

FARGO CITY COMMISSION AGENDA  
Monday, March 23, 2020 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/streaming](http://www.FargoND.gov/streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission). \*\*\***PLEASE NOTE** that in an effort to exercise the CDC's Prevention guidelines pertaining to social distancing, members of the public will not be admitted into the Commission Chambers facility during the Commission Meeting. Everyone is encouraged to watch the briefing via a livestream hosted on the City of Fargo's Facebook (questions and comments will be monitored during the Commission Meeting) and Twitter accounts, on the web at [www.TVFargo.com](http://www.TVFargo.com) or via the Fargo Access Channel 56.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, March 9, 2020).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 1st reading of an Ordinance Relating to Flood Plain Management.
- 2. 2nd reading and final adoption of the following Ordinances, 1st reading on 3/9/20:
  - a. Rezoning a Certain Parcel of Land Lying in Osgood Townsite Eleventh Addition.
  - b. Rezoning Certain Parcels of Land Lying in Bentley Place First Addition.
- 3. Amended Site Authorization for Prairie Public Broadcasting, Inc. at Peppers.
- 4. Applications for Games of Chance:
  - a. Home Builders Care of Fargo-Moorhead Foundation for a raffle and raffle board on 4/3/20.
  - b. Fargo Lions calendar sports pool from 9/14/20 to 12/28/20.
- 5. Extension of the Flood Emergency Declaration.
- 6. Contract Amendment No. 1 with Houston Engineering in the amount of \$28,500.00 for Project No. FM-19-A0.
- 7. Contract Amendment No.1 with Houston Engineering in the amount of \$11,000.00 for Project No. FM-19-B0.
- 8. Contract Amendment No. 1 with Houston Engineering in the amount of \$42,000.00 for Project No. FM-19-C0.
- 9. Contract Amendment No. 1 with Houston Engineering in the amount of \$47,000.00 for Project No. FM-19-E0.
- 10. Changes to the Overdimensional Vehicle Policy and Resolution Establishing Truck Routes as shown on the Official Truck Route Map as presented.

- Page 2. Amendment (fourth) to Developer and Road Use Agreement with Block 9 Partners, LLC.
12. Right of Way Use Agreement with PSJ Acquisition LLC dba Prairie St. Johns and ALPA Construction, Inc.
  13. Contract award for Public Information Coordinator Services to Flint Communications, Inc. (Project No. MS-20-B0).
  14. Resolution Approving Plat of Commerce on 12th Sixth Addition.
  15. ND Department of Transportation Traffic Safety Contract Grant in the amount of \$2,150.00 for speed enforcement (CFDA #20.600).
  16. NDDES grant funds for the purchase of a Rook NIJ Level IV Armored Critical Incident Vehicle for use by the Red River Valley SWAT Team (CFDA #97.067) (SSP20040).
  17. Bid award for a 6-year lease of one service truck with crane (RFP20055).
  18. Contract extension with Aqua-Pure, Inc. for the calendar year 2020 to supply water treatment chemicals.
  19. Contract and bond for Project No. PR-20-A1.
  20. Bills.
  21. Contract Amendment No. 3 with SRF Consulting Group in the amount of \$45,037.78 for Improvement District No. BR-18-A2.
  22. Prepayment to BNSF for inspection and flagging services in the amount of \$10,000.00 (Improvement District No. BR-19-A1).
  23. Memorandum of Offer to Landowner for a temporary easement from David W. and Janet D. Zaeske (Improvement District No. BN-20-C1).
  24. Memorandum of Offer to Landowner for a permanent and temporary easement from Huber Properties LLP.

#### **REGULAR AGENDA:**

25. State Water Commission request for Cost Reimbursement for FM Diversion Flood Project Costs in the amount of \$114,099.62.
26. Public Hearings - 5:15 pm:
  - a. CONTINUE to 4/6/20 - Prairie Grove Fifth Addition (5354 26th Street South); approval recommended by the Planning Commission on 12/3/19:
    1. Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential.
    2. 1st reading of rezoning Ordinance.
    3. Plat of Prairie Grove Fifth Addition.
  - b. CONTINUE to 4/6/20 - Actions related to the Community Development Block Grant (CBDG)/HOME Investment Partnerships Programs.

Page 23 Applications for property tax exemptions for improvements made to buildings:

- a. Timothy Scott Rezac, 1814 23rd Avenue South (5 year).
- b. Scott D. and Taylor E. Mertz, 1744 8th Street South (5 year).
- c. ColinENZ, 319 Broadway North Unit 304 (5 year).
- d. Michael R. Norris, 622 University Drive South (5 year).
- e. Magwarehouse LLP, 3000 7th Avenue North (5 year).

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

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

(25)

**TO: BOARD OF CITY COMMISSIONERS**

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

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

**DATE: March 6, 2020**

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

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

**Suggested Motion:**

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$114,099.62

March 6, 2020

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

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #99 pursuant to the terms and conditions of House Bill 1020 for costs incurred from January 1, 2020 to January 31, 2020 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$114,099.62.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$218,234,103.95	\$228,199.23	50%	\$114,099.62	\$92,151,796.43

**Project Narrative, this request:**

Project Number	Project Description
V02823	Pay Application #7 for WP42G – General Landscaping & Plantings along In-Town Flood Walls
V02825	Pay Application #11 for WP42E – 2 <sup>nd</sup> St S and Main Ave Flood Mitigation

We certify that \$89,883,370 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of SB 2020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in SB 2020. Copies of their approval letters are included.

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

Sincerely,



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

**Required Local Approvals:**

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

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

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

**FM Metropolitan Area Flood Risk Management Project**  
**Summary of Cash Disbursements Eligible for SWC Funding**  
**January 2020**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	1/30/2020	302102	INDUSTRIAL BUILDERS INC	(4,062.00)	2 ST S/MAIN AVE FLOOD MIT	V02825	2ND ST S FLOOD MITIGATION
790-0000-206.10-00	1/23/2020	301976	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	11,207.06	RETAINAGE PO 193315	V02823	LANDSCAPING & PLANTINGS
			<b>Total Retainage</b>	<b>7,145.06</b>			
790-7950-429.73-52	1/30/2020	302102	INDUSTRIAL BUILDERS INC	222,744.59	2 ST S/MAIN AVE FLOOD MIT	V02825	2ND ST S FLOOD MITIGATION
790-7950-429.73-52	1/30/2020	302102	INDUSTRIAL BUILDERS INC	(9,640.30)	CITY OF FARGO SHARE	V02825	2ND ST S FLOOD MITIGATION
			<b>Total ND Construction - Flood Control</b>	<b>213,104.29</b>			
790-7950-429.73-66	1/23/2020	301976	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	7,949.88	LANDSCAPING & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
			<b>Total ND Construction - Landscaping</b>	<b>7,949.88</b>			
			<b>Total Expense for Period</b>	<b>228,199.23</b>			



(27a)

March 4th, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1814 23 Ave. S as submitted by Timothy Scott Rezac. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023, & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$645 with the City of Fargo's share being \$110.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka".

Ben Hushka  
City Assessor

hah  
attachment



**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2  
(File with the local city or township assessor)

**Property Identification**

1. Name of Property Owner Rezac, Timothy Scott Phone No. (701) 412-1195

2. Address of Property 1814 23 Ave. S

City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. Lot 10 Blk 2 Wentz

4. Parcel Number 01-0820-00600-000 Residential ☒ Commercial ☐ Central Business District ☐

5. Mailing Address of Property Owner SAME

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Const 3 seas porch

7. Building Permit No. 181758 8. Year Built 1979

9. Date of Commencement of making the improvement 10/05/2018

10. Estimated market value of property before improvement \$ 171,600

11. Cost of making the improvement (all labor, material and overhead) \$ 65,000.-

12. Estimated market value of property after improvement \$ \_\_\_\_\_

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature Timothy Scott Rezac Date 2-14-2020

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature Don Hirsch Date 2/20/20

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

Approval subject to the following conditions: \_\_\_\_\_

Chairman of Governing Body \_\_\_\_\_ Date \_\_\_\_\_



276

March 10, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1744 8 St S as submitted by Scott D. & Taylor E. Mertz. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$645 with the City of Fargo's share being \$110.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka".

Ben Hushka  
City Assessor

bsb  
attachment

**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**

**North Dakota Century Code ch. 57-02.2**  
(File with the local city or township assessor)

**Property Identification**

1. Name of Property Owner <u>Mertz, Scott D. &amp; Taylor E.</u>	Phone No. <u>705 695 8968</u>
2. Address of Property <u>1744 8 St. S</u>	
City <u>FARGO</u>	State <u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed. <u>Lot N 10 FT OF 14 &amp; ALL OF 15 &amp; S 5 FT OF 16 BLK 3 FARGO INVESTMENT CO 1ST</u>	
4. Parcel Number <u>01-0820-00600-000</u> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner <u>SAME</u>	
City _____	State _____ Zip Code _____

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). <u>Remodel existing kitchen. Open up walls in fam. rm</u>	
7. Building Permit No. <u>190181</u>	8. Year Built <u>1964</u>
9. Date of Commencement of making the improvement <u>03/08/2019</u>	
10. Estimated market value of property before improvement	\$ <u>362,300</u>
11. Cost of making the improvement (all labor, material and overhead) \$	<u>82,968</u>
12. Estimated market value of property after improvement	\$ <u>412,300</u>

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature <u>[Signature]</u>	Date <u>3-3-20</u>

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): <u>5 YEARS, FOR QUALIFYING WORK</u>	
Assessor's Signature <u>[Signature]</u>	Date <u>3/10/20</u>

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>	
Approval subject to the following conditions: _____	
Chairman of Governing Body _____ Date _____	

**CITY OF**  
**Fargo**  
**ASSESSMENT DEPARTMENT**

27c

March 9, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 319 Broadway North Unit 304 as submitted by ColinENZ. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$300 with the City of Fargo's share being \$50.

Sincerely,



Ben Hushka  
City Assessor

bsb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

North Dakota Century Code ch. 57-02.2  
(File with the local city or township assessor)

## Property Identification

1. Name of Property Owner COLIN ENZ Phone No. 701 361 8783

2. Address of Property 319 BROADWAY N UNIT 304

City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. FARGOAN CONDO UNIT 304

4. Parcel Number 01-1520-01050-021 Residential ☒ Commercial ☐ Central Business District ☐

5. Mailing Address of Property Owner 431 7 ST S

City MOORHEAD State MN Zip Code 56560

## Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). FULL UNIT REMODEL

7. Building Permit No. 19050697 8. Year Built 1913

9. Date of Commencement of making the improvement 01 JUL 2019

10. Estimated market value of property before improvement \$ 187,800

11. Cost of making the improvement (all labor, material and overhead) \$ \$190,000

12. Estimated market value of property after improvement \$ \_\_\_\_\_

## Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.

Applicant's Signature [Signature] Date 06 MAR 2020

## Assessor's Determination

14. The local assessor finds that the improvements in this application has ☒ has not ☐ met the qualifications for exemption for the following reason(s): 5 YEARS FOR QUALIFYING WORK

Assessor's Signature [Signature] Date 3/9/20

## Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied ☐ Approved ☐

Approval subject to the following conditions: \_\_\_\_\_

Chairman of Governing Body \_\_\_\_\_ Date \_\_\_\_\_



27d

March 11, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 622 University Dr S as submitted by Michael R Norris. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$320 with the City of Fargo's share being \$55.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka".

Ben Hushka  
City Assessor

bsb  
attachment

**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**  
North Dakota Century Code ch. 57-02.2  
(File with the local city or township assessor)

**Property Identification**

1. Name of Property Owner	<u>MICHAEL MORRIS</u>	Phone No.	<u>815-761-3315</u>
2. Address of Property	<u>622 UNIVERSITY DR S</u>		
City	<u>FARGO</u>	State	<u>ND</u> Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>BLOCK A LOT N 40 FT OF S 80 FT OF 1 &amp; 12</u>		
4. Parcel Number	<u>01-2400-00110-000</u>	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>	
5. Mailing Address of Property Owner	<u>2923 15 AVE S</u>		
City	<u>MOORHEAD</u>	State	<u>MN</u> Zip Code <u>56560</u>

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	<u>REMODEL MAIN FLOOR &amp; BASEMENT</u>
7. Building Permit No.	<u>19090623 &amp; 19070864</u>
8. Year Built	<u>1918</u>
9. Date of Commencement of making the improvement	
10. Estimated market value of property before improvement	\$ <u>131,600</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u><del>290</del> 32,746</u>
12. Estimated market value of property after improvement	\$ <u>159,900</u>

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature <u>[Signature]</u> Date <u>3/8/20</u>

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s): <u>5 YEARS FOR QUALIFYING WORK</u>
Assessor's Signature <u>[Signature]</u> Date <u>3/12/19</u>

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____



27e

March 18, 2020

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3000 7 Ave N as submitted by Magwarehouse LLP. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for the years 2020, 2021, 2022, 2023 & 2024.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$2340 with the City of Fargo's share being \$400.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hushka". The signature is fluid and cursive.

Ben Hushka  
City Assessor

bsb  
attachment



**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**  
North Dakota Century Code ch. 57-02.2  
(File with the local city or township assessor)

**Property Identification**

1. Name of Property Owner	MAGWAREHOUSE LLP			* Phone No.	701-297-6216
2. Address of Property	3000 7 AVE				
City	FARGO	State	ND	Zip Code	58102
3. Legal description of the property for which the exemption is being claimed.	UNPLATTED				
4. Parcel Number	01-3500-00747-000	Residential <input type="checkbox"/>	Commercial <input checked="" type="checkbox"/>	Central Business District	<input type="checkbox"/>
5. Mailing Address of Property Owner	PO BOX 3024				
City	FARGO	State	ND	Zip Code	58108

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).		NEW PARTITIONING, REMOVAL OF EXISTING STAIR IN ONE OF THE AREAS, NEW FINISHES AND UPDATE OF ELEC AND MECH SYSTEMS	
7. Building Permit No.	181287	8. Year Built	1972
* 9. Date of Commencement of making the improvement	8/1/2018		
10. Estimated market value of property before improvement	\$ 5,467,000		
* 11. Cost of making the improvement (all labor, material and overhead)	\$ 2,450,266.48		
12. Estimated market value of property after improvement	\$		

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	Date 3/17/20

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):	
5 YEARS FOR QUALIFYING WORK	
Assessor's Signature	Date 3/17/20

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>	
Approval subject to the following conditions:	
Chairman of Governing Body	Date