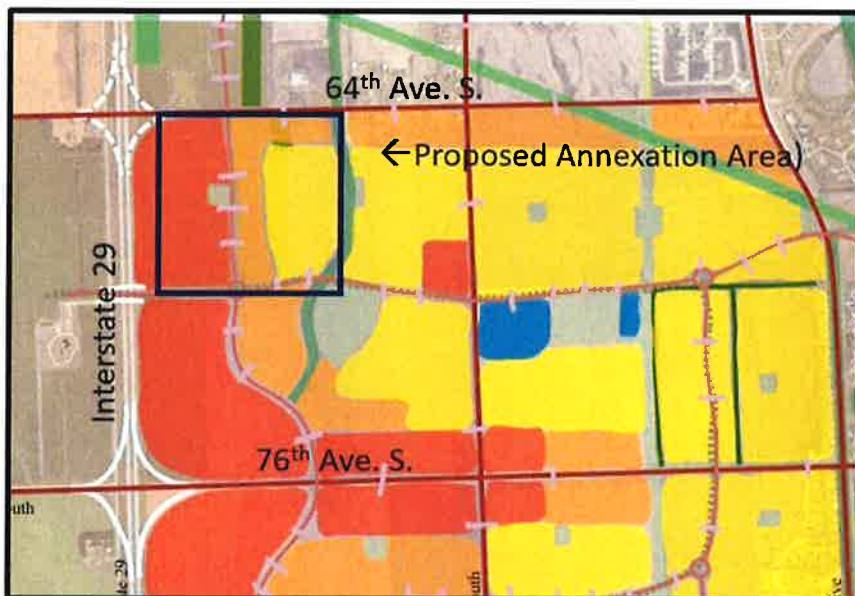
	parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
<p>Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres. Maximum Lot Coverage: GC allows 85%</p>	<p>Maximum Density Allowed: SR-2 allows 5.4 dwelling units per acre; SR-4 allows 12.1 dwelling units per acre; Maximum Lot Coverage: GC allows 85%; P/I has no density standard or maximum lot coverage.</p>

Proposal:

The applicant has petitioned the City to annex approximately 171. 22 acres of land that is currently within the city’s four-mile extra-territorial jurisdiction. Note that this is an owner-initiated, **not** a city-initiated, annexation. This area is undeveloped. A map of the proposed annexation area is attached.

Area Plans:

The 2007 Growth Plan, South Fargo Tier 1 East, designates the area of this project as “commercial,” “residential area—lower to medium density,” and “residential area—medium to high density” land uses. Per that plan, the proposed SR-2, SR-4 and GC zonings are consistent with these land use designations. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Staff Analysis:

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”).

CONCURRENT PLATTING

The annexed area is intended to be developed with residential and commercial development. The first portion to be platted—the Selkirk Place First Addition plat and zone change—appear as items on the July 15, 2019 City Commission agenda. The area of this plat is less than the total area of the annexation. Future phases of platting for this annexed area are intended for the future (see “Conceptual Master Plan” below).

OWNERSHIP

Over three-fourths of the property in the annexation area is owned by Earlyne Hector, with some areas owned by the City of Fargo and the Southeast Cass Water Resources District. These two government entities have agreed to annexation, as the platting that will be done concurrent with this annexation will benefit both entities by platting the area adjacent to County Drain 53.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 Southeast Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55, 2007 Growth Plan). The proposed development is adjacent existing residential development to the east and across 64th Avenue South from existing residential and limited commercial development to the north. The location of this development adjacent to existing residential development and an arterial street (64th Avenue South) also corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:

- Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and
- Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan)

The proposed development is consistent with the land use designations of the 2007 Growth Plan; no growth plan amendment is necessary for this project.

Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial.

Note that the annexation area is larger than the area being platted at this time; the additional area is depicted on the applicant’s conceptual master plan (see item below).

CONCEPTUAL MASTER PLAN: The applicant has provided a conceptual master plan (copy attached) for a larger area than is being platted at this time. The master plan illustrates future development, lots, and parks with street connectivity as indicated in the Southwest Metro Transportation Plan.

PROCESS

The Planning Commission evaluated this proposed annexation at the May 7, 2019 Planning Commission meeting and found it to be consistent with the 2007 Growth Plan.

ORDINANCE:

As this annexation is from a petition by the property owner, the City Attorney has prepared an ordinance that is attached to this package.

Staff Recommendation:
Suggested Motion: To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the annexation Ordinance on for first reading, and move to approve the proposed annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota as depicted in the attached map and legal description.
Planning Commission Recommendation
On May 7, 2019, by a vote of 9-0 with two Commissioners absent, the Planning Commission voted to accept the findings of recommendations of staff and found the proposed annexation of a portion of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29 and Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota to be consistent with the 2007 Growth Plan.
Attachments:
<ol style="list-style-type: none">1. Location Map2. Annexation Plat3. Annexation petition4. Legal Description5. Conceptual Master Plan

**ANNEXATION OF PORTION OF THE NE ¼ of SEC. 11, T138N, R49W
and Auditor's Lots 1 and 2**



ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

ANNEXATION PLAT OF:

Acres 3.3 and 2 of the Northeast Quarter of Section 13, Township 138 North, Range 99 West, 5th Principal Meridian, Cass County, North Dakota.

AND

That part of the Northwest Quarter of Section 13, Township 138 North, Range 99 West, 5th Principal Meridian, Cass County, North Dakota, that lies east of the east right of way line of Interstate Highway 29, commencing 171.972 acres, more or less.

SURVYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Greg Stensrud, Registered Professional Surveyor, do hereby certify that the above described plat is a correct representation of the area surveyed, that said plat complies with the City of Fargo Engineering Department and Commission's rules and regulations, and that the same is in accordance with the laws of the State of North Dakota.

DATE: 1. MAY 2019

State of North Dakota
County of Cass

On this 1st day of MAY, 2019, before me personally appeared Greg Stensrud, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My Commission Expires On: 12/31/2022

Greg Stensrud
Professional Surveyor

Greg Stensrud
Professional Surveyor

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2019.

BRANDI L. DORING, City Engineer

State of North Dakota

County of Cass

On this _____ day of _____, 2019, before me personally appeared Brandi L. Doring, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My Commission Expires On: _____

Brandi L. Doring
Professional Engineer

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and endorsed here this _____ day of _____, 2019.

THOMAS J. MATHIAS, Mayor

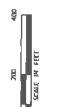
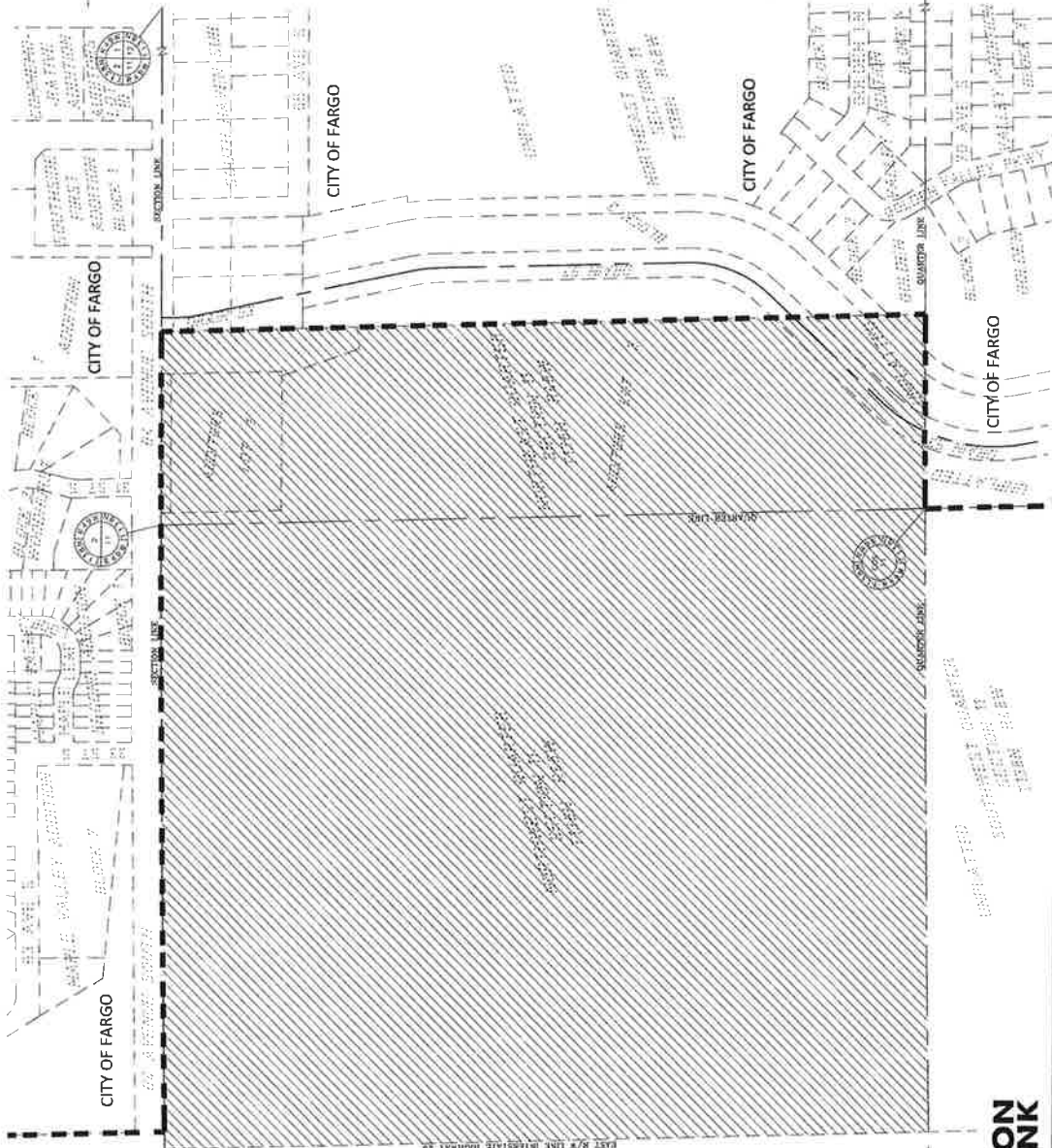
State of North Dakota

County of Cass

On this _____ day of _____, 2019, before me personally appeared Thomas J. Mathias, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My Commission Expires On: _____

Thomas J. Mathias
Professional Engineer





Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
www.FargoND.gov

PETITION FOR ANNEXATION

To: City of Fargo

The undersigned, being the owner of not less than three-fourths in assessed value of the following described property, hereby petitions the City of Fargo to annex said property pursuant to Section 40-51.2-03 NDCC. The following is a description of the property to be annexed:

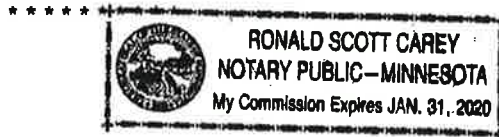
SEE ATTACHED DESCRIPTION

The undersigned further certifies that EARLYNE L. HECKER is the owner of at least three-fourths in assessed value of the property hereinabove described.

Dated this 19th day of February, in the year 2019

Signature Earlyne L. Hecker

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



On this 19th day of February, in the year 2019, before me, a notary public in and for said County and State, personally appeared EARLYNE L. HECKER, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.

Notary Public
Clay County, North Dakota
My Commission Expires:

ATTACHMENT #1
Apex Engineering Group, Inc.
Fee Estimate
AMENDMENT NO. 3
13th Avenue Reconstruction
45th St (Fargo) to 12th St E (West Fargo)
 June 12, 2019

Task No.	Classification	Senior Engineer		Lead Engineer		Design Engineer II		Project Engineer		Graduate Engineer		Sr Svy Crew Chief		Survey Tech		Sr. Eng. Tech		Total Hours	Total Labor Cost	
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost			
7.0	Construction, PIC, and Construction Closeout Activities																			
	Additional Construction Adm. / Inspection - 2019		\$0	50	\$6,000	200	\$23,000		\$0		\$0		\$0		\$0		\$0	250	\$29,000	
		0	\$0	50	\$6,000	200	\$23,000	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	250	\$29,000	
	Total Labor Costs	0	\$0	50	6000	200	23000	0	0	0	0	0	0	0	0	0	0	250	\$29,000	
	Direct Cost Totals																			\$3,500
	TOTAL																			\$32,500

Total Amendment No. 3 Estimate = \$32,500

ANNEXATION LEGAL DESCRIPTION

Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11, Township 138 North, Range 49 West, 5th Principal Meridian, Cass County North Dakota.

AND

That part of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, 5th/ Principal Meridian, Cass County North Dakota, that lies east of the east right of way line of Interstate Highway 29.

Containing 171.972 acres, more or less.

32i

City of Fargo Staff Report			
Title:	Selkirk Place First Addition	Date:	5/2/2019
		Updated:	7/10/2019
Location:	2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Northeast Quarter and the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, including Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11 and Lots 1, 2, 3, 17, 18, and 19, South Haven Subdivision.		
Owner(s)/Applicant:	Earlyne Hector; City of Fargo; SE Cass Water Resources District/ R.Scott Carey	Engineer:	Bolton & Menk
Entitlements Requested:	<p>Major Subdivision (plat of a portion of the Northeast Quarter and the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, including Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11 and Lots 1, 2, 3, 17, 18, and 19, South Haven Subdivision)</p> <p>Zone Change (from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; and P/I, Public and Institutional)</p>		
Status:	City Commission Public Hearing: July 15, 2019		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential, commercial, public—fire station, detention basin, County drain and levee
Zoning: AG, Agricultural and GC, General Commercial	Zoning: SR-2, Single Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; P/I, Public/Institutional
<p>Uses Allowed: <u>AG – Agricultural</u>. Allows detached houses, parks and open space, safety services, basic utilities, and crop production</p> <p><u>GC, General Commercial</u>. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p>	<p>Uses Allowed:</p> <p><u>GC, General Commercial</u> No change</p> <p><u>SR-2, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p><u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;</p> <p><u>P/I – Public and Institutional</u>. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use,</p>

	agriculture, aviation, surface transportation, and major entertainment events.
<p>Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres. Maximum Lot Coverage: GC allows 85%</p>	<p>Maximum Density Allowed: SR-2 allows 5.4 dwelling units per acre; SR-4 allows 12.1 dwelling units per acre; Maximum Lot Coverage: GC allows 85%; P/I has no density standard or maximum lot coverage.</p>

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Selkirk Place First Addition**, a plat of a portion of the Northeast Quarter and the Northwest Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota, including Auditor's Lots 1 and 2 of the Northeast Quarter of Section 11 and Lots 1, 2, 3, 17,18, and 19, South Haven Subdivision; and
2. A zone change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential; SR-4, Single Dwelling Residential; GC, General Commercial; and P/I, Public and Institutional

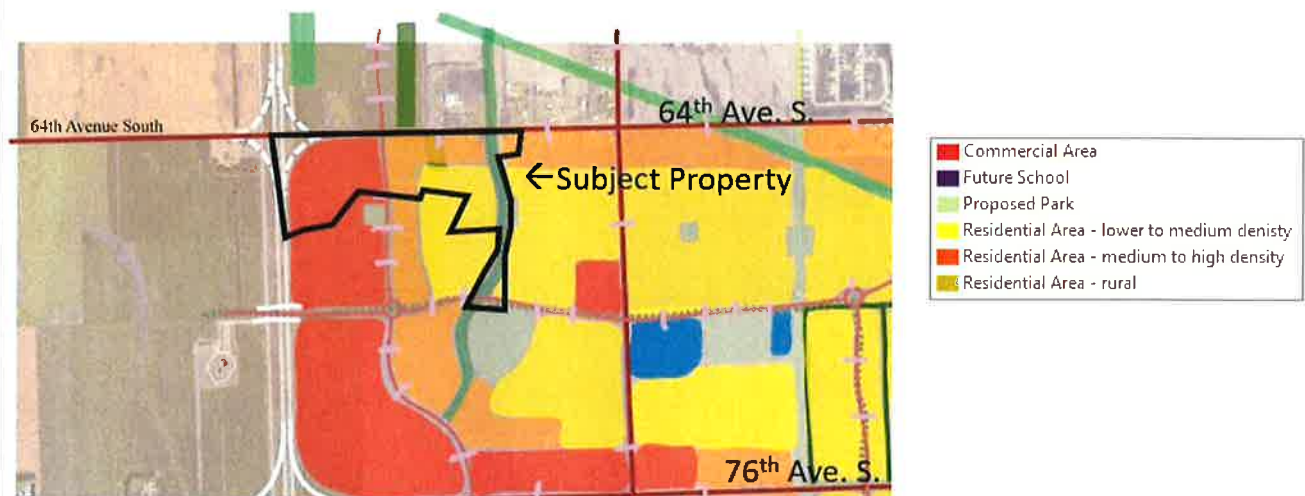
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: P/I, Public/Institutional--right of way for 64th Avenue South crossover, Drain 53: SR-4 and SR-2, Single-Dwelling Residential; AG with one residence
- East: County Drain 53; AG—undeveloped; SR-4--Golden Valley Addition
- South: AG, agricultural
- West: Not zoned--Interstate 29 right of way

Area Plans:

The 2007 Growth Plan, South Fargo Tier 1 East, designates the area of this project as "commercial," "residential area—lower to medium density," and "residential area—medium to high density" land uses. Per that plan, the proposed SR-2, SR-4 and GC zonings are consistent with these land use designations. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to

the commercial. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Context:

Schools: The subject property is located within the Fargo School District and is served by Bennett Elementary, Discovery Middle and Davies High schools.

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: Golden Valley Park (6977 Golden Valley Parkway) is adjacent to the southeast portion of this development. This park provides courts for basketball, playgrounds for ages 2-5 and 5-12, and a shelter.

Pedestrian / Bicycle: There are no off-road bike facilities along 64th Avenue South or Interstate 29. An off-road bike facility is intended along Drain 53.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create a total of 52 lots for residential, commercial, and public use development. Lots will be zoned as shown in the chart below.

BLOCK	LOTS	ZONING	LAND USE
1	1-11	SR-2	Single-Dwelling Residential
1	11	SR-2	Single-Dwelling Residential (see "Lot 11, Block 1" note below)
1	12-17	P/I	Public/Institutional
2	1-8	SR-2	Single-Dwelling Residential
2	9-11	SR-4	Single-Dwelling Residential—may be future townhomes
3	1-14	SR-2	Single-Dwelling Residential
4	1-2	SR-2	Single-Dwelling Residential
5	1-4	SR-2	Single-Dwelling Residential
5	5	SR-4	Single-Dwelling Residential—may be future townhomes
6	1 and 3	P/I	Public/Institutional
6	2	GC	Commercial

LOT 11, BLOCK 1 NOTE: Lot 11, Block 1 was identified on an earlier version of the plat as "Outlot A." At staff's direction, the applicant renumbered this lot to "Lot 11," which altered the numbering of lots in Block 1. It will be zoned SR-2, with the intent that this 2.11 acre lot will be further subdivided into smaller SR-2 lots in the future.

ZONING—RESIDENTIAL AND COMMERCIAL LOTS: The SR-2 zoned lots range in size from 13,471 square feet to 30,235 square feet. The developer intends these for detached single dwelling residences. All SR-2 zoned lots meet the minimum required lot area of the SR-2 zone of 8,000 square feet.

The SR-4 zoned single-dwelling lots range in size from 20,295 square feet to 31,718 square feet. The developer may, in the future, replat these lots into townhomes or twinhomes. All SR-4 zoned lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet. As the developer intends to replat these into smaller lots, it is the developer's responsibility to provide for additional water and sewer connections in the adjacent streets, as future townhome lots would each require their own direct water and sewer connections to the mains in the streets. Normally, only one water and sewer connection would be provided per lot. The developer shall refer to this requirement for additional water and sewer connections in the amenities plan; the City may also require an additional agreement.

All the lots in Block 2 are double-fronting. The owners of the lots that have frontage on 31st Street South will be responsible for snow removal on the public sidewalk and mowing of the boulevard along 31st Street, and this is specified in the amenities plan. The City is responsible for snow removal along 64th

Avenue South, an arterial street, but the individual property owners are responsible for mowing the boulevard.

The GC zoned lot is intended for commercial development. There is no minimum required lot area in the GC zone.

ZONING AND OWNERSHIP—P/I LOTS: The P/I zoned lots are intended for individual purposes, as noted in the chart below

BLOCK	LOT	INTENDED OWNERSHIP	USE
1	11	City of Fargo	Detention basin
1	12	City of Fargo	Levee and 64 th Avenue Pedestrian underpass
1	13	SE Cass Water Resources District (WRD)	Drain 53
1	14	City of Fargo	Levee
1	15	City of Fargo	Probably convey to Fargo Park District
1	16	SE Cass WRD and City of Fargo	Drain 53 setback and Levee
6	1	City of Fargo	Fire station
6	3	City of Fargo	Right of way for crossover

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat.

LAND SWAP: The City of Fargo is currently finalizing with the developer a land swap of City-owned property currently described as part of Auditor’s Lot 1 on the east side of the project site for future Lot 1, Block 6 for a fire station. The agreement for this land swap is currently being negotiated through the City Attorney’s office.

PEDESTRIAN CROSSOVER: The City of Fargo has acquired additional right of way for 64th Avenue South to provide room for a pedestrian tunnel under 64th on the easterly side of the property. This area is included in Block 1, Lot 12.

LANDSCAPE EASEMENTS: The landscape and sign easements noted on the plat along 64th Avenue South will be maintained by a homeowners association.

STREET CONNECTIVITY: The street connectivity in this area is based on the Southwest Metro Transportation Plan, adopted in 2016. The graphic below, an excerpt from that plan, shows the subject property and planned major streets. The current plat dedicates right of way for part of future 67th Avenue South, which will connect across Drain 53 when the property on the east side of that drain is platted. The route of the “approximate future collector” illustrated on the plan has, in fact, moved to the west, and is accounted for on the plat by the land dedicated for 33rd Street South.

TRAIL CONNECTIVITY: Planning and Park District staff are working with the applicant to insure effective trail connectivity, particularly along 67th Avenue South, in future phases of development.

(continued on next page)

EXCERPT FROM SOUTHWEST METRO TRANSPORTATION PLAN

**CONCURRENT ANNEXATION**

This property is outside of the Fargo city limits. The applicant has requested annexation through an owner-initiated petition. The proposed annexation area is depicted on the 2007 Tier 1 Southeast Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo. Note that the annexation area is larger than the area being platted at this time; the additional area is depicted on the applicant's conceptual master plan (see item below). The Planning Commission evaluated this proposed annexation for consistency with the 2007 Growth Plan at the May 7, 2019 Planning Commission agenda. The hearing for this annexation is an item on the July 15, 2019 City Commission agenda.

CONCEPTUAL MASTER PLAN: The applicant has provided a conceptual master plan (copy attached) for a larger area than is being platted at this time. The master plan illustrates future development, lots, and parks with street connectivity as indicated in the Southwest Metro Transportation Plan.

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 property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-2, SR-4 and GC is consistent with the land use designations of this the area as "commercial," "residential area—lower to medium density," and "residential area—medium to high density" land uses. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). **(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. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will 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 evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. 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 LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-2, SR-4 and GC is consistent with the land use designations of this the area as "commercial," "residential area—lower to medium density," and "residential area—medium to high density" land uses. The P/I zoning is appropriate for any government-owned drainage, levee, or other public facility. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

The LDC stipulates that the following criteria are met before a major plat can be approved

1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The proposed zoning designations for the development on this property are SR-2, SR-4, GC, and P/I. These zones will accommodate the proposed single-family development, commercial development, and government-owned drain, stormwater, fire station, and right of way facilities, and are consistent with the "commercial," "residential area—lower to medium density," and "residential area—medium to high density" designations for this property in the 2007 Tier 1 Southeast Growth Plan. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed

development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The proposed zoning designations for the development on this property of SR-2, SR-4, GC, and P/I are consistent with the “commercial,” “residential area—lower to medium density,” and “residential area—medium to high density” designations for this property in the 2007 Tier 1 Southeast Growth Plan. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) has similar designations in a similar configuration, though in this plan the low and medium density residential extend all the way to 64th Avenue South and the higher density is adjacent to the commercial. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

3. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). The City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. It is staff’s understanding that the developer’s engineer will undertake the design of the infrastructure.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of the 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 for first reading, and move to approve the proposed: 1) zone change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, SR-4, Single Dwelling Residential, GC, General Commercial, and P/I, Public and Institutional; and 2) **Selkirk Place First Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: May 7, 2019

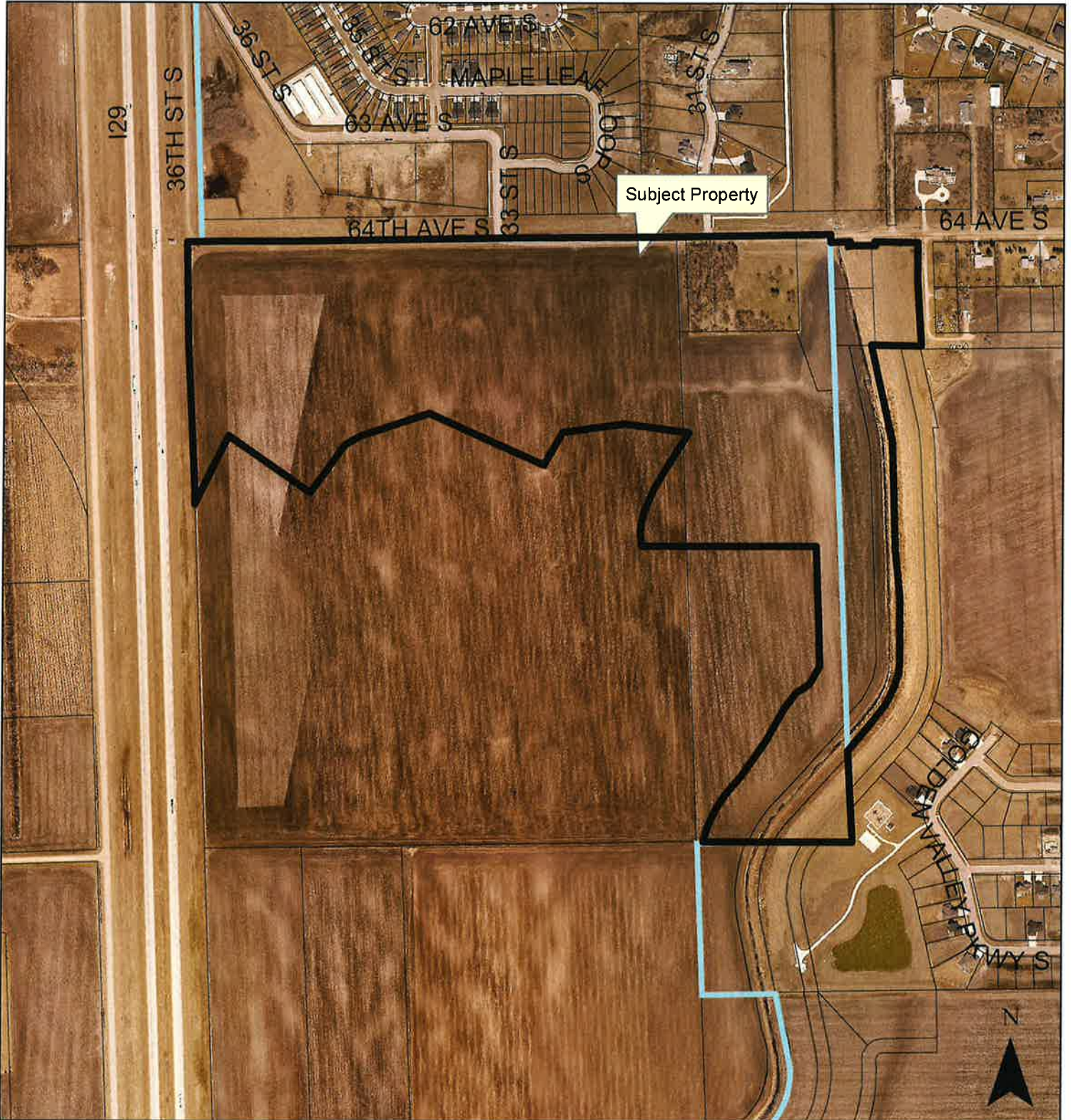
On May 7, 2019, by a vote of 9-0 with two Commissioners absent, the Planning Commission voted to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed 1) zone change from AG, Agricultural and GC, General Commercial to SR-2, Single-Dwelling Residential, SR-4, Single Dwelling Residential, GC, General Commercial, and P/I, Public and Institutional; and 2) **Selkirk Place First Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Attachments:

1. Location Map
2. Zoning Map
3. Preliminary Plat
4. Conceptual Master Plan

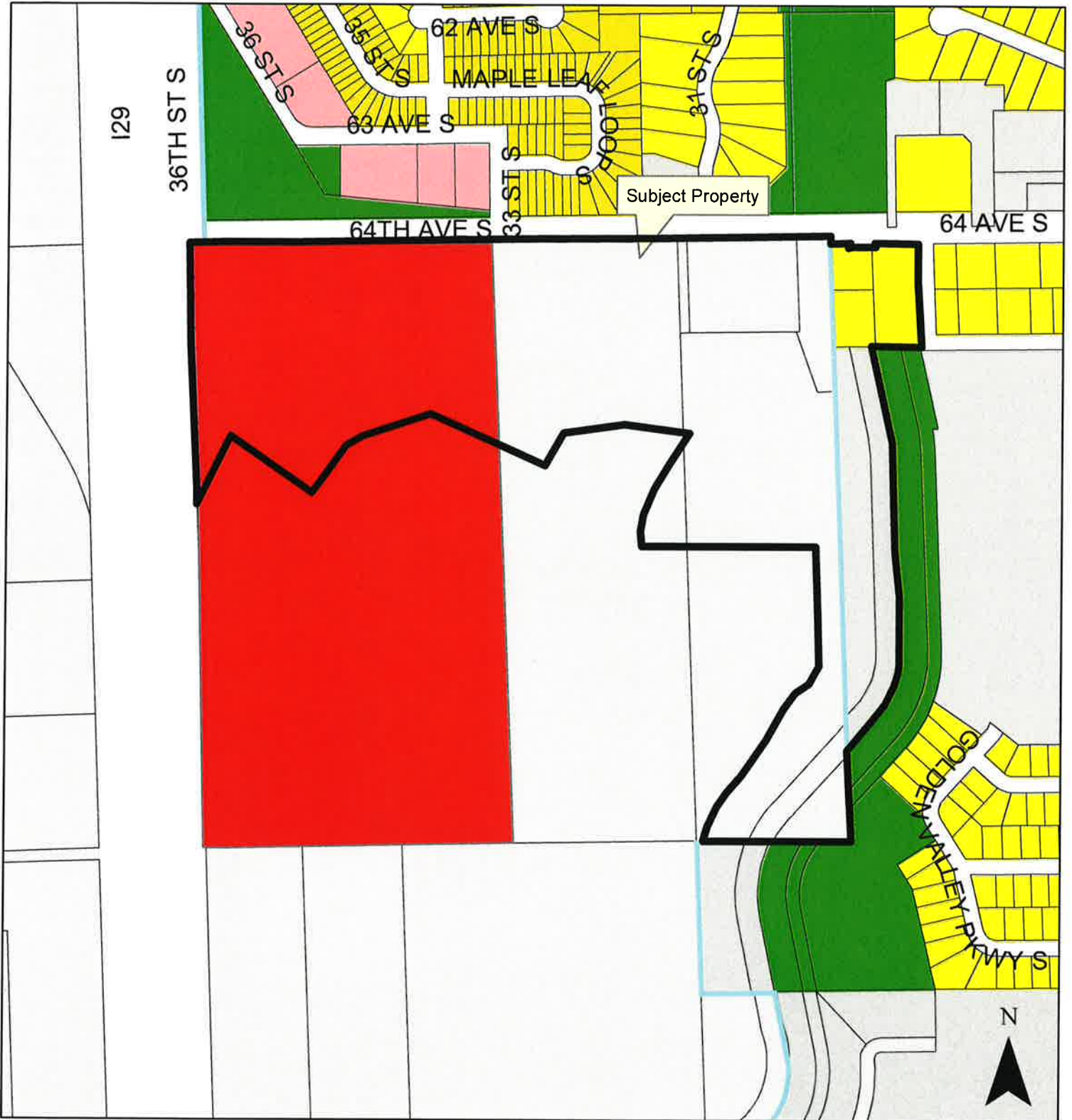
Plat (Major) and Zone Change (AG and GC to GC, SR-2, SR-4, and P/I)

Selkirk Place First Addition 2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South



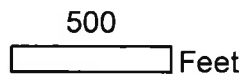
Plat (Major) and Zone Change (AG and GC to GC, SR-2, SR-4, and P/I)

Selkirk Place First Addition 2816, 2886, 2896, 2990, 3006, and 3340 64th Avenue South



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NC	UML	SR-2	SR-4	SR-5	City Limits
Unknown														





SCALE: AS SHOWN
 ALL DIMENSIONS AND DISTANCES
 SHOWN ON THIS PLAN SHALL BE
 MEASURED FROM THE CENTER
 OF THE CURVE UNLESS OTHERWISE
 SPECIFIED. THE CENTER OF THE
 QUARTER OF SECTION 11, T138N,
 R49W IS NORTH 87°07'30" EAST
 100.00 FEET.

SELKIRK PLACE FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
 AN UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W
 (A MAJOR SUBDIVISION)

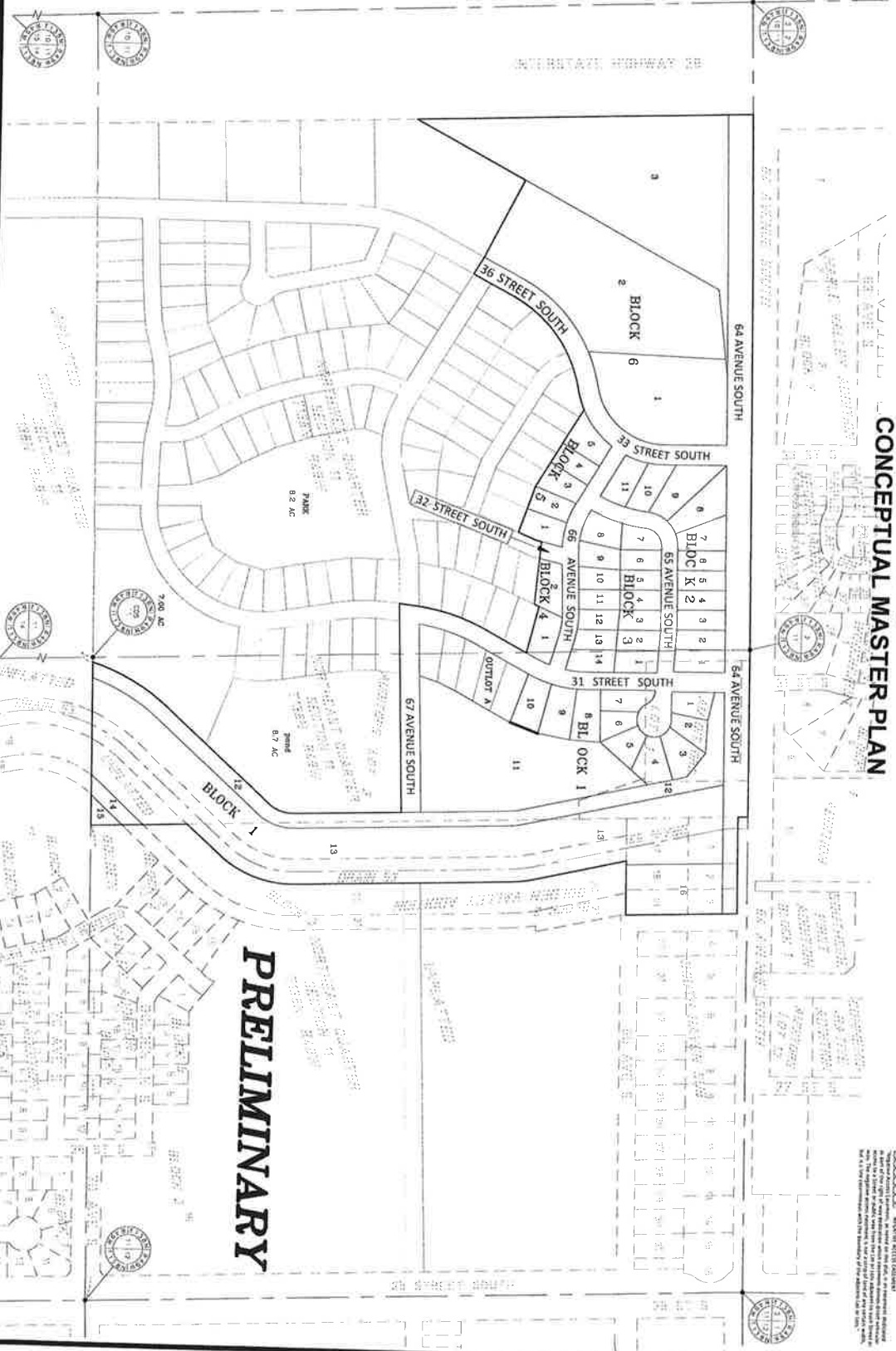
CONCEPTUAL MASTER PLAN

LEGEND

○	EXISTING PROPERTY LINE
○	PROPOSED PROPERTY LINE
○	PROPOSED LOT CENTER
○	PROPOSED LOT CORNER
○	PROPOSED LOT CENTER
○	PROPOSED LOT CORNER
○	PROPOSED LOT CENTER
○	PROPOSED LOT CORNER

BOLTON & MENK
 ENGINEERS & ARCHITECTS
 1000 13TH STREET SW
 FARGO, ND 58103
 (701) 785-1111

BENCHMARK
 CONCEPTUAL MASTER PLAN FOR THE UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W, NORTH DAKOTA. THE PLAN IS BASED ON THE CENTER OF THE QUARTER OF SECTION 11, T138N, R49W IS NORTH 87°07'30" EAST 100.00 FEET.



PRELIMINARY

SELKIRK PLACE FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W AND A REPLAT OF LOTS 1, 2, 3, 17, 18 & 19 OF SOUTH HAVEN SUBDIVISION
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

OWNER: LOTS 1, 2, 3, 17, 18 & 19 OF SECTION 11, T138N, R49W AND A REPLAT OF LOTS 1, 2, 3, 17, 18 & 19 OF SOUTH HAVEN SUBDIVISION. THE CITY OF FARGO, NORTH DAKOTA MUNICIPAL CORPORATION AND CASSE COUNTY WATER RESOURCE DISTRICT AS SUCCESSORS IN INTEREST OF THE SOUTH HAVEN SUBDIVISION AND THE SOUTH HAVEN SUBDIVISION.

Commencing at the southeast corner of said section 11; thence north 89 degrees 01 minutes 24 seconds East, 294.22 feet to the intersection of the center line of said section 11 and the center line of said section 11; thence north 89 degrees 01 minutes 24 seconds East, 294.22 feet to the intersection of the center line of said section 11 and the center line of said section 11; thence north 89 degrees 01 minutes 24 seconds East, 294.22 feet to the intersection of the center line of said section 11 and the center line of said section 11; thence north 89 degrees 01 minutes 24 seconds East, 294.22 feet to the intersection of the center line of said section 11 and the center line of said section 11...

OWNERS: LOTS 1, 2, 3, 17, 18 & 19 OF SECTION 11, T138N, R49W AND A REPLAT OF LOTS 1, 2, 3, 17, 18 & 19 OF SOUTH HAVEN SUBDIVISION. THE CITY OF FARGO, NORTH DAKOTA MUNICIPAL CORPORATION AND CASSE COUNTY WATER RESOURCE DISTRICT AS SUCCESSORS IN INTEREST OF THE SOUTH HAVEN SUBDIVISION AND THE SOUTH HAVEN SUBDIVISION.

By: Emyrta L. Hecner, an Individual
State of North Dakota
County of Cass
On this day of in the year 2019
before me personally appeared Emyrta L. Hecner, an individual, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that she executed the same as a free and true deed.



OWNERS: LOTS 13, 15, 17, 19 OF SECTION 11, T138N, R49W AND A REPLAT OF LOTS 13, 15, 17, 19 OF SOUTH HAVEN SUBDIVISION. THE CITY OF FARGO, NORTH DAKOTA MUNICIPAL CORPORATION AND CASSE COUNTY WATER RESOURCE DISTRICT AS SUCCESSORS IN INTEREST OF THE SOUTH HAVEN SUBDIVISION AND THE SOUTH HAVEN SUBDIVISION.

By: Timothy J. Materson, Mayor
State of North Dakota
County of Cass
On this day of in the year 2019
before me personally appeared Timothy J. Materson, Mayor, an individual, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that they executed the same as a free and true deed.

OWNERS: LOTS 1, 2, 3, 17, 18 & 19 OF SECTION 11, T138N, R49W AND A REPLAT OF LOTS 1, 2, 3, 17, 18 & 19 OF SOUTH HAVEN SUBDIVISION. THE CITY OF FARGO, NORTH DAKOTA MUNICIPAL CORPORATION AND CASSE COUNTY WATER RESOURCE DISTRICT AS SUCCESSORS IN INTEREST OF THE SOUTH HAVEN SUBDIVISION AND THE SOUTH HAVEN SUBDIVISION.

By: Sara Robinson, Chairman
State of North Dakota
County of Cass
On this day of in the year 2019
before me personally appeared Sara Robinson, Chairman, SouthWest Cass Water Resource District, an individual, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that she executed the same as a free and true deed.

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by: City Engineer, the day of 2019
Brenda E. Doring, City Engineer
State of North Dakota
County of Cass

On this day of in the year 2019 before me personally appeared Brenda E. Doring, City Engineer, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that she executed the same as a free and true deed.

Notary Public:

SURVEYORS CERTIFICATE AND ACKNOWLEDGEMENT

I, the undersigned, being a duly licensed surveyor in the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that it conforms to the requirements of the laws of North Dakota, and that the same has been approved by the Board of Surveyors of North Dakota. The within boundary lines are hereby established by this plat.

On this 25 day of JULY in the year 2019 before me personally appeared Craig Sorensen, known to me to be the person whose name is subscribed to and who executed the within instrument, and acknowledged to me that he executed the same as a free and true deed.



CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by: the City of Fargo Planning Commission, the day of 2019
Sara Fischer, Planning Commission Chair
State of North Dakota
County of Cass

On this day of in the year 2019 before me personally appeared Sara Fischer, Planning Commission Chair, known to me to be the person whose name is subscribed to and who executed the same as a free and true deed.

Notary Public:

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered that this day of 2019
Timothy J. Materson, Mayor
State of North Dakota
County of Cass

On this day of in the year 2019 before me personally appeared Timothy J. Materson, Mayor, and Sara Robinson, City Engineer, known to me to be the persons whose names are subscribed to and who executed the within instrument, and acknowledged to me that they executed the same as a free and true deed.



10000 1/2" = 1' (Horizontal Scale)
10000 1/2" = 1' (Vertical Scale)

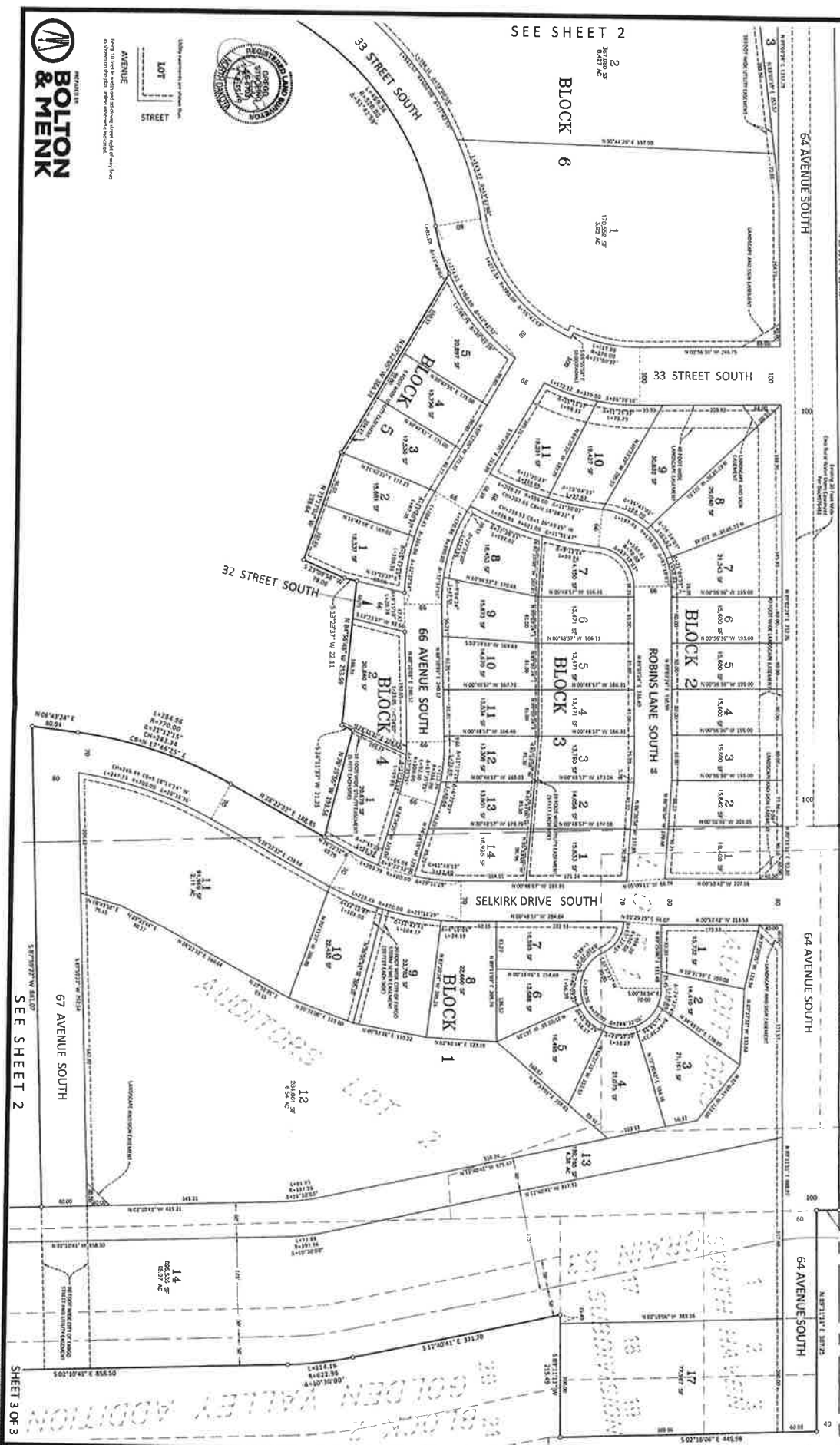


SEE SHEET 2



SELKIRK PLACE FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE NORTH HALF OF SECTION 11, T138N, R49W AND A REPLAT OF AUDITORS LOT 1 AND
A PORTION OF AUDITORS LOT 2 AND A REPLAT OF LOTS 1, 2, 3, 17, 18 & 19 OF SOUTH HAVEN SUBDIVISION
(A MAJOR SUBDIVISION)



SEE SHEET 2

SHEET 3 OF 3

LEGEND

○	EXISTING LOT
○	NEW LOT
—	BOUNDARY LINE
—	REPLAT LINE
—	REPLAT LINE

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

3217

ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN SELKIRK PLACE FIRST ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in the proposed Selkirk Place First Addition to the City of Fargo, Cass County,
7 North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on May 7, 2019; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on July 15,
11 2019,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lots One (1) through Eleven (11), Block 1; Lots One (1) through Eight (8), Block 2;
16 Lots One (1) through Fourteen (14), Block Three (3); Lots One (1) and Two (2),
17 Block Four (4); and Lots One (1) through Four (4), Block Five (5) of Selkirk Place
18 First Addition to the City of Fargo, Cass County, North Dakota;

19 is hereby rezoned from "GC", General Commercial and "AG", Agricultural, District to "SR-2",
20 Single-Dwelling Residential, District;

21 Section 2. The following described property:

22 Lots Nine (9) through Eleven (11), Block Two (2) and Lot Five (5), Block Five (5) of
23 Selkirk Place First Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling Residential,
District;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 3. The following described property:

1 Lots Twelve (12) through Seventeen (17), Block One (1) of Selkirk Place First Addition to
2 the City of Fargo, Cass County, North Dakota;

3 is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District;

4 Section 4. The following described property:

5 Lots One (1) and Three (3), Block Six (6) of Selkirk Place First Addition to the City of
6 Fargo, Cass County, North Dakota;

7 is hereby rezoned from "GC", General Commercial, District to "P/I", Public and Institutional,
8 District;

9 Section 5. The following described property:

10 Lot Two (2), Block Six (6) of Selkirk Place First Addition to the City of Fargo, Cass
11 County, North Dakota;

12 currently zoned as a "GC", General Commercial, District shall continue to be zoned as a "GC",
13 General Commercial, District;

14 Section 6. The City Auditor is hereby directed to amend the zoning map now on file in his
15 office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 7. This ordinance shall be in full force and effect from and after its passage and approval.

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(SEAL)

Attest:

Steven Sprague, City Auditor

Timothy J. Mahoney, Mayor

First Reading:
Second Reading:
Final Passage:

32j

City of Fargo Staff Report			
Title:	Madelyn's Meadows Second Addition	Date:	2/27/2019
		Updated:	7/10/2019
Location:	7269 25 th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 9, Block 3, Madelyn's Meadows First Addition		
Owner(s)/Applicant:	Sitka Investments, LLC/Jon Youness	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (replat of Lot 9, Block 3, Madelyn's Meadows First Addition) Zone Change (from AG, Agriculture to SR-4, Single-Dwelling Residential and SR-5, Single Dwelling Residential)		
Status:	City Commission Public Hearing: July 15, 2019		

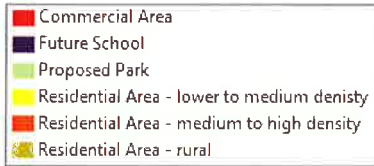
Existing	Proposed
Land Use: Undeveloped	Land Use: Residential
Zoning: AG, Agricultural	Zoning: SR-4, Single Dwelling Residential; SR-5, Single-Dwelling Residential
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; SR-5 Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities. At the June 4, 2019 Planning Commission, by a vote of 7-0 with four Commissioners absent, the Planning Commission voted
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: SR-4 allows 12.1 dwelling units per acre; SR-5 allows 14.5 dwelling units per acre;

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Madelyn's Meadows Second Addition, a replat of Lot 9, Block 3, Madelyn's Meadows First Addition; and 2. A zone change from AG: Agricultural to SR-4, Single Dwelling Residential and SR-5, Single Dwelling Residential. <p>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.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-4, Single Dwelling Residential • East: Single-dwelling residential (Madelyn's Meadows First Addition) • South: AG, undeveloped

- West: Cass County Drain 53; AG-zoned undeveloped land outside of city limits on the west side of this drain.

Area Plans:

The 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan, designates the area of this project as "Residential Area – lower to medium density" land use. Per that plan, both the proposed SR-4 and SR-5 zonings are consistent with this land use designation.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "low density residential" development. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Context:

Schools: The subject property is located within the West Fargo School District and is served by L.E. Berger Elementary, Cheney Middle and West Fargo High schools.

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.39 miles east of the project site and provides the amenities of baseball/softball fields.

Pedestrian / Bicycle: There are off-road bike facilities along 25th Street South that are a component of the metro area bikeways system. A trail along 73rd Avenue South, within the 80-foot public right of way, was required as part of Madelyn's Meadows First Addition.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create a total of 77 lots for residential development. Lots will be zoned as shown in the chart below.

BLOCK	LOTS	ZONING	LAND USE
1	1-17	SR-4	Single-Dwelling Residential
2	1-20	SR-5	Single-Dwelling Residential
3	1-16	SR-4	Single-Dwelling Residential
4	1-16	SR-4	Single-Dwelling Residential
5	1-8	SR-4	Single-Dwelling Residential

ZONING: The SR-4 zoned single-dwelling lots range in size from 5,763 square feet to 13,610 square feet. All lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet. The SR-5-zoned lots in Block 2 range in size from 4,700 to over 7,300 square feet, with most lots around 5,000 square feet or less. All lots meet the minimum required lot area of the SR-5 zone of 3,000 square feet. The access easement at the rear of the lots in Block 2 will be maintained by a homeowners association (HOA).

HISTORY OF LOT 9, BLOCK 3: In the Madelyn's Meadows First Addition, Lot 9, Block 3 remained zoned AG: Agricultural. The applicant intended to develop this lot with residential development as a second phase, to be rezoned to the appropriate residential zone at the time it is developed. This lot is now being platted and zoned.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat.

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 property is currently zoned AG, Agricultural. The proposed zoning of SR-4 and SR-5 are consistent with the 2007 Tier 1 Southeast Growth Plan designation of the area of this project as "Residential Area – lower to medium density." Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "low density residential" development. **(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. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will 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 evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. 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 LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan. This plan designates this property as appropriate for lower to medium density residential development, which includes the SR-4 and SR-5 zones. The previously platted SR-4 zoned area of Madelyn's Meadows (Blocks 1 and 2 and Lots 1-8 of Block 3) provides a gross density of approximately 4 dwelling units per acre. This phase provides a gross density of approximately 5.5 dwelling units per acre. These densities do not exceed the maximum density of 12.1 dwelling units per acre allowed in the SR-4 zone. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "low density residential" development. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

The LDC stipulates that the following criteria are met before a major plat can be approved

1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The proposed zoning for the residential development on this property is SR-4 and SR-5. These zones will accommodate the proposed single-family development and are consistent with the "low density residential" designation for this property in the 2007 Tier 1 Southeast Growth Plan. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "low density residential" development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The proposed zoning is SR-4 and SR-5. This zoning is consistent with the 2007 Tier 1 Southeast Growth Plan, which designates this property for lower to medium density residential development. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "low density residential" development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

3. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

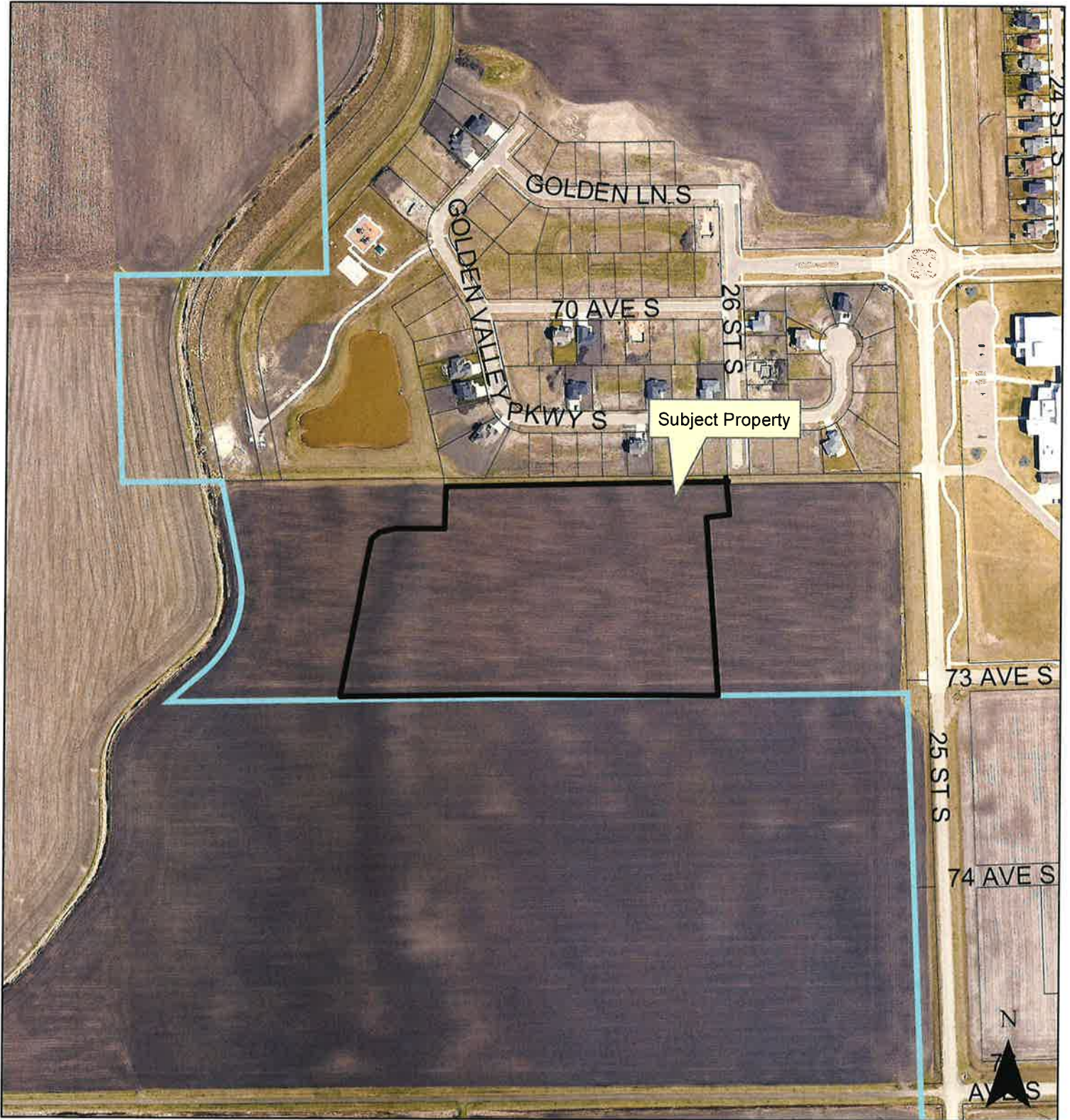
The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. The City's standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

(Criteria Satisfied)
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of the 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 for first reading and move to approve the proposed: 1) zone change from AG, Agricultural to SR-4, Single Dwelling Residential and SR-5, Single Dwelling Residential; and 2) Madelyn's Meadows Second Addition subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Planning Commission Recommendation: March 5, 2019
At the March 5, 2019 Planning Commission, by a vote of 9-0 with two Commissioners absent, the Planning Commission voted to accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-4, Single Dwelling Residential and SR-5, Single Dwelling Residential; and 2) Madelyn's Meadows Second Addition subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.
Attachments:
<ol style="list-style-type: none"> 1. Location Map 2. Zoning Map 3. Preliminary Plat

Plat (Major) and Zone Change (AG to SR-4)

Madelyn's Meadows 2nd Addition

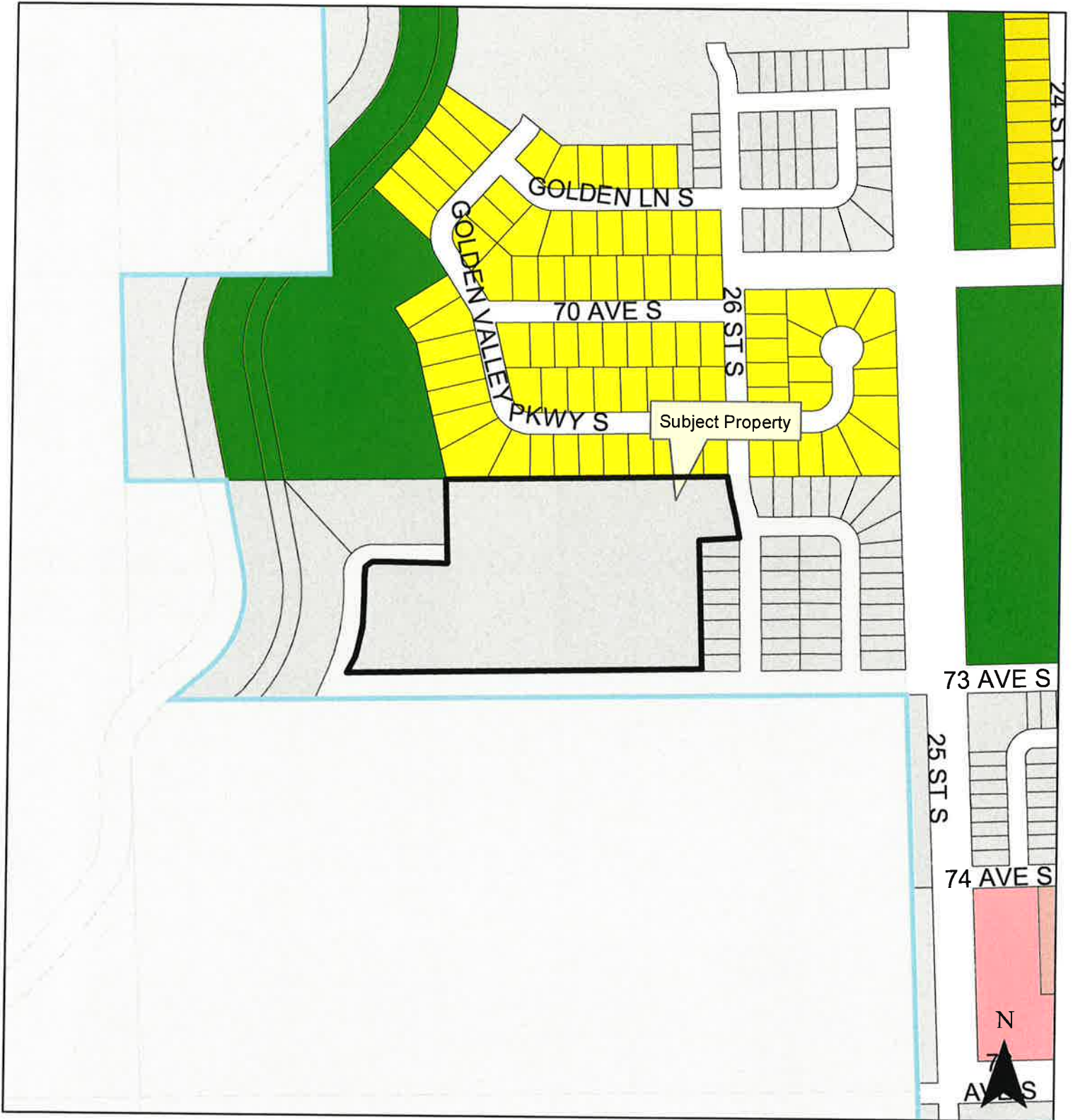
7269 25 Street South



Plat (Major) and Zone Change (AG to SR-4 and SR-5)

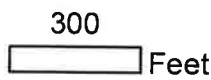
Madelyn's Meadows Second Addition

7269 25 Street South



Legend

AG	LC	MHP	SR-2
DMU	M	NC	SR-3
CC	MR-1	NO	SR-4
GC	MR-2	PA	SR-5
GO	MR-3	UMU	City Limits



MADELYN'S MEADOWS SECOND ADDITION

BEING A REF-PLAT OF LOT 2, BLOCK 2, MADELYN'S MEADOWS PHASE 1 ADDITION
IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A FARGO MEDVISION)

PLAT BOUNDARY DESCRIPTION

Lot 2 of Block 2, Madelyn's Meadows Second Addition, being a plat of land as registered and approved by the City of Fargo, and made the subject of a plat of land as registered and approved by the City of Fargo, a part of the Southeast Quarter in Section 11, Township 138 North, Range 49 West, Cass County, North Dakota; that said plat is a true and correct representation of the boundary survey; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to-wit:

All of Lot 9, Block 3 of MADELYN'S MEADOWS FIRST ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota

Said plat contains 14.52 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record



Justin J. Nelson, P.E.
Professional Land Surveyor
Registration No. LS27922

State of North Dakota)
County of Cass) SS

On the 28th day of March, 2019, appeared before me, Justin J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

My commission expires July 31, 2020
Notary Public, Cass County, North Dakota

DEDICATION

We, the undersigned, do hereby dedicate to the owners of the lots described in the plat of MADELYN'S MEADOWS SECOND ADDITION to the City of Fargo, a part of the Southeast Quarter in Section 11, Township 138 North, Range 49 West, Cass County, North Dakota; that we have caused to be placed hereon the lines and blocks as shown by said plat and certificate of Justin J. Nelson, Registered Land Surveyor, and that the dedication is shown in the certificate of the Registered Land Surveyor. We hereby dedicate as Street, Lane, Drive, Utility Easement, and Open Space the areas shown on said plat to the Public.

Owner: Stata Investments, LLC
James R. Bulle, President

State of North Dakota)
County of Cass) SS

On the 28th day of March, 2019, appeared before me, James R. Bulle, President, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of Stata Investments, LLC.

My commission expires: Sept 24, 2020
Notary Public, Cass County, North Dakota



Marjorie Hedder, First International Bank & Trust

State of North Dakota)
County of Cass) SS

On the 28th day of March, 2019, appeared before me, Marjorie Hedder, President, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of First International Bank & Trust.

My commission expires: Jan 31, 2020
Notary Public, Cass County, North Dakota



CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ___ day of ____, 2019.
Brenda E. Dering, P.E.
City Engineer

State of North Dakota)
County of Cass) SS

On this ___ day of ____, 2019, before me, a notary public in and for said county, personally appeared Brenda E. Dering, City Engineer, known to me to be the person subscribed to said certificate and did acknowledge the same as a free act and deed.

Notary Public, Cass County, North Dakota
My commission expires: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this 28th day of March, 2019.
Shana Fischer
Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this 28th day of March, 2019, before me, a notary public in and for said county, personally appeared Shana Fischer, Planning Commission Chair, known to me to be the person subscribed to and who executed the same as a free act and deed.

My commission expires: May 16, 2023
Notary Public, Cass County, North Dakota



FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ___ day of ____, 2019.
Timothy J. Maloney
Mayor

State of North Dakota)
County of Cass) SS

On this ___ day of ____, 2019, before me, a notary public in and for said county, personally appeared Timothy J. Maloney, Mayor, and Shana Fischer, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota
My commission expires: _____

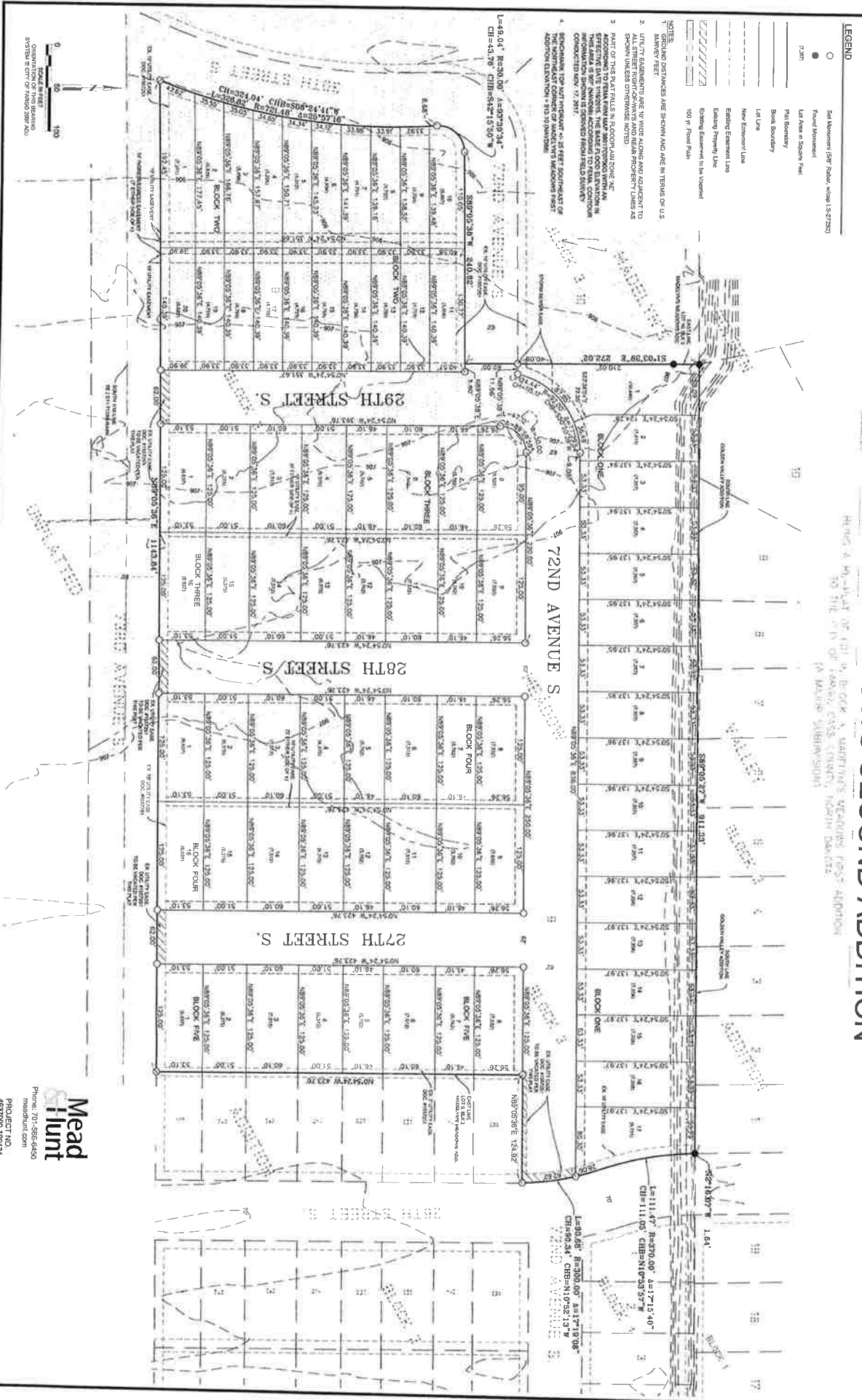
Mead & Hunt
PBA SELECT NO. 487005 1 OF 2
SHEET 1 OF 2
Phone: 701.566.6450
mead@mh.com

MADELYN'S MEADOWS SECOND ADDITION

Being a part of Block A, Madelyn's Meadows First Addition to the City of Fargo, Cass County, North Dakota (a/k/a Madelyn's Meadows)

- LEGEND**
- Set Monument (6" Rebar, w/ cap U.S. 2722)
 - Found Monument
 - Lot Area in Square Feet (7,200)
 - Parcel Boundary
 - Block Boundary
 - Lot Line
 - New Easement Line
 - Existing Easement Line
 - Easement Property Line
 - Easement Reserved to be Vented
 - 100 yr Flood Plain

- NOTES**
1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF US SURVEY FEET.
 2. LOTTY EASEMENTS ARE IN WIDE ALONG AND ADJACENT TO SHOWN REVISIONS AND BEAR PROPERTY LINES AS SHOWN.
 3. PART OF THE BLOCK IS TO BE CONVEYED TO THE CITY OF FARGO TO BE USED AS A PUBLIC UTILITY RIGHT-OF-WAY. THE EASEMENT LINE IS SHOWN WITH AN EASEMENT TO REMAIN FROM AND BEAD PROPERTY LINES AS SHOWN.
 4. SHOWN TO BE ADJACENT TO 25 FEET SOUTH OF THE EXISTING 72ND AVENUE. THE EASEMENT LINE IS SHOWN WITH AN EASEMENT TO REMAIN FROM AND BEAD PROPERTY LINES AS SHOWN.



Mead
slunt

Phone: 701-566-6460
meadslunt.com

PROJECT NO.
4837000-180431
SHEET 2 OF 2

AS PREPARED BY MEAD SLUNT & ASSOCIATES, INC. FOR THE CITY OF FARGO, NORTH DAKOTA

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

32jZ

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN MADELYN'S MEADOWS SECOND ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in the proposed Madelyn's Meadows Second Addition to the City of Fargo,
7 Cass County, North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on March 5, 2019; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on July 15,
11 2019,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lots One (1) through Seventeen (17), Block One (1); Lots One (1) through Sixteen
16 (16), Block Three (3); Lots One (1) through Sixteen (16), Block Four (4); and Lots
17 One (1) through Eight (8), Block Five (5) of Madelyn's Meadows Second Addition
18 to the City of Fargo, Cass County, North Dakota;

19 is hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling Residential,
20 District;

21 Section 2. The following described property:

22 Lots One (1) through Twenty (20), Block Two (2) of Madelyn's Meadows Second Addition
23 to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "SR-5", Single-Dwelling Residential,
District;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Timothy J. Mahoney, Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR

DATE: JULY 8, 2019

SUBJECT: REQUEST FOR TAX INCREMENT FINANCING

A handwritten signature in black ink, appearing to read "JG", is written over the "FROM" line of the memorandum.

The Tax Exempt Review Committee is recommending approval of a request for Tax Increment Financing (TIF) for redevelopment of a site northeast of 11th Avenue North and University Drive. The project would demolish 10 buildings and construct 85 apartments and 7 townhomes. Demolition would begin in the fall of 2019 and the new construction would finish in July 2021.

The developer is requesting \$950,000, TIF fees paid to the City and interest on TIF costs. TIF eligible costs are land acquisition, demolition and public facility costs. The estimated annual TIF revenue is \$123,000 a year and the maximum length of the TIF term would be 10 years after project completion.

The Tax Exempt Review Committee also recommended that the size of the TIF District be limited to Lots 2 and 3 on the attached map, which is the size of the initial Roers Development. Property owned by the Catholic Church would not be included in the TIF District and would not receive any TIF funds. Property taxes paid by the church for the faith-based housing would not benefit the developer.

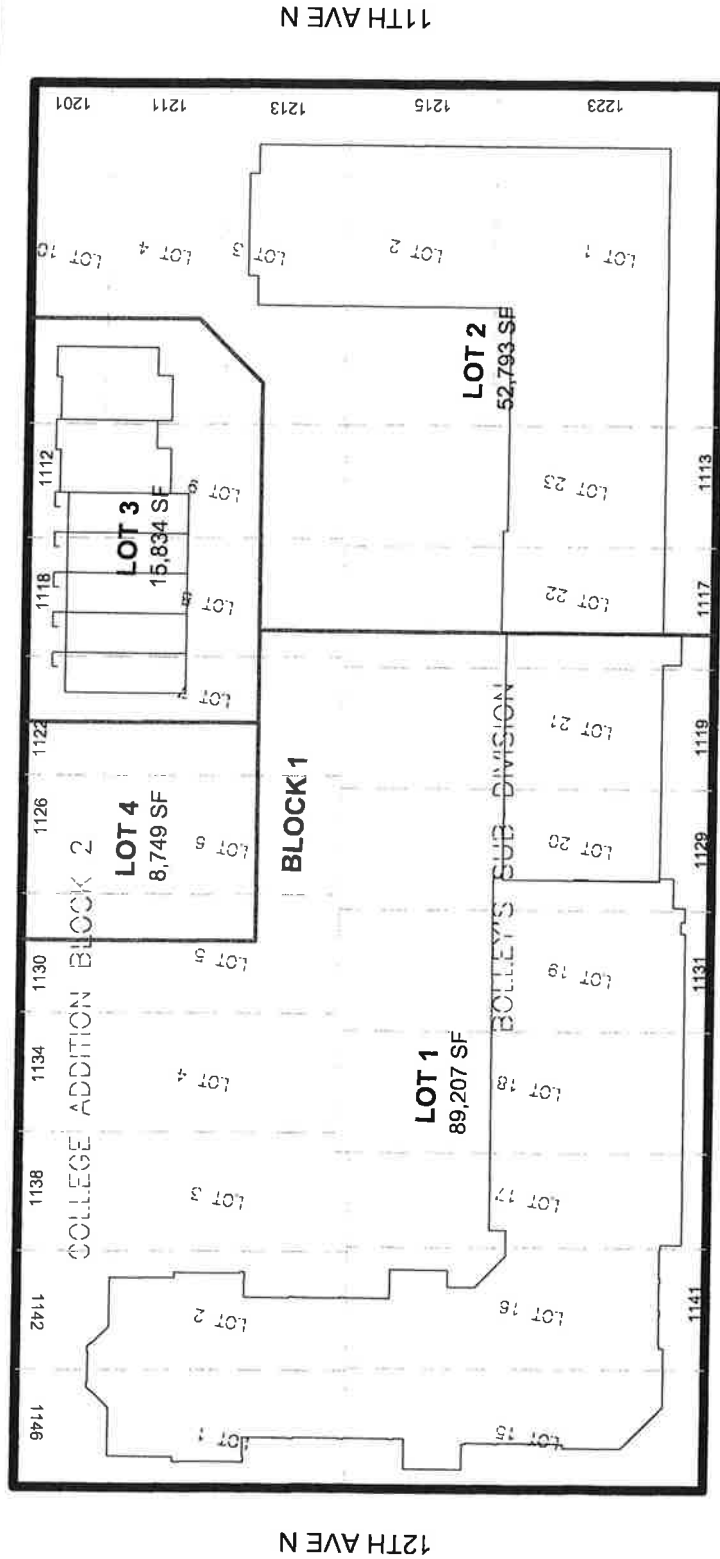
Roers' request was sent to PFM, a City financial adviser. PFM reviewed the project and stated, "Based on the internal rate of return and the coverage requirements, PFM concluded that the project would not be feasible without public assistance." PFM also concluded that, "The developer will bear all the risk involved with the project."

The next steps are to prepare a Renewal Plan and Development Agreement for consideration at a public hearing.

RECOMMENDED MOTION: Direct City staff and the City Attorney to prepare a Renewal Plan and Development Agreement for consideration at a future public hearing.

Attachment

Total Block Area	Area	% of Block
166583 SF	166583 SF	100.00%
Lot 1 - Diocese of Fargo	89207 SF	53.55%
Lot 4 - Diocese of Fargo	8749 SF	5.25%
Lot 2 - Roers Market Rate	52793 SF	31.69%
Lot 3 - Roers Townhomes	15834 SF	9.51%
		41.20%



ROERS
SPNC BLOCK
 FARGO, ND



ROOSEVELT NEIGHBORHOOD ASSOCIATION

**ROOSEVELT ELEMENTARY SCHOOL
1026 NORTH 10TH STREET
FARGO, ND 58102**

July 8, 2019

Commissioners,

In May, the Roosevelt Neighborhood Association was asked by the Commission to come up with a position on the TIF request from Roers Development for the market-rate housing component included in the St. Paul Newman Center project.

Members of our association attended several meetings with City staff to determine what benefit the neighborhood might receive from such a request. However, any suggested benefit seemed hypothetical at best. Vague references were made to demolishing three homes in the neighborhood, possibly through a scattered site scenario and we were told that any benefit would be over 10 years, whereas the neighborhood's needs are much more immediate. In our opinion, what was brought to us was hardly a definitive proposal to the neighborhood that we felt that we could commit to considering what the neighborhood loses with a high-density housing complex located in the middle of a residential area.

Our association has considered a scenario where the City Commission approves the requested TIF. We believe the City should honor the negotiation of February between the RNA and the Newman Center Project principals (Roers and the Catholic Diocese). As per that discussion our neighborhood expects the following outcome from this process:

The careful relocation of three homes on the Newman Center block including 1112, 1122 & 1134 12th Street North, to empty lots acquired by the City of Fargo within the boundaries of Roosevelt Neighborhood. We would ask that these homes be deed restricted as non-rental properties sold to qualified owner-occupants.

Sincerely,

Roosevelt Neighborhood Association

3A

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

July 11, 2019

Board of City Commissioners
City Hall
225 Fourth Street North
Fargo, ND 58102

RE: Nationwide Opioid Litigation Update—Selection and Engagement of Opioid Litigation Counsel

Dear Commissioners,

I write to recommend your approval of the City's engagement of Andrus Anderson, LLP, acting in affiliation with the Robbins Geller law firm, which already represents Cass County in its opioid lawsuit, to serve as litigation counsel on a lawsuit by the City against certain manufacturers and distributors of pharmaceutical opioids. Also, I want to report that I have filed, but not yet served upon any defendants, a complaint in federal court initiating the lawsuit. I have done this so that the City's rights in the class negotiation process might be better preserved by a prompt filing. The complaint in the City's lawsuit parallels the complaint filed by co-plaintiffs, County of Cass and city of Grand Forks, North Dakota, in U.S. District Court, District of North Dakota, on March 26, 2019.

At the June 17th City Commission meeting, I provided an update on the nationwide opioid litigation and the recent decision by the Burleigh County District Court dismissing the opioid lawsuit brought by the State of North Dakota that is causing us to revisit the question of whether the city of Fargo should engage one of the law firm consortiums who are already enmeshed with the multi-district litigation case management ("MDL") being handled by U.S. District Judge Polster in Ohio. Since my June 17th report, a hearing has been held by Judge Polster on the motion that was filed with the MDL court by the plaintiffs' Executive Committee proposing an omnibus settlement structure and process. The proponents are seeking to create and represent a class for the sole purpose of negotiating and potentially settling with the defendants conducting nationwide opioid manufacturing, sales or distribution. The motion proposed the creation of a voting arrangement by which all county and municipal entities in the United States would be able to participate collectively, through their representatives, in settlement discussions with the various opioid defendants on a class-wide basis and to vote to accept or reject proposed settlements. As



mentioned, Judge Polster has already considered the motion in at least one hearing and will give the matter further consideration at one or more hearings in the very near future. The proposed establishment of a negotiating class and structure for possible global settlement is forging new territory and it remains to be seen whether these efforts will be fruitful; however, this is a significant development in the nationwide opioid litigation.

North Dakota had started its lawsuit in Burleigh County District Court by filing a 64-page complaint, which, among other things, alleged violations of North Dakota consumer fraud law, statutory public nuisance violations and other general relief. City representatives communicated with the North Dakota Attorney General, Wayne Stenehjem, regarding the state's lawsuit--intended and designed to provide an opportunity for the state to obtain a recovery not limited to actual damages suffered but also to certain "remedial" funds that would benefit not just the state, but political subdivisions, such as the city of Fargo, within the state and ultimately, to deliver necessary funding for law enforcement, public safety, social and health programming to reduce the devastation suffered within the state caused by the opioid epidemic and to mitigate its impact. The State's case suffered a blow recently when the Burleigh County District Court ordered the dismissal of the State's case in May 2019. Although we believe the state will appeal the trial court's decision and, perhaps, the North Dakota Supreme Court will alter or reverse the decision in some way; however the appellate process can frequently take a year or more and during the interim, the fate of the State's case will be unknown. While the City has been, and remains, fully supportive of the State's case and in the desire of the Attorney General and the State to establish these programs and to fund their delivery, the unexpected and unfavorable decision from district court has prompted us to revisit the City's position with respect to participation in opioid litigation by filing a lawsuit independent from the State's case.

Opioid litigation is a significant undertaking, involving complicated facts and events and frequently involves allegations of tens of defendants who are involved in the manufacturing and distribution of pharmaceutical opioid drugs. As a result, it is not unusual for multiple law firms to join forces in order to appropriately represent a multitude of plaintiffs in separately-filed lawsuits. There are two law firm consortiums that have been representing cities and counties in our state. It is my understanding that perhaps 20 or more counties and three cities have engaged opioid litigation counsel with one or the other of these two consortiums. The first group I will refer to as the "Motley Rice Group" consisting of a consortium of three law firms: Ferrer Poirot Wansbrough, Fears Nachawati, and Motley Rice. From the Motley Rice group, Fears Nachawati law firm would be the principal law firm handling the case of the city of Fargo. The second group is led by the Robbins Geller law firm, which is affiliated with San Francisco-based Andrus Anderson, LLP, law firm. From the Robbins Geller group, Andrus Anderson, LLP, would be engaged and would handle the case of the city of Fargo.

Mayor Mahoney asked me to take the lead in scheduling interviews with each of the two law firm groups and within the past three weeks, Commission Strand, Mayor Mahoney and I have interviewed representatives of both groups. Both groups are very highly qualified law firms who already represent multiple clients – cities, counties and states – in bringing opioid lawsuits. Both groups are members of the plaintiffs' Executive Committee established by Judge Polster in the federal MDL in Ohio and, thus, they have significant insight and influence in the shaping of events that will unfold in the MDL proceedings, including the possible global settlement. Both groups have the resources and experience to handle the complex nature of an opioid lawsuit, should the matter go to trial. In terms of proposed fee structure, both propose contingent fee arrangements in which the City would have no obligation to pay legal fees or expenses other than from amounts recovered at trial or by settlement. In addition, it should be noted that if there is a global class-action like settlement, such settlement would likely include court-approved attorney fees that would be paid out of settlement funds paid by the defendants before settlement funds are distributed to the plaintiffs (cities, counties, other political subdivisions of states and, perhaps, the states themselves) and such court-ordered attorney fees may, therefore, replace the percentage fees as set forth in the contingent-fee retainer agreements. The contingent-fee structure proposed by the Motley Rice group is a varied rate dependent upon the amount recovered as follows: 25% of first \$2,000,000; 20% of next \$1,000,000; 15% of next \$1,000,000; 10% of next \$1,000,000 and 5% of any sums exceeding \$5,000,000. The contingent-fee structure proposed by Andrus Anderson is a flat 18% of any sums recovered. After conferring with Mayor Mahoney and Commissioner Strand, it is my recommendation that the City work with the Robbins Geller consortium principally because of its representation of Cass County (as well as the City of Grand Forks, I might add) with the value of the excellent working relationship the City shares with Cass County and, therefore, with the Andrus Anderson LLP law firm.

SUGGESTED MOTION: I move to approve the engagement of Andrus Anderson LLP, working in affiliation with the Robbins Geller law firm, as legal counsel for the City in the opioid lawsuit as presented and to authorize the execution of the contingent fee engagement and fee agreement letter, as proposed.

Sincerely,



Erik R. Johnson

Enclosure

ANDRUS  ANDERSON LLP

July 8, 2019

Erik R. Johnson
City Attorney, Fargo
505 Broadway, Suite 206
Fargo, ND 58102
701-280-1901
ejohnson@lawfargo.com

Re: *Opioids Epidemic Litigation*

Dear Mr. Johnson:

This letter will confirm that Andrus Anderson LLP (the “Firm”) has been retained by the City of Fargo, North Dakota (the “City”) to recover for the harm incurred as a result of the alleged deceptive and fraudulent marketing practices of several pharmaceutical manufacturers and the alleged failure to report suspicious purchases by certain wholesale and/or retail distributors. As a result, these manufacturers and distributors have violated federal and state laws. We have conducted an investigation and believe there is a valid basis to prosecute such an action.

The terms under which we will represent the City as a plaintiff are:

1. We will prosecute the action on a contingency fee and cost basis.
2. We will advance all fees and expenses necessary to prosecute the case. Where feasible, we will pursue recovery of costs and expenses against the opposing parties in a motion for attorneys’ fees. Otherwise, fees will be paid only out of a recovery (*i.e.*, judgment or settlement). The City shall not pay or reimburse us for any fees or expenses advanced absent a successful motion for attorney’s fees and/or a recovery. Legal fees will be paid in the amount of eighteen percent (18%) of the gross recovery.
3. While not currently anticipated, the City agrees that, in the event the case is consolidated, coordinated, or other plaintiffs are joined in the case, we may divide fees with other attorneys as necessary. The division of attorneys’ fees with other counsel may be determined upon a percentage basis or upon time spent in assisting the prosecution of an action. The division of fees with other counsel is our sole responsibility and will not increase the total fees due from the City upon a successful resolution of the litigation. A decision by our firm to retain another attorney or law firm as associate counsel shall be subject to the City’s approval.
4. The City will cooperate in the prosecution of the action, including participating in discovery and providing deposition testimony, if requested. The City understands that the Firm may represent other entities against the same defendants.

5. The City—through the City Attorney’s Office and its attorneys—retains complete control over the course and conduct of the case, including veto power over any decision made by this firm and the exclusive discretion to make decisions regarding settlement of the case.

6. It is important that any documents related to the case, in the broadest sense, are set aside and protected from destruction. This includes electronic records such as e-mail. The Firm and the City Attorney’s office will work together to ensure that the appropriate documents are identified and protected from destruction.

7. The City agrees that our files and documents compiled in connection with our investigation and prosecution of this matter may be used and/or disclosed by the Firm as permitted under state and federal law and in accordance with any and all direction provided by the City.

8. All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid, and registered as follows:

TO THE CLIENT Erik R. Johnson
City Attorney, Fargo
505 Broadway, Suite 206
Fargo, ND 58102

TO ATTORNEYS Jennie Lee Anderson
Andrus Anderson LLP
155 Montgomery Street, Suite 900
San Francisco, CA 94104

9. All disputes, disagreements, and claims arising out of or related to this agreement shall be resolved exclusively through binding arbitration in California pursuant to the Rules of the American Arbitration Association. Each party shall bear its own attorney’s fees and costs incurred in any action or proceeding concerning or arising out of this agreement, or efforts to negotiate the matter, and the parties shall share equally the costs of any arbitrator, mediator, or other decision maker in any forum.

10. This letter sets forth the entire agreement between the parties and supersedes all other oral or written provisions. This agreement may be modified by subsequent agreement of the parties only by an instrument in writing, approved and executed in the same manner as this letter.

After executing this letter please return it to us via email to jennie@andrusanderson.com.

We look forward to the successful prosecution of these claims to recover the damages which the City has suffered.

Very truly yours,

JENNIE LEE ANDERSON
ANDRUS ANDERSON LLP
155 Montgomery Street, Suite 900
San Francisco, CA 94014

Please sign below and return this agreement if you would like us to pursue this matter as outlined above.

CITY OF FARGO, NORTH DAKOTA\

By: _____ [DATE]

Its: _____

35

July 15, 2019

Board of City Commissioners
City Hall - 225 N 4th Street
Fargo, ND 58102

Dear Commissioners:

The City of Fargo Transit Department brought a proposal to the Finance Committee on June 24, 2019. This proposal outlined an issue with current contracted bus operator wages. Wages for bus operators currently start at \$15.10 per hour which is not sufficient to hire qualified individuals in the Fargo-Moorhead area. The City of Fargo starts employees who are required to hold a CDL (commercial driver's license) for their position at a Grade 8. Grade 8 starts at \$19.13 per hour and increases incrementally over 11 steps to \$24.88. At present, our contractor is unable to attract enough qualified applicants for open positions and runs the risk of not being able to operate service this fall with the start of the academic year.

The finance committee was asked to suspend fines for the remainder of the year. After some discussion it was determined the fines would not be suspended, but the finance committee did make and pass a motion to request a budget adjustment increasing bus operator wages to a scale starting at \$18.00 per hour.

Attached you will find the contractors (First Transits) proposal for the increase driver wages. This would require a budget adjustment of \$206,101.

Recommended motion is to approve the budget adjustment to bring bus operator's wages in line with industry and local wages.

Sincerely,



Matthew G. Peterson
Assistant Transit Director
City of Fargo

4.1-COST SUMMARY / BID PRICE

Current Option Yr 1 Proposed
 Agreed with Client Amended Rate
 Jan 1 - Dec 31, 2019 Aug 1 - Dec 31

Option Yr 2

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 4</u>	<u>Year 4 Blended</u>	<u>Year 5</u>	<u>TOTAL</u>
FARGO SUMMARY								
Fixed Route								
Management Services	\$393,190	\$417,163	\$404,827	\$423,188	\$475,051	\$444,632	\$482,303	\$2,142,114
Drivers	<u>\$1,897,678</u>	<u>\$2,043,079</u>	<u>\$2,063,587</u>	<u>\$2,065,988</u>	<u>\$2,421,895</u>	<u>\$2,213,142</u>	<u>\$2,391,869</u>	\$10,609,355
SUBTOTAL FIXED ROUTE	\$2,290,868	\$2,460,242	\$2,468,414	\$2,489,176	\$2,896,946	\$2,657,774	\$2,874,172	\$12,751,470
Paratransit (73%) now 81%								
Management Services	\$110,544	\$110,631	\$111,104	\$117,300	\$131,714	\$123,259	\$133,724	\$589,263
Drivers	<u>\$530,512</u>	<u>\$538,939</u>	<u>\$553,592</u>	<u>\$564,663</u>	<u>\$618,742</u>	<u>\$587,023</u>	<u>\$623,809</u>	\$2,833,874
SUBTOTAL PARATRANSIT	\$641,056	\$649,570	\$664,696	\$681,963	\$750,455	\$710,282	\$757,533	\$3,423,137
GTC Dispatch (2/3)								
Management Services	\$31,113	\$31,041	\$30,631	\$32,358	\$39,795	\$35,433	\$40,403	\$168,621
Dispatchers	<u>\$136,840</u>	<u>\$140,564</u>	<u>\$145,050</u>	<u>\$146,400</u>	<u>\$161,178</u>	<u>\$152,510</u>	<u>\$161,509</u>	\$736,473
SUBTOTAL GTC DISPATCH	\$167,952	\$171,605	\$175,680	\$178,758	\$200,973	\$187,943	\$201,912	\$905,093
TOTAL FARGO	\$3,099,876	\$3,281,417	\$3,308,790	\$3,349,898	\$3,848,375	\$3,555,999	\$3,833,616	\$17,079,699
PERFORMANCE BOND	\$11,624	\$12,281	\$11,716	\$11,953	\$11,969	\$11,953	\$12,543	\$48,642
MOORHEAD SUMMARY								
Fixed Route								
Management Services	\$142,237	\$141,942	\$172,622	\$181,777	\$204,079	\$190,998	\$207,194	\$854,994
Drivers	<u>\$686,490</u>	<u>\$695,170</u>	<u>\$879,933</u>	<u>\$887,535</u>	<u>\$1,040,430</u>	<u>\$950,751</u>	<u>\$1,027,532</u>	\$4,239,877
SUBTOTAL FIXED ROUTE	\$828,728	\$837,113	\$1,052,555	\$1,069,312	\$1,244,509	\$1,141,749	\$1,234,726	\$5,094,871
Paratransit (27%) now 19%								
Management Services	\$25,930	\$25,950	\$26,061	\$27,515	\$30,896	\$28,913	\$31,367	\$138,222
Drivers	<u>\$124,441</u>	<u>\$126,418</u>	<u>\$129,855</u>	<u>\$132,452</u>	<u>\$145,137</u>	<u>\$137,697</u>	<u>\$146,326</u>	\$664,736
SUBTOTAL PARATRANSIT	\$150,371	\$152,368	\$155,916	\$159,967	\$176,033	\$166,609	\$177,693	\$802,958
GTC Dispatch (1/3)								
Management Services	\$15,556	\$15,521	\$15,315	\$16,179	\$19,898	\$17,717	\$20,201	\$84,310
Dispatchers	<u>\$68,420</u>	<u>\$70,282</u>	<u>\$72,525</u>	<u>\$73,200</u>	<u>\$80,589</u>	<u>\$76,255</u>	<u>\$80,754</u>	\$368,236
SUBTOTAL GTC DISPATCH	\$83,976	\$85,803	\$87,840	\$89,379	\$100,487	\$93,972	\$100,956	\$452,547
TOTAL MOORHEAD	\$1,063,075	\$1,075,283	\$1,296,312	\$1,318,658	\$1,521,028	\$1,402,330	\$1,513,375	\$6,350,376
PERFORMANCE BOND	\$3,987	\$4,025	\$4,590	\$4,705	\$4,689	\$4,705	\$4,914	\$18,086
FARGO-MOORHEAD GRAND TOTAL	\$4,162,952	\$4,356,701	\$4,605,102	\$4,668,556	\$5,369,403	\$4,958,329	\$5,346,991	\$23,430,075
% CHANGE PER YEAR		4.65%	5.70%	1.38%	15.01%	6.21%	-0.42%	

NOTE: Do not enter numbers into this spreadsheet. It will automatically bring in amounts from the budget estimate spreadsheets and calculate totals.

Name of Firm Submitting Bid: First Transit

Occupational Employment Statistics

Occupational Employment and Wages, May 2018

53-3021 Bus Drivers, Transit and Intercity

Drive bus or motor coach, including regular route operations, charters, and private carriage. May assist passengers with baggage. May collect fares or tickets.

[National estimates for this occupation](#)

[Industry profile for this occupation](#)

[Geographic profile for this occupation](#)

National estimates for this occupation: [Top](#)

Employment estimate and mean wage estimates for this occupation:

Employment (1)	Employment RSE (3)	Mean hourly wage	Mean annual wage (2)	Wage RSE (3)
174,110	2.4 %	\$21.47	\$44,650	1.9 %

Percentile wage estimates for this occupation:

Percentile	10%	25%	50% (Median)	75%	90%
Hourly Wage	\$12.29	\$15.32	\$20.23	\$27.25	\$33.21
Annual Wage (2)	\$25,550	\$31,870	\$42,080	\$56,680	\$69,070

Industry profile for this occupation: [Top](#)

Industries with the highest published employment and wages for this occupation are provided. For a list of all industries with employment in this occupation, see the [Create Customized Tables](#) function.

Industries with the highest levels of employment in this occupation:

Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)
Local Government, excluding schools and hospitals (OES Designation)	79,710	1.45	\$24.44	\$50,840
Urban Transit Systems	29,820	61.47	\$19.86	\$41,310
Charter Bus Industry	16,970	57.69	\$16.36	\$34,020

<u>Interurban and Rural Bus Transportation</u>	11,060	61.85	\$19.03	\$39,580
<u>Other Transit and Ground Passenger Transportation</u>	10,370	9.85	\$16.80	\$34,940

Industries with the highest concentration of employment in this occupation:

Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)
<u>Interurban and Rural Bus Transportation</u>	11,060	61.85	\$19.03	\$39,580
<u>Urban Transit Systems</u>	29,820	61.47	\$19.86	\$41,310
<u>Charter Bus Industry</u>	16,970	57.69	\$16.36	\$34,020
<u>Scenic and Sightseeing Transportation, Land</u>	3,490	24.37	\$17.43	\$36,260
<u>Other Transit and Ground Passenger Transportation</u>	10,370	9.85	\$16.80	\$34,940

Top paying industries for this occupation:

Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)
<u>Performing Arts Companies</u>	120	0.09	\$31.79	\$66,120
<u>State Government, excluding schools and hospitals (OES Designation)</u>	6,750	0.31	\$28.27	\$58,800
<u>Local Government, excluding schools and hospitals (OES Designation)</u>	79,710	1.45	\$24.44	\$50,840
<u>Real Estate</u>	170	0.01	\$20.54	\$42,720
<u>Other Schools and Instruction</u>	(8)	(8)	\$20.32	\$42,260

Geographic profile for this occupation: [Top](#)

States and areas with the highest published employment, location quotients, and wages for this occupation are provided. For a list of all areas with employment in this occupation, see the [Create Customized Tables](#) function.

States with the highest employment level in this occupation:

State	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>California</u>	27,730	1.63	1.36	\$23.83	\$49,560
<u>New York</u>	19,630	2.09	1.74	\$28.95	\$60,220
<u>Florida</u>	11,800	1.37	1.14	\$16.02	\$33,320
<u>Texas</u>	11,240	0.93	0.77	\$18.75	\$39,000
<u>New Jersey</u>	7,300	1.80	1.50	\$23.54	\$48,960

States with the highest concentration of jobs and location quotients in this occupation:

State	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Hawaii</u>	2,450	3.82	3.17	\$21.18	\$44,050
<u>New York</u>	19,630	2.09	1.74	\$28.95	\$60,220
<u>Nevada</u>	2,650	1.97	1.63	\$17.85	\$37,130
<u>Maryland</u>	5,200	1.94	1.61	\$20.94	\$43,560
<u>New Jersey</u>	7,300	1.80	1.50	\$23.54	\$48,960

Top paying States for this occupation:

State	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>New York</u>	19,630	2.09	1.74	\$28.95	\$60,220
<u>Washington</u>	5,290	1.62	1.35	\$28.31	\$58,890
<u>Illinois</u>	6,600	1.10	0.92	\$27.44	\$57,080
<u>Alaska</u>	370	1.18	0.98	\$27.23	\$56,630
<u>Massachusetts</u>	4,730	1.33	1.10	\$26.78	\$55,700

Metropolitan areas with the highest employment level in this occupation:

Metropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>New York-Newark-Jersey City, NY-NJ-PA</u>	23,710	2.50	2.08	\$28.36	\$58,990
<u>Los Angeles-Long Beach- Anaheim, CA</u>	9,890	1.62	1.34	\$22.12	\$46,010
<u>San Francisco-Oakland- Hayward, CA</u>	8,400	3.47	2.89	\$27.71	\$57,640
<u>Chicago-Naperville-Elgin, IL- IN-WI</u>	5,490	1.18	0.98	\$28.52	\$59,320
<u>Washington-Arlington- Alexandria, DC-VA-MD-WV</u>	5,270	1.68	1.40	\$22.41	\$46,620
<u>Miami-Fort Lauderdale-West Palm Beach, FL</u>	4,230	1.63	1.36	\$18.50	\$38,490

<u>Orlando-Kissimmee-Sanford, FL</u>	3,860	3.07	2.55	\$14.45	\$30,050
<u>Boston-Cambridge-Nashua, MA-NH</u>	3,730	1.35	1.12	\$27.32	\$56,820
<u>Dallas-Fort Worth-Arlington, TX</u>	3,520	0.99	0.82	\$19.73	\$41,040
<u>Seattle-Tacoma-Bellevue, WA</u>	3,150	1.59	1.32	\$31.21	\$64,910

Metropolitan areas with the highest concentration of jobs and location quotients in this occupation:

Metropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (2)	Hourly mean wage	Annual mean wage (2)
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<u>Urban Honolulu, HI</u>	2,130	4.56	3.79	\$21.76	\$45,270
<u>Pocatello, ID</u>	130	3.76	3.12	\$17.14	\$35,640
<u>Corpus Christi, TX</u>	700	3.75	3.11	\$16.48	\$34,290
<u>San Francisco-Oakland-Hayward, CA</u>	8,400	3.47	2.89	\$27.71	\$57,640
<u>Bloomington, IN</u>	230	3.34	2.77	\$16.50	\$34,320
<u>Mankato-North Mankato, MN</u>	170	3.17	2.64	\$17.43	\$36,250
<u>Orlando-Kissimmee-Sanford, FL</u>	3,860	3.07	2.55	\$14.45	\$30,050
<u>Ames, IA</u>	130	2.95	2.45	\$18.18	\$37,810
<u>Bremerton-Silverdale, WA</u>	250	2.77	2.30	\$22.39	\$46,570
<u>Las Vegas-Henderson-Paradise, NV</u>	2,630	2.66	2.21	\$17.87	\$37,180

Top paying metropolitan areas for this occupation:

Metropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Seattle-Tacoma-Bellevue, WA</u>	3,150	1.59	1.32	\$31.21	\$64,910
<u>Fairbanks, AK</u>	50	1.47	1.23	\$31.20	\$64,890
<u>San Jose-Sunnyvale-Santa Clara, CA</u>	1,090	0.97	0.81	\$31.19	\$64,880
<u>Chicago-Naperville-Elgin, IL-IN-WI</u>	5,490	1.18	0.98	\$28.52	\$59,320
<u>New York-Newark-Jersey City, NY-NJ-PA</u>	23,710	2.50	2.08	\$28.36	\$58,990
<u>Salinas, CA</u>	380	2.10	1.74	\$28.23	\$58,730
<u>San Francisco-Oakland-Hayward, CA</u>	8,400	3.47	2.89	\$27.71	\$57,640

<u>Boston-Cambridge-Nashua, MA-NH</u>	3,730	1.35	1.12	\$27.32	\$56,820
<u>Trenton, NJ</u>	(8)	(8)	(8)	\$25.67	\$53,390
<u>Madison, WI</u>	350	0.89	0.74	\$25.60	\$53,240

Nonmetropolitan areas with the highest employment in this occupation:

Nonmetropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Balance of Lower Peninsula of Michigan nonmetropolitan area</u>	500	1.83	1.52	\$14.38	\$29,900
<u>Western Washington nonmetropolitan area</u>	400	3.25	2.70	\$21.99	\$45,730
<u>Northeast Mississippi nonmetropolitan area</u>	370	1.57	1.31	\$14.71	\$30,590
<u>Southwest Iowa nonmetropolitan area</u>	360	4.32	3.59	\$14.13	\$29,390
<u>Southern Pennsylvania nonmetropolitan area</u>	280	1.49	1.24	\$12.08	\$25,140

Nonmetropolitan areas with the highest concentration of jobs and location quotients in this occupation:

Nonmetropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Southwest Iowa nonmetropolitan area</u>	360	4.32	3.59	\$14.13	\$29,390
<u>Western Washington nonmetropolitan area</u>	400	3.25	2.70	\$21.99	\$45,730
<u>Hawaii / Kauai nonmetropolitan area</u>	210	2.12	1.76	\$18.07	\$37,590
<u>Eastern Utah nonmetropolitan area</u>	150	1.97	1.63	\$18.04	\$37,520
<u>Balance of Lower Peninsula of Michigan nonmetropolitan area</u>	500	1.83	1.52	\$14.38	\$29,900

Top paying nonmetropolitan areas for this occupation:

Nonmetropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Western Washington nonmetropolitan area</u>	400	3.25	2.70	\$21.99	\$45,730

Page 87	<u>West Central Illinois nonmetropolitan area</u>	(8)	(8)	(8)	\$21.76	\$45,270
	<u>North Northeastern Ohio non-metropolitan area (non-contiguous)</u>	(8)	(8)	(8)	\$21.57	\$44,860
	<u>Central Indiana nonmetropolitan area</u>	(8)	(8)	(8)	\$21.41	\$44,530
	<u>Southern Ohio non-metropolitan area</u>	(8)	(8)	(8)	\$21.04	\$43,760

About May 2018 National, State, Metropolitan, and Nonmetropolitan Area Occupational Employment and Wage Estimates

These estimates are calculated with data collected from employers in all industry sectors, all metropolitan and nonmetropolitan areas, and all states and the District of Columbia. The top employment and wage figures are provided above. The complete list is available in the [downloadable XLS files](#).

The percentile wage estimate is the value of a wage below which a certain percent of workers fall. The median wage is the 50th percentile wage estimate--50 percent of workers earn less than the median and 50 percent of workers earn more than the median. [More about percentile wages](#).

- (1) Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers.
- (2) Annual wages have been calculated by multiplying the hourly mean wage by a "year-round, full-time" hours figure of 2,080 hours; for those occupations where there is not an hourly wage published, the annual wage has been directly calculated from the reported survey data.
- (3) The relative standard error (RSE) is a measure of the reliability of a survey statistic. The smaller the relative standard error, the more precise the estimate.
- (8) Estimate not released.
- (9) The location quotient is the ratio of the area concentration of occupational employment to the national average concentration. A location quotient greater than one indicates the occupation has a higher share of employment than average, and a location quotient less than one indicates the occupation is less prevalent in the area than average.

Other OES estimates and related information:

[May 2018 National Occupational Employment and Wage Estimates](#)

[May 2018 State Occupational Employment and Wage Estimates](#)

[May 2018 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates](#)

[May 2018 National Industry-Specific Occupational Employment and Wage Estimates](#)

[May 2018 Occupation Profiles](#)

[Technical Notes](#)

Last Modified Date: March 29, 2019

Recommend this page using:

U.S. Bureau of Labor Statistics | Division of Occupational Employment Statistics, PSB Suite 2135, 2 Massachusetts Avenue, NE Washington, DC 20212-0001

www.bls.gov/OES | Telephone: 1-202-691-6569 | [Contact OES](#)

36

July 15, 2019

Board of City Commissioners
City Hall - 225 4th St N
Fargo, ND 58102

Commissioners:

The Transit Facility Study, received by the Commission January 2, 2019, included a series of generalized recommendations for improvements to the Ground Transportation Center (GTC).

On April 22, 2019 the Fargo City Commission approved an agreement between the City of Fargo and KLJ, Inc. for GTC improvements including renovation of the GTC above grade, renovation of the Jefferson space, and renovation of the below grade parking facility. As the engineering for these improvements has unfolded, additional facility related operations and maintenance needs have been identified which were not subject to previous planning level analysis. The intent of this correspondence is to ensure Fargo City Commission consent to a series of key decisions to guide the final design and construction of needed improvements. This includes a review of refinements made to previous planning assumptions as well as new investment needs identified through recent facility and site reconnaissance. These improvements are focused on extending the current useful life of the GTC and the underground parking structure. City staff, working in conjunction with KLJ, Inc., throughout this process include Michael Redlinger, Julie Bommelman, Matthew Peterson, Jordan Smith plus staff from Planning and Engineering.

To ensure for expeditious and timely completion of final design and bidding documents over the coming weeks and months, staff kindly requests approval from the Fargo City Commission for the items listed below, details of which are outlined in the attachments.

Requested motion is to approve the following and sign the contract amendments:

- *Approve GTC Deck Concept C to meet existing and short-term needs for MATBUS; and leave open the option to reevaluate Concept B at a future date as conditions changes both with MATBUS and parking dynamics downtown.*
- *Approve the additional \$725,000 in needed repair costs (as shown in Table 1) to support the overall GTC remodel, including for both costs related to transit and planning elements of the facility. These costs are estimated to be offset by \$400,000 due to proceeding with GTC Deck Concept C. The original cost estimates considered by the commission in January assumed a layout similar to Concept B. This offset will apply only the transit portion of the project cost shown in Table 2.*
- *An acknowledgement of the continued commitment to maintain the GTC structure in a state of good repair through the deferred maintenance schedule included in Table 3.*

Thank you.



Julie Bommelman
City of Fargo Transit Director
701.476.6737

/enc

For Schedule Information: 701-232-7500



728 East Beaton Drive, Suite 101
West Fargo, ND 58078-2650
701 232 5353
KLJENG.COM

July 11, 2019

City Commission
City of Fargo
225 4th Street North
Fargo, ND 58102

Re: Decisions Document to Support Advancement of GTC Design & Construction

Dear Commissioners:

Background

The city of Fargo in cooperation with the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) developed the MATBUS Transit Facility Study to evaluate both short and long-range needs for several existing transit facilities. The Final Report received by the city commission at its January 2, 2019, meeting included a series of recommendations for improvements at the Ground Transportation Center (GTC). At that time the Fargo city commission approved a funding strategy for a generalized set of improvements outlined for the GTC.

Several investments at the GTC were still in the planning phase when presented to the Fargo city commission in January. As the engineering for these improvements has unfolded additional facility related operations and maintenance needs have been identified which were not subject to previous planning level analysis.

The intent of this memorandum is to ensure city commission consent to a series of key decisions to guide the final design and construction of needed improvements. This includes a review of refinements made to previous planning assumptions as well as new investment needs identified through recent facility and site reconnaissance. These improvements are focused on extending the current useful life of the GTC and the underground parking structure for at least an additional 20-years.

System Needs

System needs relating to transit operations were evaluated during the referenced planning study. The planning study developed several modifications to the GTC which are now ready for design. Suggested changes at the GTC are responsive to the following key considerations.



- *Increase Vehicle & Passenger Safety* – Modifications to the GTC deck are needed to improve bus circulation and increase both passenger safety and efficient movement of vehicles through the site. The proposed set of preferred changes to the GTC deck allow for buses to pull straight through the facility without backing up.

The GTC deck modifications are developed in tandem with existing and projected changes along NP Avenue. In coordination with the Engineering Department, concurrence has been developed for future changes to the NP Avenue between 5th Street and 4th Street to improve bus movements and pedestrian conditions. These changes are done in coordination of the future street reconstruction of NP Avenue.

- *Improve Facility Function & Space Utilization* – Several changes and modifications were evaluated as part of the MATBUS Transit Facility Study to the internal components of the GTC. These recommended changes are achieved through a comprehensive remodel and update of several internal components at the GTC. Significant changes are proposed to improve dispatching functions and improved the overall internal layout of the facility.

The remodel at the GTC also allows for the renovation of a former large conference/training room space into a new home for Jefferson Lines. Jefferson Lines has again located its operations out of the GTC and are currently operating in a temporary location. Proposed changes will put them in a permanent location which matches with the overall renovation of the GTC.

- *Accommodate Growth & Expansion* – Proposed changes to the GTC deck allow for the continued growth of MATBUS. The GTC Deck modifications (discussed below) preferred by staff and recommended by the design team would provide for a total capacity of 15 buses on the GTC Deck and by utilizing space on NP Avenue directly in front of the GTC. This capacity is estimated to be adequate to address at least 10 years of projected growth. Options developed allow for the potential expansion of the recommended option to the south if conditions warrant.

The recommended changes to the internal components of the GTC allow for the balance of existing and projected administrative and operational space needs for the next 20-years. Changes at the GTC will allow for the realignment of functional components of MATBUS between the GTC and MTG. Better utilization of the GTC footprint through the proposed remodel extends the available capacity of existing administrative spaces at the Metro Transit Garage (MTG).



GTC Deck Options

The MATBUS Transit Facility Study evaluated a series of potential modifications to the GTC deck to account for existing and projected conditions. The planning study allowed for 4 options to move into the current design phase of the project. Two of the four options considered during the design phase of the project have been dismissed. In coordination with several city departments, two options remain as discussed below and provided in Appendix B.

- Concept B – Represents a layout to meet the long range 20-year projection developed as part of the MATBUS Facility Study. Concept B allows for a total capacity of 18 vehicles to operate out of the GTC. City staff has indicated current parking dynamics prevent this option from being implemented at this time. Modifications to the 4th Street parking lot are not ideal at this time given impacts to both parking system revenue and supply.
- Concept C – Given the parking limitations noted above, Concept C is the preferred alternative for changes to the GTC deck. It allows for a total of 15 buses to operate out of the GTC. This option meets at least the next 10 years' worth of projected MATBUS fixed route operations. In the long term, Concept C could be expanded to use some of the existing 4th Street parking lot on the south end of the GTC, as shown in Concept B. Expansion to the south would be evaluated as conditions change both with parking needs and MATBUS operations.

Structural Assessment – GTC Underground Parking Garage and Deck

Throughout the life of the facility, the deck and garage have been assessed periodically for repairs and maintenance. The most recent assessments occurred in 2002, 2003, 2004, 2009, 2016, and 2018 all of which resulted in recommendations to repair the facility. The repairs have included concrete overlay replacement, crack sealing, expansion joint replacement, slab sealing (water repellent), replacement of waterproofing, striping, fire suppression repairs, fire alarm repairs, security improvements and safety improvements.

Since MATBUS is in the process of renovating the GTC to accommodate their 20-year growth plan, a condition assessment for the garage and above ground bus parking deck was completed as part of our ongoing scope of work to repair and maintain the deck and underground parking garage at the GTC. The garage is an integral part of the GTC facility and the MATBUS operations as it is the foundation for the entire facility. The purpose of the assessment was to verify the condition of the facility and identify repair and maintenance issues to extend the useful life of the facility.



The assessment was completed by Kimley-Horn and Associates as a subconsultant to KLJ. Their scope of work included review of existing plans/reports available for the facility and site visits (April 1, 18 and 25, 2019) to observe the existing conditions inside the garage, on the bus parking deck, and areas exposed during exploratory construction. The exploratory construction was completed by Key Contracting which allowed Kimley-Horn to review the condition of the post tension (P/T) concrete slab and associated components that make up the bus parking deck that would otherwise remain enclosed/hidden to view.

This additional effort to observe the condition of the P/T slab, tendons and anchors makes the current study unique from previous studies, as the previous studies only observed the surface conditions of the deck and parking garage. Having insight into the condition of the P/T slab, tendons and anchors allows a true assessment and measure of the overall structural integrity of the facility. If corrosion was present in the P/T tendons and anchors, it would not necessarily be visible on the surface of the deck. The presence of corrosion inside the slab, if not corrected, may eventually lead to failure of the P/T anchors, tendons and slab. Investigation of the P/T system has been the missing link in the previous reports to allow a full assessment of the facility. With this having been completed by the current project, the city can be confident that the current recommendations will extend the life of the facility for the next 20-years.

A more detailed summary memorandum of the full report is attached as an appendix to this memorandum. A full copy of the assessment is available for the commission upon request. In conclusion, the overall condition of the parking garage was deemed to be in good condition by Kimley-Horn. However, multiple repairs are necessary to maintain the structural integrity of the facility into the future. It is recommended the following repairs be addressed with the planned improvements to the GTC facility in the upcoming year.

1. Remove and replace the concrete overlay (latex wearing course) with extensive cracks and areas that have debonded from the deck to provide protection of the deck reinforcing from corrosion.
 - a. In areas where the overlay is removed, additional observation should be done to identify potential cracks in the surface of the structural concrete.
2. Replacement and/or repair of the broken tendon and repair concrete beam to maintain structural integrity of the deck if more detailed structural analysis deems necessary.
3. Install new waterproofing and drainage along the perimeter of the garage to protect the horizontal joint between the deck and the foundation wall to maintain structural integrity of the garage.
 - a. When the drain tile and waterproofing are installed, it is recommended all the exposed post tension anchors be reviewed to identify potential areas of concern that may not have been exposed during the exploratory construction included with this assessment.



4. Replace the steel bearing plate at the horizontal joint between the deck and foundation wall to provide adequate support for the deck.
5. Repair the spalled concrete associated with the concrete beam at the perimeter of the deck to provide protection of the steel reinforcing in the beam.
6. Replace the expansion joint around the perimeter of the deck to minimize surface water infiltration along the perimeter of the garage.

Of these items, items 3-6 were included in the current design scope associated with the GTC renovation. However, items 1-2 were not, and are recommended for inclusion in the overall GTC project. These additional costs are shown below in Table 1.

Recently Identified Maintenance and State of Good Repair Investments

The goal of the GTC project is to improve the functionality and safety of the facility while maintaining its useful life throughout the next 20-years. As part of that process of investigative and design efforts on the project, there have been some maintenance and repair items brought forth by buildings and grounds staff which should be considered to support overall condition and state of good repair for the GTC. These additional maintenance items are as follows:

GTC Items:

1. Replace multi-zone HVAC system with packaged rooftop units and associated ductwork modifications
2. Replace pneumatic control system with digital control system
3. Replace boiler pumps

Parking Garage Items:

4. Replace elevator
5. Address corrosion in fire sprinkler system
 - a. KFI recommends adding a nitrogen generation system and further inspection of overall piping system
6. Replace rusted ductwork where required and replace motorized dampers that are inoperable
7. Replace CO detectors with new CO/NO2 detectors and commission system
8. Replace emergency lighting

A summary cost of the items above are listed below in Table 1. Costs are denoted as (P) for planning related costs and (T) for transit related costs.



Table 1: Recently Identified Maintenance and Repair Items

Maintenance or Repair Item	Estimated Construction Cost
Replace multi-zone HVAC system with packaged rooftop units and associated ductwork modifications (T)	\$130,000
Replace pneumatic control system with digital control system (T)	\$75,000
Replace boiler pumps (T)	\$5,000
Replace elevator* (P)	\$150,000
Address corrosion in fire sprinkler system (P)	\$32,000
Replace rusted ductwork where required and replace motorized dampers that are inoperable (P)	\$20,000
Replace CO detectors with new CO/NO2 detectors and commission system (P)	\$37,000
Replace emergency lighting (P)	\$5,000
Concrete Overlay Sealing & Replacement (T)	\$85,000
Broken P/T Tendon (T)	\$30,000
Subtotal	\$569,000
20% Contingency	\$113,800
Additional Engineering (T)	\$19,500
Additional Engineering (P)	\$22,700
Total	\$725,000

*Alternate to repair the existing elevator = \$90,000

The costs listed in Table 1 are further separated by facility functional area in Table 2, showing the distribution between departmental cost centers within the city of Fargo.

**Table 2 - Costs by Functional Area**

Cost by Functional Area	Estimated Construction Cost
Transit Related Costs	\$325,000
Transit Contingency	\$65,000
Transit Engineering	\$19,500
Total Transit	\$409,500
Planning Related Costs	\$244,000
Planning Contingency	\$48,800
Planning Engineering	\$22,700
Total Planning	\$315,500
Total	\$725,000

Useful Life Consideration – Projected Life Span

The current GTC project is intended to extend the useful of the facility for an additional 20-years for the above ground MATBUS related elements of the facility. As part of the previously referenced GTC parking garage condition assessment, Kimley-Horn has also developed a list of deferred maintenance items which are recommended to maintain the integrity of the structure for the next 20-years. These items are shown in Table 3. Per discussions with transit, the current capital improvement plan allocates for regular improvements at 5-year intervals to cover the on-going maintenance. The transit components of these costs are traditionally funded through federal grants with local match.

Table 3 – Deferred Maintenance Schedule

Deferred Maintenance Item	Frequency	Estimated Year for First Scheduled Maintenance**
Water Repellent	10-15 years	2022
Traffic Membrane	5-7 years	2022
Concrete Spalls	10-12 years	2027
Chloride Ion Testing	3 years	2022
Caulk Joints - Rout & Seal Cracks & Control Joints	5-7 years	2027
Epoxy Inject Cracks	10-15 years	2027
Replace Expansion Joints	7-10 years	2027

**Follows current scheduled maintenance for deck as included CIP for Transit



Key Decisions Needed to Support the Proposed Project

To ensure for expeditious and timely completion of final design and bidding documents over the coming weeks and months, staff would kindly request the following decisions from the city commission:

- Approve GTC Deck Concept C to meet existing and short-term needs for MATBUS; and leave open the option to reevaluate Concept B at a future date as conditions changes both with MATBUS and parking dynamics downtown.
- Approve the additional \$725,000 in needed repair costs (as shown in Table 1) to support the overall GTC remodel, including for both costs related to transit and planning elements of the facility. These costs are estimated to be offset by \$400,000 due to proceeding with GTC Deck Concept C. The original cost estimates considered by the commission in January assumed a layout similar to Concept B. This offset will apply only the transit portion of the project cost shown in Table 2.
- An acknowledgement of the continued commitment to maintain the GTC structure in a state of good repair through the deferred maintenance schedule included in Table 3.

If you have any questions, comments or concerns regarding the information presented in this letter, please contact me at 701-241-2317 or cassie.mcnames@kljeng.com.

Sincerely,

KLJ

A handwritten signature in blue ink that reads "Cassie McNames".

Cassie McNames, PE
Project Manager

Project #: 1804-00689

cc: Wade Kline, Julie Bommelman, Michael Redlinger, Jordan Smith, Matthew Peterson, Nicole Crutchfield, Mark Williams



Appendix A: KLJ Summary of GTC Parking Garage Condition Assessment



728 East Beaton Drive, Suite 101
West Fargo, ND 58078-2650
701 232 5353
KLJENG.COM

June 19, 2019

Ms. Julie Bommelman
Transit Director
City of Fargo
650 23rd Street North
Fargo, ND 58102

Re: GTC Parking Garage Condition Assessment Summary

Dear Ms. Bommelman:

As part of our ongoing scope of work to repair and maintain the underground parking garage at the Ground Transportation Center (GTC) at 502 NP Avenue North in Fargo, ND, our team has completed a condition assessment for the garage and aboveground bus parking deck. The parking garage is an integral part of the GTC facility and the MATBUS operations as it is the foundation for the entire facility. MATBUS is in the process of renovating the GTC to accommodate their 20-year growth plan. The purpose of the parking garage assessment was to verify the condition of the facility and identify repair and maintenance issues to extend the useful life of the facility.

The assessment was completed by Kimley-Horn and Associates as a subconsultant to KLJ. Their scope of work included review of existing plans available for the facility and site visits (April 1, 18 and 25, 2019) to observe the existing conditions inside the garage, on the bus parking deck, and areas exposed during exploratory construction. The exploratory construction was completed by Key Contracting which allowed Kimley-Horn to review the condition of the post tension concrete slab and associated components that make up the bus parking deck that would otherwise remain enclosed/hidden to view. The exploratory areas included removal of the concrete overlay (latex wearing course) on top of the deck to review the surface of the structural concrete and excavation alongside the perimeter of the deck to review the post tension anchorage and joint between the deck and garage walls. A full copy of their report is included in Appendix 1 and an overview summary is provided below. In general, Kimley-Horn's assessment determined the parking garage to be in good condition.

1. The bottom surface of the deck contains cracks, several of which were previously sealed with an epoxy injection. Some of these cracks have effloresced, which is the white residue that appears on the surface of concrete when water is exposed to salt or similar chemicals.
2. Water infiltration was actively observed along one of the concrete beams along the southwest quadrant of the garage. During the exploratory construction, an area of deck was exposed on the top side of the deck at this location to determine if the top side of the deck contained cracks. None were found, but portions of the concrete overlay (non-structural concrete wearing surface) had debonded from the deck near this location.
3. One post-tension tendon (steel cables embedded in the concrete deck for reinforcing) was observed to have broken loose causing spalling (breakout) of the concrete beam in the garage. This was located near the southwest quadrant of the garage. Observation of the tendon did not indicate that it was damaged or corroded. Further investigation of the anchorage points holding the tendons in



place along this beam was completed during the exploratory construction. One anchor point along the west end of the beam did show minimal rust, however, the anchors and tendons appeared to be in good to excellent condition. The assessment concluded this was an isolated incident.

- a. A limited structural analysis was performed in conjunction with the assessment to determine if overloading of the deck may have been a factor in the broken tendon. Assuming the original design of the deck was adequate, the analysis concluded the buses currently utilizing the deck are lighter than the vehicle loading used in the original design. Therefore, it does not appear the tendon was overstressed at the time of failure.
 - b. Since the concrete overlay was not removed along the entire length of the beam, the assessment could not determine if there may have been water infiltrating the beam causing the tendon to corrode.
4. Additional areas adjacent to the garage perimeter were also excavated to provide a thorough assessment of the condition of the post tension anchorage. Excluding some minor rust, all of the anchors exposed and observed were in good to excellent condition.
 5. There is a horizontal joint along the perimeter of the garage where the concrete deck sits on the concrete foundation wall. The deck itself has a concrete beam that extends down to sit on the foundation wall. Water seepage was observed at the joint in several areas, the beam has tipped in towards the garage along the bottom, and deterioration of the concrete was visible. The deterioration in some locations was so severe that portions of concrete had broken off the inside of the beam causing the rebar to be exposed. The rebar and steel bearing plates embedded in the top of the concrete wall at this joint were both corroded. The exterior surface of the horizontal joint between the concrete deck and concrete foundation wall was exposed in multiple locations during the exploratory construction. Some spalling of the concrete beam was evident on the exterior of the garage. However, the exterior surface of the perimeter deck beam was primarily plumb (i.e. tipping of the beam was not evident on the exterior of the garage).
 6. Hairline cracks were observed in the concrete columns supporting the deck, but no significant cracks or spalling was observed.
 7. The concrete slab on grade located on the floor of the garage was in good condition. Previous assessment reports suggested the garage had settled, however, Kimley-Horn suggests only the isolation joints/slabs adjacent to the columns have settled.
 8. The concrete curb along the entrance/exit ramp has settled. Deterioration of the concrete curb has caused the rebar to be exposed.
 9. The expansion joints around the perimeter of the bus parking deck are in very poor condition. In addition, the width of the expansion joint along the south side of the deck is much wider than the rest. It appears the concrete slab and grade along the south side of the garage has settled causing the joint to widen.
 10. The concrete overlay (latex wearing course) placed on top of the deck was sounded (process of tapping a hammer on the surface to identify hollow spots below) at select areas and determined some debonding of the overlay had occurred.

Kimley-Horn's assessment also includes general recommendations for repairs and periodic maintenance to extend the useful life of the parking garage. A summary of their recommendations is provided below.

1. Continue to monitor the cracks on the underside of the deck for water infiltration. Cracks exhibiting leakage should be sealed with epoxy injection to minimize potential for corrosion in the slab reinforcing (rebar and steel tendons).



2. Remove and replace the concrete overlay (latex wearing course) with extensive cracks and areas that have debonded from the deck to provide protection of the deck reinforcing from corrosion.
 - a. In areas where the overlay is removed, additional observation should be done to identify potential cracks in the surface of the structural concrete.
3. Replacement and/or repair of the broken tendon and repair concrete beam to maintain structural integrity of the deck if more detailed structural analysis deems necessary.
4. Install new waterproofing and drainage along the perimeter of the garage to protect the horizontal joint between the deck and the foundation wall to maintain structural integrity of the garage.
 - a. When the drain tile and waterproofing are installed, it is recommended all the exposed post tension anchors be reviewed to identify potential areas of concern that may not have been exposed during the exploratory construction included with this assessment.
5. Replace the steel bearing plate at the horizontal joint between the deck and foundation wall to provide adequate support for the deck.
6. Repair the spalled concrete associated with the concrete beam at the perimeter of the deck to provide protection of the steel reinforcing in the beam.
7. Replace concrete isolation pads adjacent to columns that have settled to prevent tripping hazards and water ponding.
8. Replace the concrete curb along the entrance/exit ramp.
9. Replace the expansion joint around the perimeter of the deck to minimize surface water infiltration along the perimeter of the garage.
10. Regular maintenance, such as inspections and cleaning, should be completed on the structure. A full list of items can be found in Appendix 1.
11. Longer-term maintenance items, such as expansion joint replacement, concrete overlay (wearing course) replacement and crack repair, should be completed every 5-10 years to extend the useful life of the structure as indicated in Kimley-Horn's report included in Appendix 1.

In conclusion, the overall condition of the parking garage was deemed to be in good condition by Kimley-Horn. However, multiple repairs are necessary to maintain the structural integrity of the structure into the future. It is recommended these repairs, specifically items 2-6 and 9, be addressed with the planned improvements to the GTC facility in the upcoming year. In addition, the city should implement an annual and deferred maintenance plan to ensure the longevity of the structure for the next 20 years.

Sincerely,

KLJ

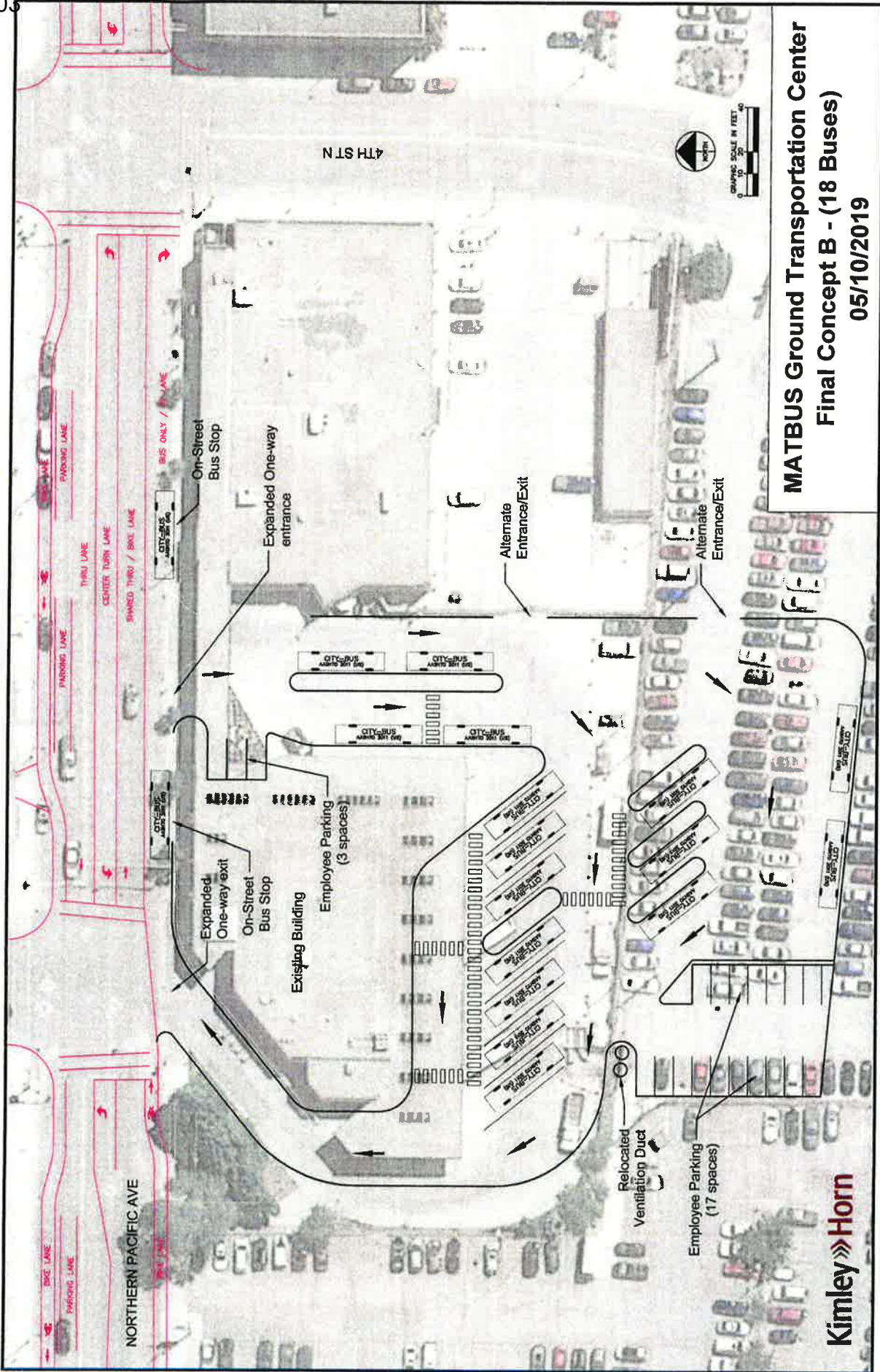
A handwritten signature in blue ink that reads "Cassie McNames".

Cassie McNames
Project Manager

Enclosure(s): Appendix 1: Kimley-Horn GTC Parking Garage Condition Assessment
Project #: 1804-00689
cc: Jerry Pertzsch; Mark Williams; Nicole Crutchfield

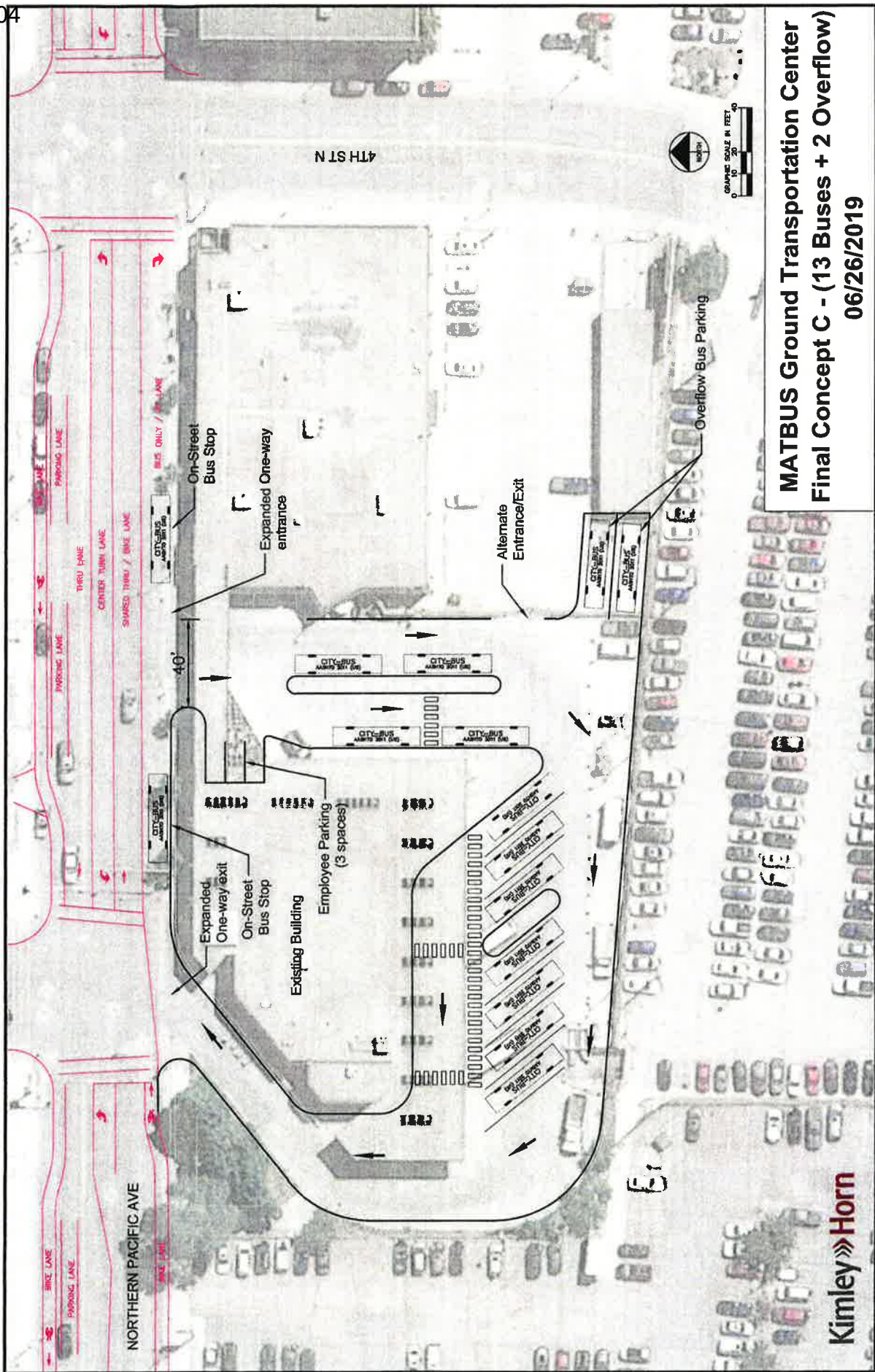


Appendix B: GTC Deck Layout Concepts



MATBUS Ground Transportation Center
Final Concept B - (18 Buses)
05/10/2019

Kimley»Horn



MATBUS Ground Transportation Center
Final Concept C - (13 Buses + 2 Overflow)
06/26/2019

Kimley»Horn

AMENDMENT TO ENGINEER-OWNER AGREEMENT
Amendment No. 1

Background Data

- a. Effective Date of Engineer-Owner Agreement: April 2019
- b. Engineer: Kadmas, Lee & Jackson
- c. Owner: City of Fargo
- d. Project: GTC Underground Parking Facility
- e. This Part of the Project: Revised Scope

Nature of Amendment (check all that apply)

- Additional services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications to payment to Engineer
- Modifications to time(s) for rendering Services

Description of Modifications

KLJ's scope of services have been modified as identified in the Exhibit A.1 attached.

Agreement Summary

a. Original agreement amount:	\$155,931.40
b. Net change for prior amendments:	\$0
c. This amendment amount:	\$22,692.98
d. Adjusted Agreement amount:	\$179,624.38

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is July 16, 2019.

ENGINEER: Kadrmas Lee & Jackson, Inc.

OWNER: City of Fargo



By: Mark Anderson

By: Tim Mahoney, MD

Title: Vice President

Title: Mayor

Date Signed: 7/11/19

Date Signed: _____



**Exhibit A.1
Contract Amendment No. 1
July 08, 2019
Architectural/Engineering Services
GTC Underground Parking Facility
GTC Design Bid Build
Fargo, ND**

Engineer's Services

The following modifications have been made to the scope of work included in the original contract between city of Fargo and KLJ dated April 2019.

I. Modified Scope

A. Based on observations made by Kimley-Horn in the structural assessment prepared for the GTC garage and deck on May 13, 2019, it was determined the existing waterproofing on the exterior of the parking garage is in need of replacement. Therefore, installing the drain tile utilizing a trenchless method is no longer feasible. KLJ's scope of work has been modified to account for a traditional installation method which accounts for excavation around the deck perimeter. Breirley's services will no longer be needed and KLJ and Braun Intertec will continue the design of the drain tile system.

1. Braun's services will include the following:

- a. Measure the in-place dry density, moisture content and relative compaction of fill placed for sidewalk, pavement and/or utility support, and of backfill for compliance with the project documents. This includes performing laboratory Proctor tests to provide maximum dry densities from which the relative compaction of fill can be determined, as well as the use of a nuclear density gauge to measure in-place dry densities and moisture contents.
- b. Sample and test fresh concrete associated with sidewalk, pavement and/or curb-and-gutter for compliance with the project documents and cast test cylinders for laboratory compressive strength testing.
- c. Measure and report the compressive strength of the concrete test cylinders for compliance with the project documents.
- d. Project management, including scheduling of field personnel.
- e. Reviewing test reports and communicating with project team and owner.
- f. Transmit test results to the project team and owner on a weekly basis.

2. Braun's scope assumes the following:

- a. Braun's engineer will perform a design and specification review the project documents to evaluate compliance with their geotechnical evaluation report.
- b. Braun's engineer will visit the site on 4 occasions to view the base of the excavation as each side of the garage is exposed.
- c. Braun's technician will visit the site daily during soils and concrete work for a maximum of 15 hours a week for a maximum of four months.
- d. Braun will perform 6 standard Proctor tests and 6 sieve analysis tests to evaluate conformance to project specifications.



e. Braun will require a minimum of 24 hours' notice for scheduling inspections for a specific time. Shorter than 24 hours' notice may impact their ability to perform the requested services.

II. Added Scope

- A. Additional maintenance items requested to be included by buildings and grounds staff on May 2, 2019 which include the following:
 - 1. Replace or repair elevator.
 - 2. Address corrosion in fire sprinkler system; KFI recommends adding a nitrogen generation system and further inspection of overall piping system.
 - 3. Replace rusted ductwork where required and replace motorized dampers that are inoperable.
 - 4. Replace CO detectors with new CO/NO2 detectors and commission system.
 - 5. Replace emergency lighting.
- B. Construction documents associated with the additional scope of work as previously described in the original contract.
- C. Bidding assistance associated with the additional scope of work as previously described in the original contract.
- D. Construction administration associated with the additional scope of work as previously described in the original contract.
- E. Team responsibilities:
 - 1. KLJ will be responsible for the project management required to accommodate the additional maintenance items and the design of construction efforts needed to install the drain tile around the perimeter of the garage.
 - 2. Foss Architecture + Interiors (along with their mechanical and electrical engineering consultants) will be responsible for the additional maintenance items described above.
 - 3. Braun Intertec Corporation will provide the material testing for the installation of the drain tile system.

III. Anticipated project schedule will be modified as noted below

Contract Execution/Notice to Proceed	April 2019
Preliminary Design	April - August 2019
Construction Documents	September - December 2019
Bidding Assistance.....	January - February 2019
Construction Administration.....	March - September 2020

IV. Fees

A. The fees associated with the items listed above are as follows with the detailed breakdown included on the following page.

1. Modified Scope	
a. Drain tile	<u>(\$1,404.44)</u>
Subtotal:	(\$1,404.44)
2. Added Scope	
a. Additional maintenance items	<u>\$24,007.42</u>
Subtotal:	\$24,007.42
Grand Total:	\$22,692.98



ENGINEERING FEES

GTC UNDERGROUND PARKING FACILITY - Contract Amendment #1 (July 8, 2019)							
1.	Direct Labor	Hours	X	Rate	=	Project Cost	Total
	Project Assistant	0	X	24	=	\$ -	\$ -
	Structural Engineer IV	18	X	58	=	\$ 1,044.00	\$ 1,044.00
	Structural Engineer II	8	X	33	=	\$ 264.00	\$ 264.00
	Planner IV	0	X	60	=	\$ -	\$ -
	Engineer III	30.5	X	45	=	\$ 1,372.50	\$ 1,372.50
	Engineer I	88	X	31	=	\$ 2,728.00	\$ 2,728.00
	CADD Tech II	24	X	27	=	\$ 648.00	\$ 648.00
			X		=	\$ -	\$ -
	Subtotal				=	\$ 6,056.50	\$ 6,056.50
2.	Overhead/Indirect Cost (expressed as indirect rate x direct labor)						185.39% \$ 11,228.15
3.	Subcontractor Costs					\$ 3,334.18	\$ 3,334.18
4.	Materials and Supplies Costs					\$ -	\$ -
5.	Travel Costs					\$ -	\$ -
6.	Fixed Fee					12%	\$ 2,074.16
7.	Miscellaneous Costs					\$ -	\$ -
	Total Cost					=	\$ 22,692.98

AMENDMENT TO ENGINEER-OWNER AGREEMENT
Amendment No. 1

Background Data

- a. Effective Date of Engineer-Owner Agreement: April 2019
- b. Engineer: Kadmas, Lee & Jackson
- c. Owner: City of Fargo
- d. Project: GTC Remodel
- e. This Part of the Project: Revised Scope

Nature of Amendment (check all that apply)

- Additional services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications to payment to Engineer
- Modifications to time(s) for rendering Services

Description of Modifications

KLJ's scope of services have been modified as identified in the Exhibit A.1 attached.

Agreement Summary

a. Original agreement amount:	\$332,740.08
b. Net change for prior amendments:	\$0
c. This amendment amount:	\$19,471.16
d. Adjusted Agreement amount:	\$352,211.96

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is July 16, 2019.

ENGINEER: Kadrmas Lee & Jackson, Inc.

OWNER: City of Fargo



By: Mark Anderson

By: Tim Mahoney, MD

Title: Vice President

Title: Mayor

Date Signed: 7/11/19

Date Signed: _____



Exhibit A.1
Contract Amendment No. 1
July 08, 2019
Architectural/Engineering Services
GTC Remodel
GTC Design Bid Build
Fargo, ND

Engineer's Services

The following modifications have been made to the scope of work included in the original contract between city of Fargo and KLJ dated April 2019.

- I. Reduced Scope
 - A. The GTC deck layout will be modified to reflect Concept C layout prepared by Kimley-Horn on June 26, 2019, such that no modifications will be made to the parking lot to the south.
 - B. Per discussions with the city, the city will be responsible for consulting with the NDDOT and FTA on the class of action for the environmental assessment and document. In addition, the city will prepare environmental documentation.
- II. Added Scope
 - A. Deck repairs were deemed necessary in a structural assessment report prepared by Kimley-Horn on May 13, 2019, which included repair of the concrete overlay (cracks and debonded areas) and replacement and/or repair of the broken tendon.
 1. Repairs will be based on the current City of Fargo and North Dakota Department of Transportation Standards.
 2. Site visit to review existing condition of deck (above and below grade) and joints, hammer sounding of cracks and spalling to determine extent of concrete overlay repairs.
 3. The scope associated with repair of the broken tendon will include:
 - a. Analyze existing beam to determine amount of strengthening required, if any.
 - b. Develop repair options.
 4. KLJ has requested the services of Braun Intertec Corporation to perform ground penetrating radar (GPR) to assist with determining the location and depth of reinforcing within the deck slab as it relates to the proposed canopy column locations and new floor penetrations associated with the relocation of the restrooms. This is critical to prevent further damage to the post tensioned tendons in the deck slab.
 - B. Additional maintenance items requested to be included by buildings and grounds staff on May 2, 2019 which include the following:
 1. Replace multi-zone HVAC system with packaged rooftop units and associated ductwork modifications
 2. Replace pneumatic control system with digital control system
 3. Replace boiler pumps
 - C. Construction documents associated with the additional scope of work as previously described in the original contract.
 - D. Bidding assistance associated with the additional scope of work as previously described in the original contract.
 - E. Construction administration associated with the additional scope of work as previously described in the original contract.



F. Team responsibilities:

1. KLJ will be responsible for the concrete overlay repairs and structural modifications required to accommodate the additional maintenance items.
2. Kimley-Horn will be responsible for the repairs associated with the broken tendon.
3. Foss Architecture + Interiors (along with their mechanical and electrical engineering consultants) will be responsible for the additional maintenance items described above.
4. Braun Intertec Corporation will provide the GPR testing for the project.

III. Anticipated project schedule will be modified as noted below

Contract Execution/Notice to Proceed	April 2019
Preliminary Design	April - July 2019
Construction Documents	August - October 2019
Bidding Assistance.....	October - November 2019
Construction Administration	December 2019 - August 2020

IV. Fees

A. The fees associated with the items listed above are as follows with the detailed breakdown included on the following page.

1. Reduced Scope

a. Modified deck layout	(\$17,937.15)
b. Eliminate environmental documentation	<u>(\$8,809.19)</u>
Subtotal:	(\$26,746.34)

2. Added Scope

a. Deck repairs	\$25,636.63
b. Additional maintenance items	<u>\$20,580.87</u>
Subtotal:	\$46,217.50
Grand Total:	\$19,471.16



ENGINEERING FEES

GTC REMODEL - Contract Amendment #1 (July 8, 2019)								
1.	Direct Labor	Hours	X	Rate	=	Project Cost	Total	
	Project Assistant	12	X	24	=	\$ 288.00	\$ 288.00	
	Structural Engineer IV	22	X	58	=	\$ 1,276.00	\$ 1,276.00	
	Structural Engineer III	20	X	43	=	\$ 860.00	\$ 860.00	
	Structural Engineer II	20	X	33	=	\$ 660.00	\$ 660.00	
	Environmental Planner II	-80	X	30	=	\$ (2,400.00)	\$ (2,400.00)	
	Planner IV	-4	X	60	=	\$ (240.00)	\$ (240.00)	
	Engineer III	0	X	45	=	\$ -	\$ -	
	CADD Tech II	24	X	27	=	\$ 648.00	\$ 648.00	
	Surveyor IV-PM	0	X	55	=	\$ -	\$ -	
	Surveyor IV	0	X	44	=	\$ -	\$ -	
	Surveyor II	0	X	30	=	\$ -	\$ -	
	Surveyor I	0	X	26	=	\$ -	\$ -	
			X		=	\$ -	\$ -	
	Subtotal				=	\$ 1,092.00	\$ 1,092.00	
2.	Overhead/Indirect Cost (expressed as indirect rate x direct labor)						185.39%	\$ 2,024.46
3.	Subcontractor Costs					\$	15,980.73	\$ 15,980.73
4.	Materials and Supplies Costs					\$	-	\$ -
5.	Travel Costs					\$	-	\$ -
6.	Fixed Fee						12%	\$ 373.98
7.	Miscellaneous Costs					\$	-	\$ -
	Total Cost					=		\$ 19,471.16