

FARGO CITY COMMISSION AGENDA  
Monday, July 16, 2018 – 5:00 P.M.

Executive Session at 4:00 p.m.

Roll Call.

**PLEASE NOTE:** The City of Fargo Board of City Commissioners will convene into Executive Session at 4:00 p.m. for the purpose of attorney consultation in the following pending matters: Aaron L. Cockfield v. City of Fargo (Cass County District Court, Civil #09-2018-CV-00386) and Kelsh v. City of Fargo (NDDOLHR#: NDE1612337 and EEOC444-2016-01012) to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding the pending litigation and administrative matters. To discuss these matters in open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City. Thus, an Executive Session for said matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2 and 9.

Regular Meeting at 5:00 P.M.

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

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

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. 2nd reading and final adoption of an Ordinance Repealing and Re-Enacting a Conditional Overlay District on Certain Parcels of Land Lying in Urban Plains by Brandt 1st Addition, Urban Plains by Brandt 2nd Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Center Addition, Urban Plains Northeast Retail Addition and Urban Plains Northeast Retail 2nd Addition; 1st reading 7/2/18.
- 2. Receive and file General Fund – Budget to Actual through June 30, 2018 (unaudited).
- 3. Resolution Ratifying Sale of \$42,965,000.00 Refunding Improvement Bonds, Series 2018D.
- 4. Applications for Games of Chance:
  - a. Cassie Kraft Benefit for a raffle on 7/28/18; Public Spirited Resolution.
  - b. Nativity Elementary School for a raffle on 2/1/19.
  - c. Knights of Columbus 4th Degree Assembly 788 for a calendar raffle from 1/1/19 to 1/31/19.
  - d. YMCA of Cass and Clay Counties for a raffle and raffle board on 8/7/18.

5. Notice of Grant Award Amendment with the ND Department of Health for the WIC Program (CFDA #10.557).
6. Bid award for the replacement of radio frequency identification security gates at the Fargo Public Library (RFP18021).
7. Bid award for copiers and service agreements at City Hall (RFP18205).
8. Bid award for professional printing services for a three-year term, with the option for two, one-year extensions (RFP18209).
9. Bid award for City Hall window coverings (RFP18210).
10. Bid award for professional moving services (RFP18212).
11. Quote from Ziegler Cat in the amount of \$363,215.07 for the reconditioning of the landfill gas generator.
12. Sole Source Procurement for firing range maintenance, repair and service to Best Technology Systems, Inc. in the amount of \$25,830.00.
13. Easement (Pump Station) with Cass Rural Water Users District for Sanitary Lift Station #59 site.
14. Bid award for signs (RFP18174).
15. Bid award for sign materials (RFP18175).
16. Developer and Road Use Agreement with Block 9 Partners, LLC.
17. Bid advertisement for Project Nos. SN-18-C2 and UR-18-A.
18. No bids were received for Project No. SN-18-C1 and project will be rebid under Project No. SN-18-C2.
19. Extension of the 2017/2018 highway deicing salt contract (RFP16021) with Compass Minerals America, Inc. for the 2018/2019 snow season at a price of \$96.76 per ton.
20. Agreement with Howard and Barbara Gensler.
21. Contract and bond for Project No. FM-15-F2.
22. Bills.
23. Bid rejection for Improvement District Nos. BN-18-F1
24. Bid award for Improvement District No. BN-18-K1.

**REGULAR AGENDA:**

25. Presentation regarding the Neighborhood Revitalization Initiative (NRI) Program.

26. Revised Resolution adopting rules and regulations relative to the operation of the agenda and conduct of City Commission meetings; delayed from the 7/2/18 Regular Meeting.
27. Public Hearings – 5:15 pm:
  - a. Zoning Change from MR-2, Multi-Dwelling Residential to SR-3 and SR-5, Single-Dwelling Residential on Lots 10 and 12-17, Block 3, Lots 2-5, the West 7 feet of Lot 6, the East 135 feet of Lots 7 and 8, and Lot 9, Block 5, and Lot 7, Block 8, Woodruffs Addition; Lots 1-3, and the West Half of Lots 4-7, Block W, Chas A Roberts Addition; West 86 feet of Lots 9-12, Block X, Erskines Addition; and the South 71 feet less the West 59 feet of the North 115 feet of Lot 4, and the North 10 feet of Lot 5, Block 4, Island Park Addition (703, 705, 913, 927, 1001, 1003, 1009 and 1101 4th Street South; 920 5th Street South; 912, 918, 924 and 926 6th Street South; and 415, 418, 419, 421, 422, 424, 426, 501, 503, 505, 507 and 514 10th Avenue South); approval recommended by the Planning Commission on 6/5/18:
    1. 1st reading of rezoning Ordinance.
28. 2nd reading and final adoption of an Ordinance Amending Sections 18-0304, 18-0308 and Enacting Section 18-0318 of Article 18-03 of Chapter 18 of the Fargo Municipal Code Relating to Use and Care of Streets and Sidewalks; delayed from the 7/2/18 Regular Meeting.
29. State Water Commission request for Cost Reimbursement for FM Diversion Flood Project Costs in the amount of \$1,216,849.00.
30. Consider directing appropriate staff to prepare four Renewal Plans for blocks in the Roosevelt neighborhood.
31. Recommendations for appointments to the Human Relations Commission.
32. Consider owner supplied extra items and funding sources related to the City Hall Project.
33. Discussion regarding special events in Fargo.

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 web site at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).

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**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR** *mw PER NC*

**DATE: JULY 12, 2018**

**RE: GATE CITY BANK ANNOUNCES 2018 NRI PROGRAM FUNDING**

At the July 16th City Commission meeting, Gate City Bank will be in attendance to present the next round of funding for the Neighborhood Revitalization Program.

The Planning Department and Inspections division are proud to be part of the administration of this program. We see evidence every day on the benefits it provides to our residents as households diligently maintain and improve their homes. More information will be provided at the City Commission meeting.



**Dr. Timothy J. Mahoney, Mayor**

Fargo City Hall  
200 3rd Street North  
Fargo, ND 58102  
Phone 701.241.1310 | Fax: 701.476.4136  
**TMahoney@FargoND.gov**

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: EXECUTIVE ASSISTANT KEMBER ANDERSON** *KW*

**DATE: JULY 12, 2018**

**SUBJECT: REVISED RESOLUTION RELATING TO CITY COMMISSION MEETINGS AND AGENDAS**

After careful consideration from the City Commissioners and with attorney consultation, attached is a revised Resolution eliminating current Items "F" and "G" under "Rules Governing Conduct of City Commission Meetings". Please read the Resolution carefully and either amend it or confirm these are the rules and regulations under which the City Commission will operate.

**RECOMMENDED MOTION:** Adopt the revised Resolution relating to the operation of the City Commission agenda and conduct of City Commission meetings.

ka18agresm

**Resolution Adopting Rules and Regulations Relative to the Operation of the  
Agenda and Conduct of City Commission Meetings:**

WHEREAS, It is desirable that the transaction of City business be done in an orderly fashion; and

WHEREAS, The Board of City Commissioners of the City of Fargo deems it desirable and necessary to promulgate rules and regulations for the guidance of commissioners and citizens.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Fargo that the following rules and regulations relative to the operation of the agenda and the conduct of City Commission meetings IS HEREBY ADOPTED, superseding any and all former rules and regulations which have been adopted:

**I. AGENDA**

- A. There shall be one agenda prepared for each meeting.
- B. Any City Commissioner, City employee or citizen of the City may place an item or issue on the agenda.
- C. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- D. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- E. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public records of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- F. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there, or by his or her duly and properly authorized agent.
- G. Any items or issues which have not qualified for the regular agenda under the rules as stated above, or any new and timely issues which arise after preparation of the regular agenda may, with the consent of a majority of the City Commissioners who are present and voting, be considered as an extra item.
- H. Ordinances shall be sponsored by a member of the Board of City Commissioners or the City Commission as a whole. Any citizen or City employee desiring any ordinance change shall submit such request to a member of the Board of City Commissioners or to the Commission

as a whole. No ordinances shall be drafted by the City Attorney, except upon request of a member of the Board of City Commissioners or by the City Commission as a whole.

- I. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
  1. Consent agenda at the beginning of the agenda. The consent agenda shall be non-controversial routine items as may be determined by the Executive Assistant.
  2. Non-consent agenda at the end of the agenda. Non-consent items shall be as determined by the Executive Assistant.
- J. The calling and conduct of special meetings shall be in accordance with ordinances of the City of Fargo and laws of the State of North Dakota.

## **II. RULES GOVERNING CONDUCT OF CITY COMMISSION MEETINGS**

- A. Meetings shall be conducted in accordance with Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
- B. At each regular meeting, the first item of business shall be the consideration and approval of the agenda, including the deletion of any item which the Commission deems to be frivolous or repetitious and the addition of requested extra items.
- C. The Mayor or other presiding Commissioner will announce the item on the agenda. It is suggested the person who requested placement of the item on the agenda will then be given up to three (3) minutes to present any additional information not included in the letter. There will be opportunity for input after a motion is made and seconded. Proponents will be recognized first, then opponents. It is suggested persons wishing to speak will be allowed no more than three minutes each. Time for each side will be designated by the Chair. Additional time will be allowed only if Commissioners have questions or if there has been a majority vote to allow additional discussion. The item will be voted upon and no further discussion will be allowed.
- D. Each member of the Board of City Commissioners shall vote on every issue unless absent from the meeting or excused from voting. Any member wishing to be excused from voting, or who does not feel qualified to vote because of a conflict of interest, shall ask to be excused from voting and state the reasons therefore. The remaining Commissioners shall, by majority vote, either grant or deny such request to be excused. If the Commissioner making such request is excused, he or she shall be deemed to be disqualified and the abstention shall not be counted as an aye or nay. If the request is denied and the Commissioner refuses to vote, his or her vote shall be deemed to be the same as the majority of those voting.
- E. The Chairman of the meeting shall not refuse to recognize any member who wishes to make a motion or to be heard on a particular item.

~~F. A member of the Board of City Commissioners voting with the minority on any issue may not move to reconsider that issue or place the matter on the agenda again until a minimum of 28 days has elapsed since the issue was last considered.~~

~~G. In the event that any member of the Board of City Commissioners moves to reconsider an issue previously decided after formal hearing pursuant to published notice, the Board shall vote on the motion to reconsider, subject to the restrictions contained in rule F above. In the event the motion for reconsideration passes, the matter shall not be reconsidered until all persons appearing at the original hearing on the matter have been advised and offered an opportunity to appear and be heard again, or until notice of rehearing on the matter has been published in the official newspaper of the City.~~

HE. Any on duty police officer may be considered as a sergeant at arms for Commission meetings and may be summoned to maintain order by any member of the Board of City Commissioners at any time.



27a

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Woodruffs Addition	<b>Date: Update:</b>	5/30/2018 7/9/2018
<b>Location:</b>	703, 705, 913, 927, 1001, 1003, and 1009 4th Street South; 920, 5th Street South; 912, 918, 924, and 926 6th Street South; 415, 418, 419, 421, 422, 424, 426, 501, 503, 505, 507, and 514 10th Avenue South	<b>Staff Contact:</b>	Tyrone Grandstrand
<b>Legal Description:</b>	Lots 10-17, Block 3, Lots 1-5, the West 7 feet of Lot 6, the East 135 feet of Lots 7 and 8, and Lot 9, Block 5, <b>Woodruffs Addition</b> ; Lots 1-3, and the West Half of Lots 4-7, Block W, <b>Chas A Roberts Addition</b> ; West 86 feet of Lots 9-12, Block X, <b>Erskines Addition</b> ; and the South 71 feet less the West 59 feet of the North 115 feet of Lot 4, and Lot 5, except the north 10 feet and the S 140 FT of E 50 FT, Block 4 <b>Island Park Addition</b> .		
<b>Owner(s)/Applicant:</b>	City-initiated rezone of privately-owned properties	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from MR-2, Multi-Dwelling Residential, to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential)		
<b>Status:</b>	City Commission Public Hearing: July 16, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Household Living (Single dwelling detached & Duplex)	<b>Land Use:</b> No change
<b>Zoning:</b> MR-2, Multiple-Dwelling Residential	<b>Zoning:</b> SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential
<b>Uses Allowed:</b> MR-2 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> SR-3 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.
<b>Maximum Density Allowed (Residential):</b> MR-2: 20 units per acre	<b>Maximum Density Allowed (Residential):</b> SR-3: 8.7 units per acre SR-5: 14.5 units per acre

<p><b>Proposal:</b></p> <p>Planning staff is initiating a zoning change from MR-2 to SR-3 and SR-5. The purpose of this rezone effort is to have the zoning districts in this area more accurately reflect the use of properties. This is beneficial for multiple reasons including preservation of the existing housing within the neighborhood. This area came to our attention when a special assessment district was created and residents were notified of their estimated specials.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b> The adjacent zoning is primarily SR-3 with a mix of other residential zoning districts, and the uses are a mix of residential uses.</p>
<p><b>Area Plans:</b></p> <p>The subject property is located within the Hawthorne Neighborhood. The Hawthorne Neighborhood Plan, developed in 1999, states in its vision: <i>Hawthorne is a well-maintained, diverse neighborhood that is family-friendly, has preserved its historic character, treasures its natural beauty and provides a multitude of recreational opportunities for neighborhood residents and the entire Fargo-Moorhead community.</i></p> <p>The objectives of the plan, in the housing section, are, "Affordability, Rehabilitation, and Planning Policies." This zoning change may encourage the rehabilitation of current single-dwelling homes and their continued use for that purpose. It also aligns with the goal in the Planning policies section of evaluation of neighborhood zoning and initiating appropriate zoning changes.</p>
<p><b>Schools and Parks:</b></p> <p><b>Schools:</b> The subject properties are located within the Fargo School District and are served by Clara Barton and Hawthorne Elementary, Ben Franklin Middle, and Fargo North High schools.</p> <p><b>Parks:</b> This area is very close to the Fargo Greenway along the Red River, and Island Park.</p> <p><b>Pedestrian / Bicycle:</b> Off road bike and pedestrian facilities are located along Fargo Greenway, in Island Park, and there are on road bike facilities along 9<sup>th</sup> and 7<sup>th</sup> St South to the West of the properties, there is also discussion of inclusion of additional improvements along 4<sup>th</sup> St S as part of the reconstruction.</p>
<p><b>Staff Analysis:</b></p> <p><b>Background:</b></p> <p>This case came to our attention when a resident brought up concerns about special assessment costs for their single-dwelling unit. This provided an opportunity to clean up the zoning, making it more consistent with the current plans and goals for the neighborhood. Staff searched the 4<sup>th</sup> St special assessment district for properties that have a use (Single-Dwelling, and duplex) consistent with SR-3 &amp; SR-5 Single-Dwelling Residential zoning, but were currently zoned MR-2, Multi-Dwelling Residential. Staff found several properties that were located within the specials district that fit those criteria and were also surrounded by other properties with Single-Dwelling Residential uses as well as zoning.</p> <p>Staff contacted property owners, met with the Hawthorne Neighborhood Association, and held an open house to discuss the situation. Residents and owners generally agreed with the changes, with the exception of two owners – one had an inconsistent use (three units) and another preferred to remain MR-2. Staff offered an opt-out option in our communications with the property owners, and we have taken those two properties off the list of properties to re-zone.</p>

**Historic Overlay:**

The properties included in the staff initiated zoning change fall within four separate historic overlays (Erskines, Island Park, Chas A Roberts, and Woodruffs HO), which will not change as a result of this action. The designation for each address is included in the zoning change chart below for your convenience.

<b>Zoning Change Chart</b>			
<b>Property Address</b>	<b>Historic Overlay (no change)</b>	<b>Current Zone</b>	<b>Proposed Zone</b>
514 10 <sup>th</sup> Ave S	Erskines HO	MR-2	SR-3
703 4 <sup>th</sup> St S	Island Park HO	MR-2	SR-5
705 4 <sup>th</sup> St S	Island Park HO	MR-2	SR-5
505-507 10 <sup>th</sup> Ave S	Chas A Roberts HO	MR-2	SR-5
501-503 10 <sup>th</sup> Ave S	Chas A Roberts HO	MR-2	SR-5
924 6 <sup>th</sup> St S	Chas A Roberts HO	MR-2	SR-5*
926 6 <sup>th</sup> St S	Chas A Roberts HO	MR-2	SR-5
918 6 <sup>th</sup> St S	Chas A Roberts HO	MR-2	SR-5
912 6 <sup>th</sup> St S	Chas A Roberts HO	MR-2	SR-5
920 5 <sup>th</sup> St S	Woodruffs Addition HO	MR-2	SR-3
421 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
419 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
415 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
913 4 <sup>th</sup> St S	Woodruffs Addition HO	MR-2	SR-3
927 4 <sup>th</sup> St S	Woodruffs Addition HO	MR-2	SR-3
426 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
424 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
422 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
418 10 <sup>th</sup> Ave S	Woodruffs Addition HO	MR-2	SR-3
1001 4 <sup>th</sup> St S	Woodruffs Addition HO	MR-2	SR-3
1003 4 <sup>th</sup> St S	Woodruffs Addition HO	MR-2	SR-3
1009 4 <sup>th</sup> St S	Woodruffs Addition HO	MR-2	SR-3
<del>1101 4<sup>th</sup> St S</del>	<del>Woodruffs Addition HO</del>	<del>MR-2</del>	<del>SR-3**</del>
<del>428 10<sup>th</sup> Ave S</del>	<del>Woodruffs Addition HO</del>	<del>MR-2</del>	<del>SR-3**</del>
<del>4010 5<sup>th</sup> St S</del>	<del>Woodruffs Addition HO</del>	<del>MR-2</del>	<del>SR-3**</del>

\*This property was previously mistakenly identified as proposed SR-3 on this table, however all the other materials, including property owner letters correctly identified it as SR-5 and it has been corrected as shown.

\*\*Those entries struck through have withdrawn since the Planning Commission Meeting on June 5<sup>th</sup>.

**Zoning:**

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

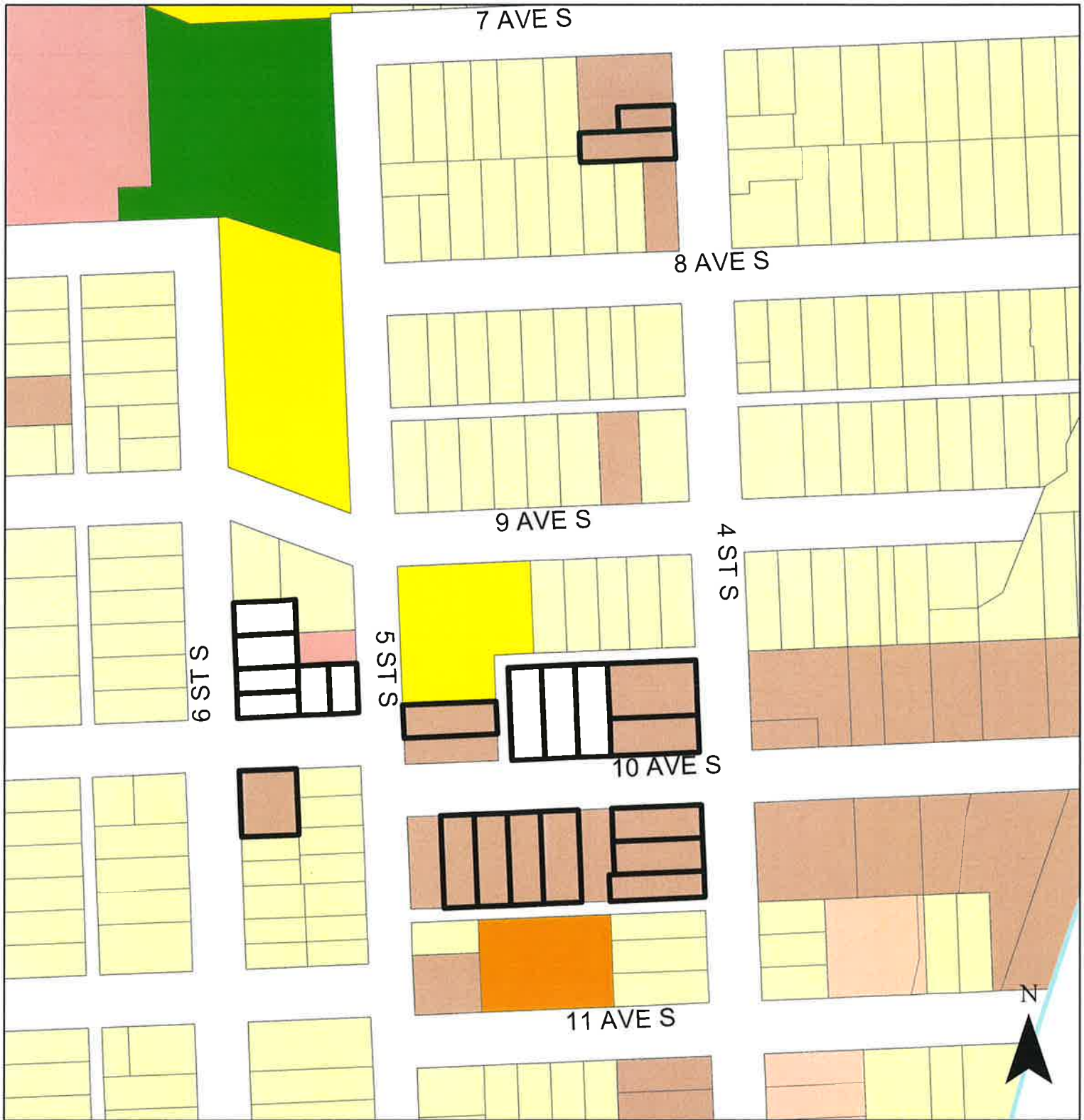
**1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any zoning map error in regards to the subject property. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established. The use of the properties has been Single-Dwelling & Duplex. The current MR-2, Multiple-Dwelling Residential zoning was established prior to the Hawthorne Neighborhood Plan and GO2030, each of which has neighborhood

<p>preservation as a goal. <b>(Criteria Satisfied)</b></p> <p>2. <b>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?</b> City Staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site. <b>(Criteria Satisfied)</b></p> <p>3. <b>Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?</b> Staff has no evidence that would suggest this proposal 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, two property owners have opted out, as previously mentioned, and two other residents called for clarification and agreed with the change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity. <b>(Criteria Satisfied)</b></p> <p>4. <b>Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?</b> The purpose of the LDC is 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. Staff finds that the proposal is consistent with the purposes of the LDC, the Hawthorne Neighborhood Plan, and other adopted policies of the City. <b>(Criteria Satisfied)</b></p>
<p><b>Staff Recommendation:</b></p>
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff, and hereby waive the requirement of receive the Ordinance one week prior to first reading and place the rezoning ordinance on first reading, and hereby approve the proposed zoning change from MR-2, Multi-Dwelling Residential, to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential, as presented in the staff report, on the basis that it satisfactorily complies with, GO2030, the Hawthorne Neighborhood Plan, and the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code."</p>
<p><b>Planning Commission Recommendation: June 5, 2018</b></p>
<p>On June 5<sup>th</sup>, 2018, with a 9-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone changes, as outlined within the staff report, as the proposal complies with GO2030, the Hawthorne Neighborhood Plan, and the Standards of Section 20- 0906.F (1-4) and all other applicable requirements of the Land Development Code</p>
<p><b>Attachments:</b></p>
<ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li><li>3. Proposed Zoning Map</li></ol>

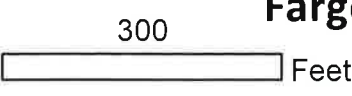
# Zone Change (MR-2 to SR-3 & SR-5)

## Island Park, Chas A Roberts, Erskines and Woodruffs Addition



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	P/I	SR-5
	MR-3	UML	City Limits



Fargo Planning Commission  
June 5, 2018

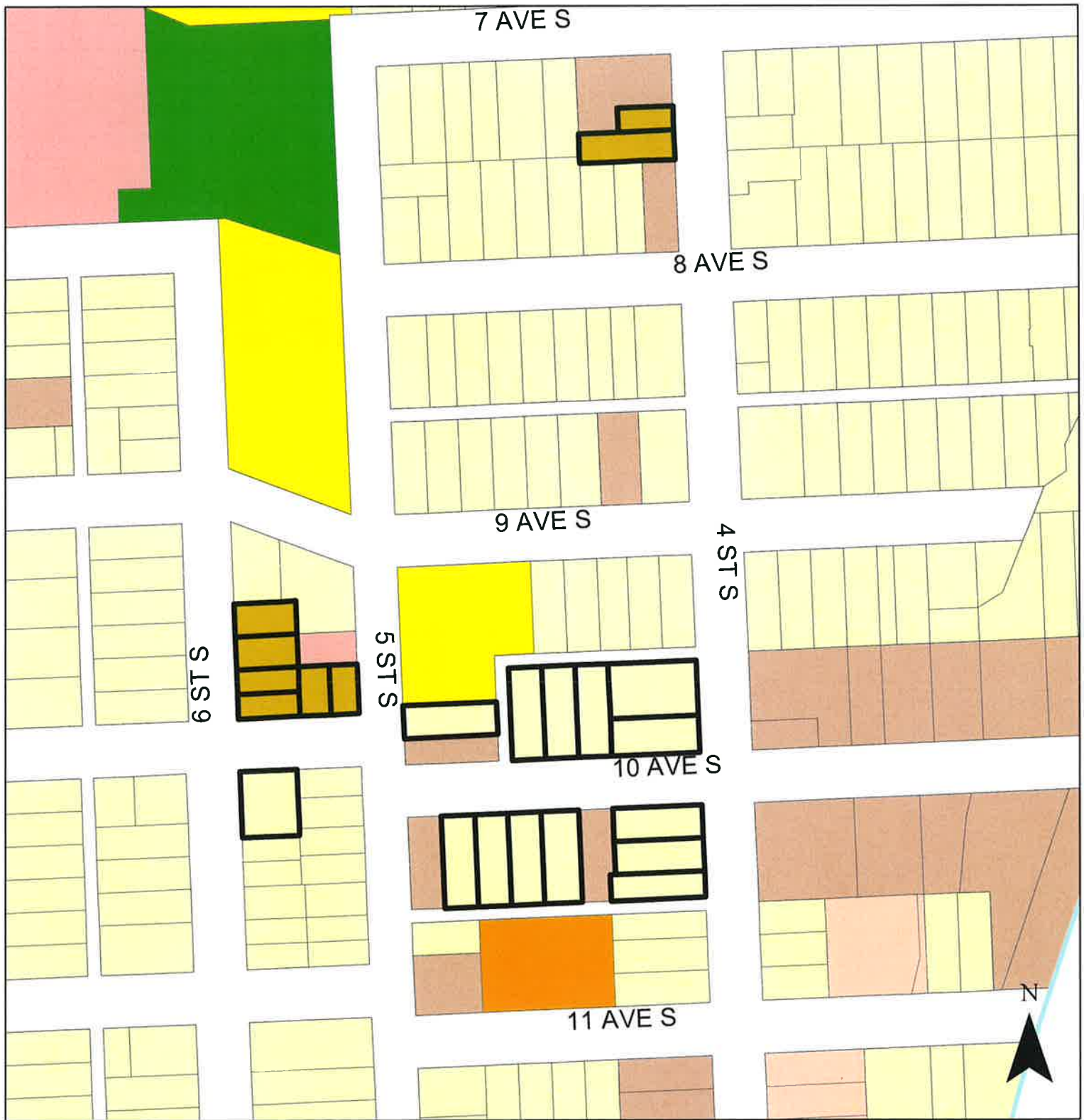
# Zone Change (MR-2 to SR-3 & SR-5)

## Island Park, Chas A Roberts, Erskines and Woodruffs Addition



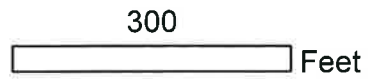
# Zone Change (MR-2 to SR-3 & SR-5)

## Proposed Zoning



Legend

AG	LC	MHP	SSR-2
DM	ML	NZO	SSR-3
GO	MUR-1	UML	SSR-5
GO	MUR-2	City Limits	
GO	MUR-3		



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

27a2

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

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN WOODRUFF'S ADDITION, CHAS. A. ROBERTS ADDITION,  
ERSKINE'S ADDITION AND ISLAND PARK ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Woodruff's Addition, Chas. A. Roberts Addition, Erskine's Addition and Island Park Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 5, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 16, 2018,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Ten (10) and Twelve (12) through Seventeen (17), Block Three (3) and Lots Two (2) through Five (5), the West 7 feet of Lot Six (6), the East 135 feet of Lots Seven (7) and Eight (8), and Lot Nine (9), Block Five (5), Woodruff's Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-2", Multi-Dwelling Residential, District to "SR-3", Single-Dwelling Residential, District;

Section 2. The following described property:

Lots One (1) through Three (3) and the West Half of Lots Four (4) through Seven (7), Block W, Chas. A. Roberts Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-2", Multi-Dwelling Residential, District to "SR-5", Single-Dwelling Residential, District;



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 3. The following described property:

The West 86 feet of Lots Nine (9) through Twelve (12), Block X, Erskine’s Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from “MR-2”, Multi-Dwelling Residential, District to “SR-3”, Single-Dwelling Residential, District;

Section 4. The following described property:

The South 71 feet less the West 59 feet of the North 115 feet of Lot Four (4), and the North 10 feet of Lot Five (5), Block Four (4), Island Park Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from “MR-2”, Multi-Dwelling Residential, District to “SR-5”, Single-Dwelling Residential, District;

Section 5. 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 6. 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:

(28)

**M E M O R A N D U M**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: NICOLE CRUTCHFIELD, MARK WILLIAMS** *mw*

**DATE: JULY 16, 2018**

**RE: FOOD TRUCK PILOT PROGRAM FOR SUMMER OF 2018 ORDINANCE AMENDMENT**

On June 4<sup>th</sup> the City Commission approved a request to proceed with implementing a summer 2018 food truck pilot program between July 14 – October 27, 2018. However, based on additional inquiries received from the public, staff asked for a two week delay in order to hold a public open house. On Monday July 9<sup>th</sup>, Planning, Public Health and Police departments attended an open house and addressed questions and comments from attendees. Written comments were also received by email and are included in your packet.

There are both concerns and support received from residents, vendors, property owners and restaurant owners. Concerns range from not having enough parking downtown, to interest in participating with city officials in drafting an ordinance.

There are many codes already within the municipal code that govern city streets and nuisances, such as noise, trash and parking. Therefore, staff is proposing to proceed with the pilot program for a few months to learn more about the desires and behaviors of the food truck operators and to observe the interest and behavior of the public before staff spends much more time facilitating community conversation on this topic. After observation and of the trial period staff proposes we revisit about the pros and cons about a food truck program on city streets.

We do realize that in light of the comments received to date concerns may exist with implementing a pilot program. As such staff has not only our original motion for you to consider (passing the 2<sup>nd</sup> reading of the ordinance) but also presents an option to wait and more fully flush out codes and draft ordinances for 2019. Lastly, staff received a request to put the trial program within the city at large and not just provide this opportunity in downtown. Therefore there are 3 draft motions for you to consider.

**Recommended Motion Option 1:**

Motion 1: With respect to the proposed Ordinance Amending Section 18-0304, 18-0308 and Enacting Section 18-0318 of Article 18-03 of Chapter 18 of the Fargo Municipal Code Relating to Use and Care of Streets and Sidewalks, I move to receive and file the ordinance AS AMENDED by the revision of the sunset of the ordinance from year-end to October 27, 2018. *[This motion requires 2/3<sup>rd</sup> majority of commissioners present at the meeting to carry.]*

Motion 2: I move to waive the requirement of a full second reading at length of the previously mentioned ordinance titled as follows: An Ordinance Amending Sections 18-0304, 18-0308 and Enacting Section 18-0318 of Article 18-03 of Chapter 18 of the Fargo Municipal Code Relating to Use and Care of Streets and Sidewalks. *[This motion requires unanimous vote of commissioners present at the meeting to carry. Without unanimous approval, then ordinance is simply read at length aloud.]*

Motion 3: I move to approve, as final passage, the previously-described ordinance as amended. *[This motion requires simple majority vote of commissioners present at the meeting to carry.]*

**Other Motions Available:**

Motion Option 1: Based on the comments received, do not implement a pilot summer food truck program and instead have further public discussions and analysis in 2019.

Motion Option 2: Amend the proposed pilot program and ordinance to expand the pilot program area to the entire city.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1 AN ORDINANCE AMENDING SECTIONS 18-0304, 18-0308 AND  
2 ENACTING SECTION 18-0318 OF ARTICLE 18-03  
3 OF CHAPTER 18 OF THE FARGO MUNICIPAL CODE  
4 RELATING TO USE AND CARE OF STREETS AND SIDEWALKS

5 WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in  
6 accordance with Chapter 40-05.1 of the North Dakota Code; and,

7 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City  
8 shall have the right to implement home rule powers by ordinance; and,

9 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said  
10 home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict  
11 therewith and shall be liberally construed for such purposes; and,

12 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to  
13 implement such authority by the adoption of this ordinance; and,

14 NOW, THEREFORE,

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

16 Section 1. Amendment.

17 Section 18-0304 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
18 amended to read as follows:

19 18-0304. Sale of merchandise from stands on streets prohibited.

20 Except as authorized under sections 18-0307 through ~~18-0317~~ 18-0318 herein, it shall be  
21 unlawful for any person, firm, or corporation to set up any stand or wagon upon any of the  
22 streets, alleys, sidewalks, crosswalks, or public grounds within the city for the purpose of selling  
23 therefrom, or exposing for sale, any meats, provisions, refreshments, or any goods or  
merchandise whatsoever.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 2. Amendment.

1 Section 18-0308 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
2 amended to read as follows:

3 18-0308. - Definitions.

4 The following words, terms and phrases, when used in this article, shall have the  
5 meanings ascribed to them in this article, except where the context clearly indicates a different  
6 meaning:

- 7 A. "Central Business District" shall mean an area within the following boundaries:
- 8 1. On the north by 6<sup>th</sup> Avenue North;
  - 9 2. On the east by the Red River of the North;
  - 10 3. On the south by 1<sup>st</sup> Avenue South; and,
  - 11 4. The westerly boundary shall be Roberts Street from 6<sup>th</sup> Avenue North to 1<sup>st</sup>  
12 Avenue North, 9<sup>th</sup> Street from 1<sup>st</sup> Avenue North to Northern Pacific Avenue  
13 and 8<sup>th</sup> Street from Northern Pacific Avenue to 1<sup>st</sup> Avenue South.
  - 14 5. In addition to the area defined by the foregoing boundaries the Central Business  
15 District shall include 7<sup>th</sup> and 8<sup>th</sup> Streets South, to 2<sup>nd</sup> Avenue South.

16 For purposes of defining this boundary, the sidewalk on both sides of the streets, above-  
17 named, shall be included within the Central Business District.

- 18 B. "Grilling" shall mean the cooking of raw animal products such as meat, poultry or fish  
19 on a flat top or charbroil style high-heat surface designed for such purpose, but does not  
20 include smoking, deep-fat frying, wok or skillet-style cooking, barbecuing/ rotisserie-  
21 style cooking or any other type of cooking.
- 22 C. "Grilling pushcart" shall mean a pushcart that includes equipment for grilling.
- 23 D. "Merchandise" shall include, but is not limited to, plants, flowers, wearing apparel,  
jewelry, ornaments, art work, household or office supplies, food or beverages of any  
kind, whether or not for immediate consumption, or other goods or wares.
- E. Mobile food unit" shall mean a food establishment preparing and/or serving foods  
from a self-contained vehicle, either motorized or within a trailer, located either  
curbside on a public street or on private property, that may be readily moved without  
disassembling for transport to another location.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

1     E.F.    "Outdoor dining area" shall mean an area in front of or adjacent to a business  
2            maintaining a restaurant or limited restaurant license issued by the city health  
              department and located on a public sidewalk whereon tables, chairs or benches are  
              placed for purposes of serving food and/or alcoholic beverages.

3     F.G.    "Outdoor merchandise area" shall mean an area in front of or adjacent to a retail  
4            business where merchandise is located on a public sidewalk for the purpose of  
              displaying, exhibiting, selling or offering for sale merchandise.

5     G.H.    "Pedestrian way" shall mean the area of sidewalk adjacent to the property line and  
6            extending therefrom to the edge of the curb or for a distance of ten (10) feet, whichever  
              is narrower.

7     H.I.    "Planning Director" shall mean the department head of the Department of Planning and  
8            Development of the city of Fargo.

9     I.J.    "Professional sidewalk entertainer" shall mean a sidewalk entertainer who, through  
10           direct or passive behavior, asks for or solicits any form of remuneration and  
11           "professional sidewalk entertainment" shall mean sidewalk entertainment performed  
              while the performer is thus soliciting any form of remuneration.

12    J.K.    "Pushcart" shall mean a wheeled cart which may be moved by one person without the  
13           assistance of a motor and which is designed and used for displaying, keeping or storing  
14           any food, beverages or other articles for sale by a vendor. To the extent a pushcart is  
15           used for displaying, keeping or storing food or beverages, the pushcart must be limited  
16           to service of potentially hazardous foods or commissary-wrapped food maintained at  
              proper temperatures, or limited to the preparation and service of frankfurters, as is  
              defined by North Dakota Administrative Code Chapter 33-33-04. Cooking will only be  
              allowed on an approved grilling pushcart.

17    K.L.    "Review Committee" shall consist of five members to be appointed by the mayor with  
18           the consent of the board of city commissioners. Such membership of the review  
19           committee may be comprised of one or more city employees from one or more  
              departments within the city.

20    L.M.    "Sidewalk entertainer" shall mean a person who engages in sidewalk entertainment.

21    M.N.    "Sidewalk entertainment" shall mean performances which may include, but not be  
22           limited to, music, dance, mimes, magicians, clowns, jugglers and theatrical  
23           presentations, but specifically excluding speeches, lectures, and sermons.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 3. Enactment.

1 Section 18-0318 of Article 18-03 of Chapter 18 of the Fargo Municipal Code is hereby  
2 enacted to read as follows:

3 18-0318. – Mobile Food Vending.

- 4 A. The city of Fargo hereby grants authority to the owner of a mobile food unit that has been  
5 issued a Mobile Food Unit license by the health director to undertake, upon any of the  
6 streets, alleys, sidewalks, crosswalks, or public grounds within the area within an area of  
7 the central business district that has been designated by motion or resolution of the board  
8 of city commissioners of the city, the business of selling from said mobile food unit, or  
9 exposing for sale, any meats, provisions, refreshments, or any goods or merchandise  
10 related thereto.
- 11 B. The health director shall have such authority to adopt regulations, rules, standards and  
12 practices pertaining to the vending of mobile food units, said regulations, rules,  
13 standards, and practices, and any amendments thereto, to take effect upon approval of  
14 the board of city commissioners.
- 15 C. The authority granted by this article may be suspended or revoked by the board of city  
16 commissioners for cause, said cause including knowing or willful failure to comply with  
17 this article or knowing or willful failure to comply with the regulations, rules, standards  
18 and practices as have been approved by the board of city commissioners as provided in this  
19 article.
- 20 D. No person, firm or other entity shall, directly or indirectly, operate a mobile food unit in  
21 the city without such authority, said person, firm or other entity being guilty of an  
22 infraction.
- 23 E. No person, firm or other entity shall, directly or indirectly, offer or dispose of, or  
give away, or cause to be offered or exposed for sale, exchanged, heated, warmed-up,  
cooked or any combination of the same, at a mobile food vending unit within the city of  
Fargo without valid authority as set forth in this section.
- F. Separate offense for each day.--Each day any person shall violate this section shall  
constitute a separate infraction or offense.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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

Section 4. Penalty.

A person who willfully violates this ordinance is guilty of an infraction. Every person, firm or corporation violating an ordinance which is punishable as an infraction shall be punished by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 5. Effective Date and Termination Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication. This ordinance shall automatically terminate at 11:59 p.m. on October 27, 2018, and thereafter shall be of no further force or effect.

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

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:  
Publication:



### **Food Truck Pilot Test Proposal**

#### Background and Request:

Based on community input during Downtown InFocus and vendors in our community requesting permission to vend on the street, there is a proposal to engage in a pilot test for summer of 2018. This pilot would allow for the for the ability to vend in the Rights-of-Way, which is currently prohibited. Many city departments provide oversight to regulations that could be referenced in this initiative, and as such there have been numerous meetings among staff and our City Attorney's office to review constraints. So that the 2018 summer season is not missed, staff is suggesting a pilot test to learn more details on what are actual nuisances versus perceived as well as obtain data regarding number of vendors, locations, hours of operation, public costs, and city costs to include employee time.

#### History and Analysis:

Currently sections in Article of 18-03 restrict vending in the ROW. Planning staff has spent several months researching other cities' ordinances and the provisions related to allowing food trucks on public streets. However, it was soon discovered there wasn't a common trend or recommendations we could collectively answer. Many cities suggested creating a trial period and trial policies. This lead us to facilitating multiple conversations with city staff members and to coordinate with the city attorney's office to develop policies and ordinances. While the city staff are close to developing an overall policy and ordinance recommendation, we decided it would be best to put these policies on a trial period in order to learn what potential costs and nuisances this could create for the public.

#### Who is involved:

The following departments have had representatives in this discussion: Fire, Police, Engineering, Public Works, Auditors, Health and Planning. In addition, we've reached out to the Downtown Community Partnership. Nuisances that could occur with food trucks in ROW include:

- Pedestrian safety – Police and Engineering
- Grease and debris – Public Works, DCP, Parking
- Lack of knowledge on who is where – Health, Police, Auditors
- Noise – Police, DNA
- Food safety - Health
- Blocking traffic and visibility - Engineering
- Extended stay in downtown parking spots – Police, Parking
- Market impacts- DCP, Planning

#### Who is eligible for the pilot program:

- A health licensed mobile food unit that is self-contained, can be moved without disassembly, has the ability to serve food items from within the unit, and has signed the 2018 pilot program waiver.

Pilot program parameters:

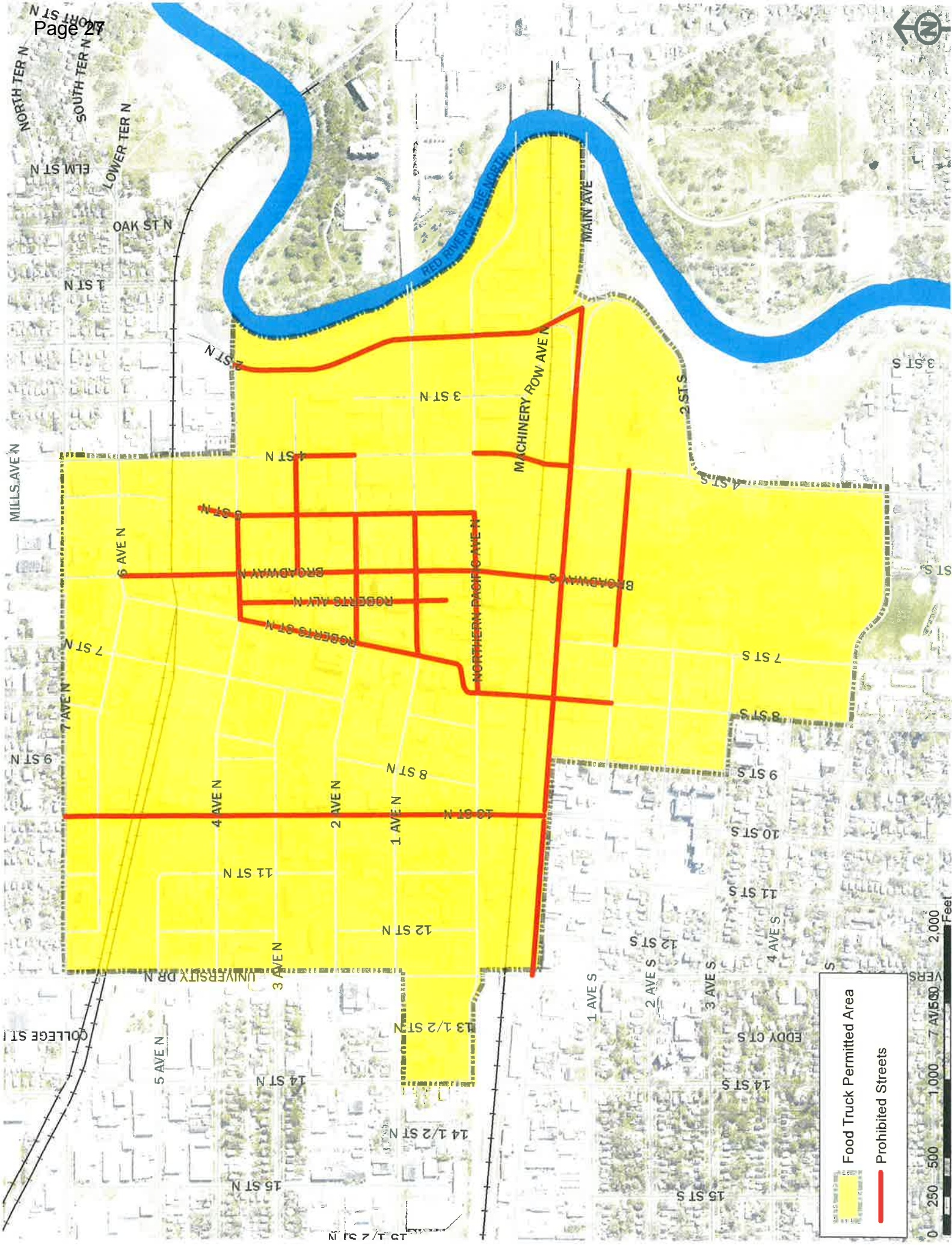
- Approved food vendors will only be allowed to operate during the pilot program in the designated areas on the map prepared for the program.
- A copy of the Health Dept. Mobile Food Unit license as well as a signed copy of the 2018 Pilot Program waiver must be available upon request.
- The pilot program map includes the central business district with the exception of the prohibited streets highlighted in red.
- The 2018 pilot season will run from July 14- October 27, 2018.
- The hours of operation will be unlimited pending parking restrictions.

Procedures for the pilot program:

There are many ordinances currently in the municipal code that are eligible for enforcement of nuisances listed above. In lieu of a new type of permit, we are proposing the Health Department utilize their Mobile Food Unit licensing process to capture vendor contact information for the pilot program. For the 2018 pilot program, we propose mobile vendors acknowledge the receipt of an information packet and the limitations to location as proposed by the map by signing a waiver.

Governing body:

The 2018 pilot program or any license in conflict with the proposed policies can be revoked by the City of Fargo Commission upon internal review of any ordinance violations and/or public complaints filed on a food unit.



**Food Truck Permitted Area**

**Prohibited Streets**

0 250 500 1,000 2,000 Feet



# 2018 Mobile Food Unit Pilot Program Permission Waiver “Mobile Food Unit Name”

The establishment or entity, listed above, has met Fargo Cass Public Health Mobile Food Unit licensure requirements and also been issued a copy of the Mobile Food Truck Pilot Test Program guidance.

In consideration for being allowed to participate in the Food Truck Pilot Test Program, I acknowledge I have reviewed the program guidance and agree to obey all of its parameters as well as city ordinances.

I furthermore understand my permission to operate in the Food Truck Pilot Test Program may be revoked if I violate any of the program parameters and/or city ordinances.

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Printed Name

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Signature

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Date

## **Fargo Downtown Neighborhood Association** Comments on proposed "Food Truck Pilot Program" for 2018

While offering opportunities for entrepreneurs and expanding the food offerings in downtown Fargo, food trucks can potentially create issues that are of concern to the Downtown Neighborhood Association. These issues relate to cleanliness, noise, and smoke. Specifically, the Downtown Neighborhood Association requests that the following considerations be included in the implementation of a food truck ordinance, and that the ordinance include sufficient penalties to assure compliance:

### Cleanliness:

- Food truck owners/operators must be responsible for maintaining a clean environment around each food truck;
  - Garbage and litter left by purchasers are the responsibility of the food truck;
  - Liquid spills (ice cream, pop, etc.) should be cleaned up daily.
- Garbage and contaminated water/waste must be disposed of properly:
  - Grey water is disposed in a health department designated dumping area;
  - Each truck should carry an oil spill containment kit;
  - Waste and waste water is disposed in a designated pumping station;
  - Garbage bins must be provided and emptied by the food trucks at a designated/approved area and when full and at least daily; for both landfill and recyclables;

### Noise:

- Food Trucks may not use amplified sound.
- Food Trucks may not generate other noise sufficient to disrupt adjacent residents or businesses.

### Smoke:

- Venting must direct food truck smoke away from all dwellings. (wind direction must be addressed);

Thank you for your consideration.

Submitted by Paul Gleye, President  
On behalf of the Fargo Downtown Neighborhood Association  
[yubecha@hotmail.com](mailto:yubecha@hotmail.com)  
(701) 799-6121

June 27, 2018

## Mark Williams

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**From:** Vonnie Birmingham <vonnie@jlbeers.com>  
**Sent:** Monday, July 2, 2018 2:15 PM  
**To:** Nicole Crutchfield  
**Cc:** 'Warren Ackley'  
**Subject:** FW: Food Truck Policy - Message from Warren Ackley  
**Attachments:** Food Truck Vendor Map.pdf

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

I am very concerned about the new food truck policy and the boundary areas that have been set, especially on NP Avenue from Broadway to 5th Street North, and on 5th Street North from NP Avenue to 1st Avenue North. I would like to see those areas added to the restricted zones. (Please see the attached map.) Further, what are the restrictions of the number of food trucks that can be set up on one block? For instance, could 4 food trucks park in one lane on a block? The scenario could present itself where you could have 4 food trucks on NP Avenue and 4 food trucks on 5th Street, which would directly affect 5 of our restaurants (Old Broadway, OB Sports Zone, NoBull, Vinyl Taco, and JL Beers), if there were no restrictions. Also, what is the penalty for parking over an extended period of time on the street?

We have spent a considerable amount of money building outdoor dining areas to our downtown properties. We are paying property taxes and special assessments on our downtown properties. Having food trucks set up outside our front doors on the nicest days of the year would be very damaging to our businesses.

Thank you for your response and consideration.

*Warren Ackley*



**Phone: 701-237-5151, ext 12**

**Fax: 701-237-3189**

**E-mail: [wka@gdfargo.com](mailto:wka@gdfargo.com)**



**Mark Williams**

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**From:** Justin.J.Buchholz@gmail.com  
**Sent:** Monday, July 9, 2018 9:07 PM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: JUSTIN Buchholz

Email: Justin.J.Buchholz@gmail.com

Question/Comment: If Warren Ackley is concerned about losing business to food trucks, he should make better food. Open up options for food trucks to park on sidestreets. Let the free market decide.



**Mark Williams**

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**From:** Kkp06@yahoo.com  
**Sent:** Monday, July 9, 2018 8:12 PM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name:

Email: Kkp06@yahoo.com

Question/Comment: I just read that food trucks can only park on private property and I think just like other cities they should be able to park on public streets.  
This will allow a greater opportunity for more entrepreneurs to find success in the food truck scene which a diversity of is under represented in our city to be honest.

**Mark Williams**

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**From:** msbkvanvig@aol.com  
**Sent:** Monday, July 9, 2018 2:58 PM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Name: Mike Kvanvig

Email: msbkvanvig@aol.com

Question/Comment: I can't make it to the 4pm meeting, but I would like to voice my opinion on food trucks parking on city streets.

I would like food trucks to have the option and availability to use designated city streets.

Thank you,

Mike Kvanvig

**Mark Williams**

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**From:** Kimmieknight@gmail.com  
**Sent:** Monday, July 9, 2018 2:32 PM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Kimberly Knight

Email: Kimmieknight@gmail.com

Question/Comment: I support allowing food trucks to park on public streets. I love the variety and community culture food trucks bring to an area. We will only see the affects on the community, good or bad, if you allow the pilot program to move forward. Thank you.

**Mark Williams**

---

**From:** racquel@midco.net  
**Sent:** Monday, July 9, 2018 2:15 PM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Racquel Heley

Email: racquel@midco.net

Question/Comment: I love the idea of food trucks. I would love to see them around more. With that being said, I think they should have a rule as to not being around other food/beverage establishments during their business hours. (so many feet away) That way they don't take away their business.

It would also be nice to have a handwashing station for the customers to use before and after eating. :) Thanks for listening.

**Mark Williams**

---

**From:** j.haynes488@gmail.com  
**Sent:** Monday, July 9, 2018 1:28 PM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name:

Email: j.haynes488@gmail.com

Question/Comment: I won't make it to the food truck meeting tonight. But I believe food trucks should be able to set up on public spaces, but not downtown. It is already far too congested and often is already messy the morning after a weekend night. We do not need more of that downtown. But there are plenty of parts of the town that could use more options and have the space for it.

**Mark Williams**

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**From:** Freakinnomads@gmail.com  
**Sent:** Monday, July 9, 2018 11:24 AM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Lee Klocke

Email: Freakinnomads@gmail.com

Question/Comment: Please pass the resolution to allow food trucks to park on public Streets. Let's move into the 21st century

Lee Klocke

## Mark Williams

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**From:** edge0704@msn.com  
**Sent:** Monday, July 9, 2018 10:38 AM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Amanda Edgerly

Email: edge0704@msn.com

Question/Comment: Good Morning Nicole,

I would just like to offer up my opinion on the food Trucks in Fargo. We travel quite a bit around the United States. From Minneapolis, MN to Los Angeles, CA and New Orleans, LA. Our favorite part of these trips are locating the different food trucks in each of the new places we visit.

They offer a great variety for quick eats. The traffic congestion in some of these places amazes me how they manage to fit the food trucks in anywhere they want to go. They do and it has always been a great convenience outside of hotels, gas stations, downtown locations where people don't have time to go into a sit down restaurant. The restaurants in Fargo all seem to have a general menu. There is not much variation. We cook ourselves most nights and don't frequent the downtown restaurants due to this. There is so many other great food options out there and Fargo has yet to see this. Food Trucks are a great way to see what works and what doesn't. I suggest looking into Smack Shack in Minneapolis. They began as a food truck serving lobster rolls. They now serve their menu out of 2 brick and motor buildings. Each location is always packed. It is a great stepping stone. Location is everything when it comes to food trucks. The current locations of them are out of the beaten path and consumers need to go out of their way to find and frequent them. This is unfair to us as well as the food truck owners. Fargo is not the "small town" it once was. With the revamping of the downtown area, this would bring many more people downtown and help boost the area as well as give us a great name on the map. Food Trucks are the new go to. Please consider this when making the decision to limit where they park. They should be free to go where the customers are and want them to be.

Thank you for your time and consideration, Amanda Edgerly  
701-893-8566

**Mark Williams**

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**From:** jengquist88@yahoo.com  
**Sent:** Monday, July 9, 2018 10:20 AM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Jeremy Engquist

Email: jengquist88@yahoo.com

Question/Comment: I think food trucks should be allowed to park on city streets. I see no problem with this as long as they do everything to insure safety of patrons



## Mark Williams

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**From:** markkolstad363@q.com  
**Sent:** Tuesday, July 3, 2018 10:00 AM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Susan Kolstad

Email: markkolstad363@q.com

Question/Comment: We have a concern regarding food trucks. While many are careful about cleaning up the debris associated with their food, others are not. The food trucks near Fort Noks are extremely irresponsible and do not clean up on Friday and Saturday evenings. Food can be seen along the entire street. Not only is this disgusting for pedestrians, pet owners, and visitors to Fargo, discarded food poses a health problem as rodents will, assuredly, follow. This is the filthiest spot in downtown and it is completely due to food truck patrons. Until there are regulations in place to deal with food truck garbage, we can not support food trucks on public streets. It is best to keep them in in food parks or on private property.

Stronger regulations and closer supervision of present areas is required and fines should be given to trucks who do not comply with regulations.

## Mark Williams

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**From:** Embekkerus12@gmail.com  
**Sent:** Tuesday, July 10, 2018 6:55 AM  
**To:** Nicole Crutchfield  
**Subject:** Nicole Crutchfield Contact Form

Name: Emily Bekkerus

Email: Embekkerus12@gmail.com

Question/Comment: This is in regards to the decision of possibly not allowing the food trucks to park on the public streets. As a teacher we have talked about this in our teachers lounge about how exciting it is to have so many more options offered here in Fargo by allowing the food trucks to park on public rather than private property. I think it would be great for the community and a wonderful way to support the small business owners of these food trucks.

**Mark Williams**

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**From:** Nicole Crutchfield  
**Sent:** Tuesday, July 3, 2018 10:04 PM  
**To:** John Strand; Octavio Gomez; John Strand  
**Subject:** RE: Meeting request re: FOOD TRUCK policy

Thanks for connecting me John! Octavio, I would be glad to chat Thursday or Friday this week.

Sent from Mail for Windows 10

**From:** John Strand  
**Sent:** Tuesday, July 3, 2018 8:54 PM  
**To:** Octavio Gomez; John Strand; Nicole Crutchfield  
**Subject:** Meeting request re: FOOD TRUCK policy

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Nicole,


Octavio Gomez w/ Taco Bros. and some other food truck / cart owners would like to visit with you regarding the policy under consideration.

Octavio's cell is 701.361.2352 and I've included him in this email as well. I'm gone July 5 thru the 15th, so do not worry about including me in this meeting.

Thanks...

John

29

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: KENT COSTIN, DIRECTOR OF FINANCE**   
**RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL**  
**DATE: July 12, 2018**

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

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

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for June 2018.

**Suggested Motion:**

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$1,216,849.

July 12, 2018

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 #70 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from June 1, 2018 to June 30, 2018. 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 \$1,216,849.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$244,000,000	\$185,465,912	\$2,433,697	50%	\$1,216,849	\$57,317,239

**Project Narrative, this request:**

Project Number	Project Description
V01204	Commercial relocation assistance for Oxbow Country Club

We certify that \$78,689,391 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

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

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

Sincerely,



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

**Required Local Approvals:**

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

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

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


**FM Metropolitan Area Flood Risk Management Project  
 Summary of Cash Disbursements Eligible for SWC Funding  
 June 2018 - OHB Levee Related Costs**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	5,845.51	CREDIT RETAINAGE	V01203	Cass Joint Water OHB
			<b>Total Retainage</b>	<b>5,845.51</b>			
790-7930-429.67-12	6/7/2018	287626	CASS COUNTY JOINT WATER RESOURCE DI	2,433,697.25	OXBOW GOLF/C CLUB PMT	V01204	Cass Joint Water OCC
			<b>Total LERRDS - North Dakota - Commercial Buildings</b>	<b>2,433,697.25</b>			
790-7952-429.73-52	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	(5,845.51)	CREDIT RETAINAGE	V01203	Cass Joint Water OHB
			<b>Total O/H/B Construction - Flood Control</b>	<b>(5,845.51)</b>			
			<b>Total Expense for Period</b>	<b><u>2,433,697.25</u></b>			

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR** 

**DATE: JULY 10, 2018**

**SUBJECT: REQUEST FOR RENEWAL PLANS**

I have received a request from Roers Development to prepare four renewal plans for blocks in the Roosevelt Neighborhood. Roers Development has acquired numerous properties on these blocks and has plans to redevelop the blocks with new development consistent with the Land Development Code. Roers would like begin redevelopment work and remove thirteen dilapidated structures this fall.

The purpose of the renewal plan would be to document blighted conditions and adopt policy to encourage the removal of dilapidated structures. The plans would be the first step to creation of Tax Increment Financing (TIF) districts to encourage new development. The creation of Tax Increment Financing (TIF) districts would not be part of the plans, but could be considered at a future date when a specific project is reviewed. However, demolition costs would be documented, and could be eligible for City assistance as part of a future TIF district.

A copy of the request is attached for your information. I have also attached a map showing the location of properties where structures would be removed if the renewal plans are approved. The anticipated schedule is to adopt the renewal plans in September, and remove the structures later in the fall.

**RECOMMENDED MOTION:** Direct City staff to prepare four renewal plans for blocks in the Roosevelt Neighborhood.

Attachments



July 10, 2018

Mr. Jim Gilmour  
Director of Strategic Planning and Research  
City of Fargo  
200 3<sup>rd</sup> Street North  
Fargo, ND 58102

Re: Memorialization of Blight

Mr. Gilmour,

I am writing to request that the City of Fargo engage with Roers Development, Inc. to create a renewal plan for the blocks where the properties enumerated on the attached schedule are located.

For a period of years now, Roers has been acquiring dilapidated and abandoned properties in north Fargo for future development opportunities. While we endeavor to keep these houses in a safe and habitable condition, some of these houses were in such a state of disrepair when we purchased them that the upkeep is unmanageable. Because we want to be a good neighbor and remove these eyesores, we are requesting the assistance of the City of Fargo.

Roers would like to create renewal plans for Blocks 2, 3, and 19 in Beardsley's Addition, Block 19 in Bolley's Subdivision of Chapin's Addition, and Block 2 of College Addition and to memorialize the blighted status of the properties listed below. It is imperative to the success of our future projects that we memorialize the condition of the properties and document the costs in removing these houses so that we are able to utilize that information for any future applications for tax increment financing or other incentives as may be available. We understand that the City would like these homes removed for the safety of the community and Roers would like nothing more than to accommodate the City.

We appreciate your assistance in this matter, and we look forward to working with the City of Fargo to create a renewal plan that is consistent with the Land Development Code. Thank you for your consideration.

Sincerely,



Shannon Roers Jones  
Attorney

**Properties with houses to be removed**

**Address:**

1213 11<sup>th</sup> Avenue North

1215 11<sup>th</sup> Avenue North

1118 12<sup>th</sup> Street North

1119 University Drive North

1030 16<sup>th</sup> Street North

1036 16<sup>th</sup> Street North

1038 16<sup>th</sup> Street North

1013 17<sup>th</sup> Street North

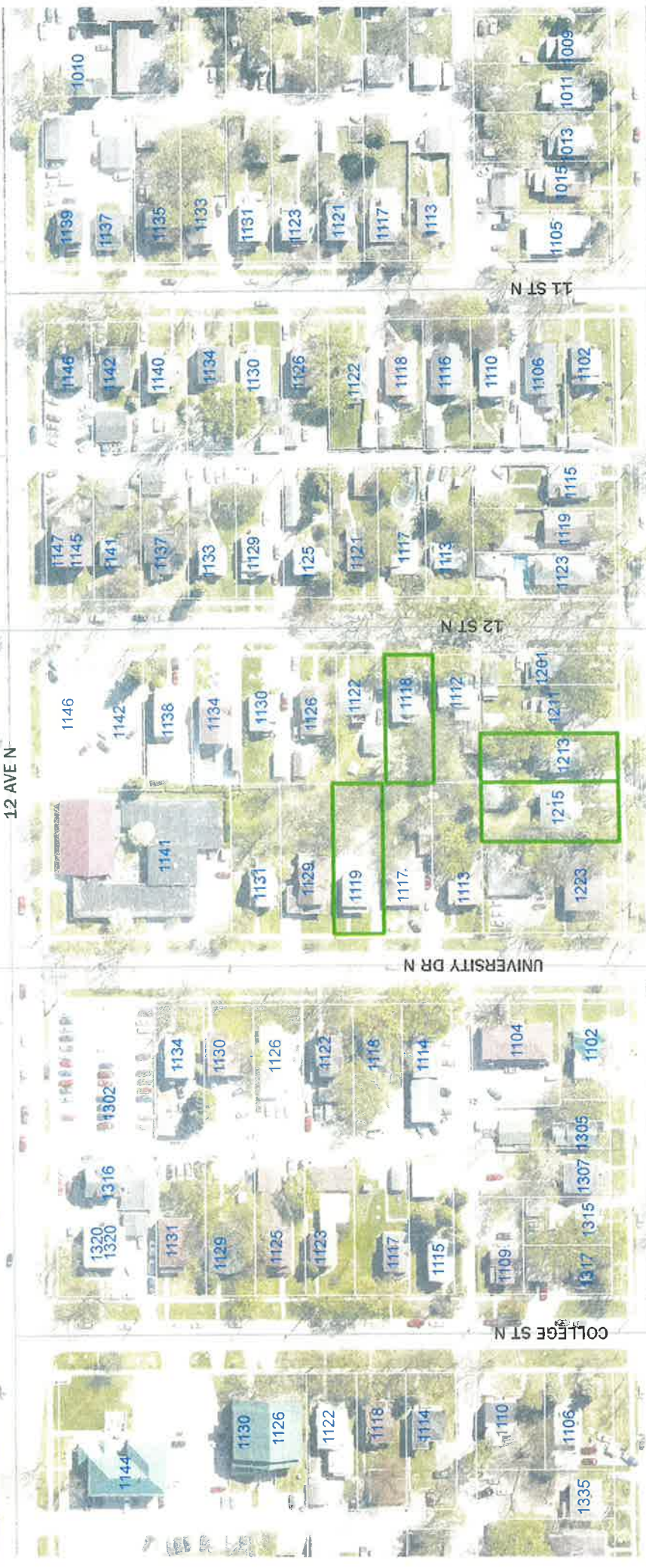
1037 17<sup>th</sup> Street North

1119 17<sup>th</sup> Street North

1009 17<sup>th</sup> Street North

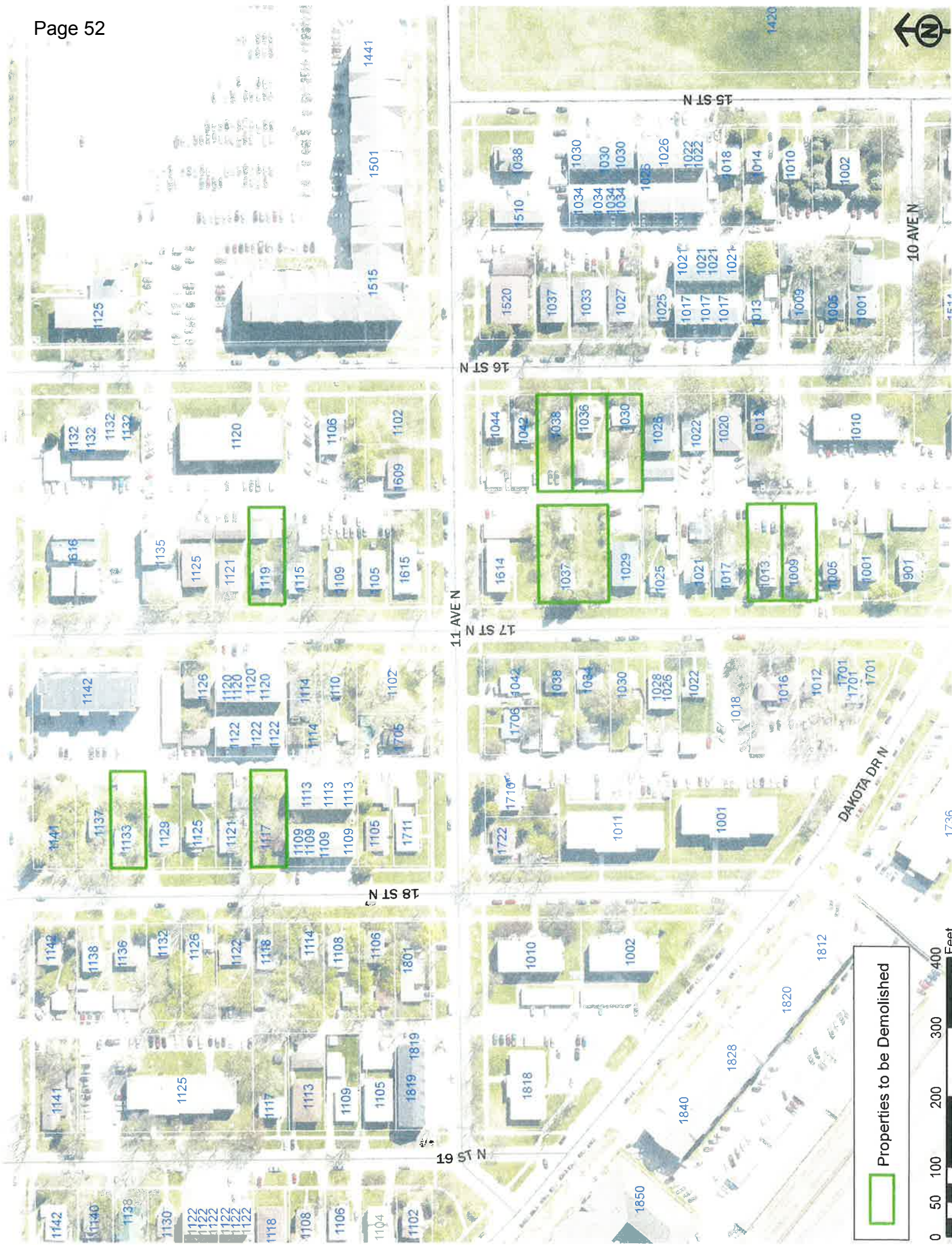
1117 18<sup>th</sup> Street North

1133 18<sup>th</sup> Street North



Properties to be Demolished







**Dr. Timothy J. Mahoney, Mayor**  
Fargo City Hall  
200 3rd Street North  
Fargo, ND 58102  
Phone 701.241.1310 | Fax: 701.476.4136  
TMahoney@FargoND.gov

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**  
**FROM: MAYOR TIMOTHY J. MAHONEY** *TJM*  
**DATE: JULY 10, 2018**  
**SUBJECT: HUMAN RELATIONS COMMISSION APPOINTMENTS**

The terms of Cheryl Schaeffe, Hassan Lamba and Timothy Stone on the Human Relations Commission expire on July 1, 2018. Ms. Schaeffe is willing to continue her service on the Board; however, Mr. Stone has resigned his position and Mr. Lamba is no longer able to serve.

My recommendation is to reappoint Cheryl Schaeffe and to replace Mr. Stone and Mr. Lamba I am recommending the appointment of Matuor Alier and Hamida Dakane. I have attached their web applications for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** To approve the reappointment of Cheryl Schaeffe and the appointment of Matuor Alier and Hamida Dakane to the Human Relations Commission for three-year terms ending July 1, 2021.

**Attachments**  
mmappts18hrc

**Kember Anderson**

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**From:** noreply@cityoffargo.com  
**Sent:** Monday, November 27, 2017 8:46 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government  
**Attachments:** Matuor Alier Resume 9-28.pdf

**Name:**  
*[Matuor D Alier ]*  
**Mailing Address:**  
*[6074 59th ST S ]*  
**City:**  
*[Fargo ]*  
**State:**  
*[North Dakota]*  
**Zip:**  
*[58104]*  
**Work Phone:**  
*[4843663285]*  
**Home Phone:**  
*[7012415904]*  
**E-mail:**  
*[matuor20@gmail.com]*

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

*[Human Relations Commission]*

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

*[I feel like there is a need in the city of Fargo for New American to get involve. There is an isolation of our communities within Fargo, and it is our call to get involve in making this city a great place to live for all of us. ]*

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

*[10 hrs during the week days, and as much as 40 hrs during the weekends]*

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

*[Former Chairman of South Sudanese communities in Fargo Former president of African Students union at Penn State University Current multicultural representative of Eastern North Dakota Synod of ELCA Member of North Dakota Change Network Former Chairman of Dimma Refugee camp in Ethiopia Cuurently employed by Cass County Government Chair of Cohort Gathering ]*

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

*[As a currently Multicultural Represesntative of Eastern North Dakota ELCA sydon, My work is to build relationship between churches and maker sure that all are well and all are treated with the respect regardless of thier reliogious, sex, gender, race and country of origin. Also as a chairman of Cohort Gathering, it is a gathering consists of 50 members within the state, and we travel all over the united state, speaking up for voiceless citizens our this great nation.]*

**We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.**

**Kember Anderson**

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**From:** webmaster@cityoffargo.com  
**Sent:** Monday, May 01, 2017 3:08 PM  
**To:** Commissions Applications  
**Subject:** Commission Application

**Name:** Hamida.Dakane  
**Address:** 4802 15th ave s apt 301  
**City:** Fargo  
**State:** ND  
**Zip:** 58103  
**Work phone:**  
**Home phone:** 612-636-6018  
**Email:** Hamithay@gmail.com

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

Human Relation Commission

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

The Human Relation Commission is comprised of talented and community-focused volunteers, that work very hard every day to make Fargo better place for everyone. That help our community . Learning opportunities are an integral element of creating a more just and inclusive community for all. This is achieved through the intentional dialogue, reflective readings, forums, and unique events via outreach and engagement. Organizing and participating in community events and activities overcome prejudice and discrimination, build mutual respect and understanding, and become more harmonious and cohesive. Since I moved in Fargo I have been working with the community to create an atmosphere that promotes amicable relation among all members of the city of Fargo. I'm interested to promote activates that foster understanding, respect and inclusion by protecting the city of Fargo which will led a positive impact in the lives of the people in our community.

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

10-20hrs

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

As a community leader i worked with the city government in different levels of the community need. When i was in Kenya i worked with my village local government.

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

As an Emergency Management graduate and someone with first hand information about the community and did a lot of Community Outreach and Engagement - Organizing and participating in community events and activities my interest is from the work Human Relation Commission does.

**Resume:**

Hamida Dakane 4802 15th Ave SW, Fargo ND 58103 ☐ 612-636-6018 ☐ Hamida.Dakane@ndsu.edu EXPERTISE Networking, Leadership, Negotiates Differences, Develops Strategies Manages Conflicts EDUCATION North Dakota State University, Fargo, N.D. Bachelor of Emergency Management & International studies Anticipated Graduation May 2017 PROFESSIONAL PROFILE Responsible, dedicated and energetic young professional with four years of education

Emergency management, experience in community service and Nonprofits work, research with hand on project. Work well with group and can be independent as well RELATED COURSEWORK . Emergencies, Disasters, and Catastrophes, Business Continuity and Crisis Management, Disaster Preparedness, Disaster Mitigation, Disaster Response, FEMA IS course WORK EXPERIENCE Lutheran Social Service MN, May 2014 - present. . Caring for clients who have limited ability to do their daily activities . Helping dispense their medication on the right time and the right dosage . Monitor for any abnormal side effects from the drugs dispensed and contacting the pharmacist in case of any unusual side effects or behavior noted. John Deere, Fargo ND, Jan 2012 - Oct 2013 . Product specialty . Closely monitored product appearance and machine conditions . Performed quality control testing to maintain product quality Volunteer at Lutheran Social Service of Fargo, Nov 2012 - Jun 2014 . Interpreting for refugees and immigrant families in Fargo Somali, Swahili, and Oromo languages. . Attending home visit with case workers to refugee and immigrant families . Assisting refugee and immigrant families with transportation and filling in applications for services SKILLS . Interpersonal Skills . Communication with different language . Organization . Multitasking . Initiative & Problem-Solving abilities . Dependability . Technical Skills LEADERSHIP AND INVOLMENT . Somali Community Development of Fargo ND Member 2012 - 2014 . African Student Union of NDSU Committee Chair 2014 - present . Afro American Students Association Member 2014-present AWARDS . 2015 National Model African Union Conference Participation Award COMPUTER SKILLS . Microsoft Word, Excel, Outlook, PowerPoint



REPORT OF ACTION  
**FINANCE COMMITTEE**

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Project No. City Hall Construction Project

Type: Owner Supplied Items

Location: 200 3<sup>rd</sup> Street North

Date of Hearing: July 9, 2018

<u>Routing</u>	<u>Date</u>
City Commission	July 16, 2018
Project File	_____

Bruce Grubb, City Administrator, presented the attached cover memo regarding owner supplied extra items related to the City Hall construction project. City Hall was originally bid on March 30, 2015, but the low bids \$31,148,713 were rejected because they exceeded the project estimate of \$26,500,000. The City Hall project was redesigned and rebid on May 26, 2016, with the low bids coming in at \$22,496,900. The result was a reduction of \$8,651,813 in bid prices for the City Hall project.

In an effort to have comparable bids, the rebid of City Hall included a scope of services similar to the original bid of City Hall. The original bid did not include certain owner supplied items such as IT communications/broadcast equipment or ancillary fit-up items.

Since the project budget is nearing the limits of the bond sale proceeds, an internal meeting was held with architect and owner representatives to identify any "owner supplied" items of that were not included in the project budget. The following items were identified as owner supplied items and have been categorized under two general headings:

<b>City Hall Public Broadcast</b>	<b>\$1,215,364</b>
<b>City Hall Ancillary Fit-up</b>	<b>\$ 906,989</b>

At the time of original bid in 2015, these owner supplied items were not included in the bid documents. The funding plan for the owner supplied items was to use State Aid revenue. However, State Aid revenue has been declining over the past several years and is not an adequate source of funding at this time. Piepkorn suggested that we need to pursue quality components and Redlinger suggested that we need to use state of the art technology. Grubb suggested that franchise fees might be a possible funding source for the broadcast related items and health insurance premium savings might be a possible funding source for the ancillary items.

The Finance Committee discussed the following options for funding the owner supplied extra items:

<u>Owner Supplied Category</u>	<u>Estimate of Costs</u>	<u>Funding Source</u>	<u>Funding Availability</u>
City Hall Public Broadcast	\$1,215,364	Franchise Fees	\$1,215,542
City Hall Ancillary Fit-up	\$ 906,989	Health Premiums	\$1,782,844

**MOTION:**

On a motion by Tim Mahoney, seconded by Dave Piepkorn, The Finance Committee voted to approve the owner supplied extra items and funding sources.

<u>COMMITTEE:</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				<u>X</u>
				<u>Proxy</u>
Tim Mahoney, Mayor	<u>X</u>			
Dave Piepkorn, City Commissioner	<u>X</u>			
Bruce Grubb, City Administrator	<u>X</u>			
Mike Redlinger, Assistant City Administrator	<u>X</u>			
Kent Costin, Director of Finance	<u>X</u>			
Steve Sprague, City Auditor	<u>X</u>			

ATTEST:

*Kent Costin*

Kent Costin  
Finance Director

C: Commissioners



## OFFICE OF THE CITY ADMINISTRATOR

Bruce P. Grubb

July 9, 2018

## MEMORANDUM

**To:** Finance Committee  
**From:** Bruce P. Grubb, City Administrator *BPG*  
**Subject:** City Hall – Owner Supplied Items

## Introduction

As you may recall, the original design for a new City Hall was bid on March 30, 2015. The combined low bids for the construction of City Hall were \$31,148,713. The combined low bids exceeded the project estimate of \$26,500,000. Based on a recommendation from the City Hall building committee, the City Commission rejected the low bids because they exceeded the project estimate by 17.5%. It is important to be aware that at the time of the original bid, a number of owner supplied items were not included in the bid such as IT network/broadcast work and certain ancillary fit-up for City Hall.

In an effort to reduce the cost of construction, on May 26, 2016, the City Commission approved a redesign and rebid of City Hall. The combined low bids for the redesigned City Hall were \$22,496,900 which represented a \$8,651,813 reduction in project costs. On June 2, 2016, the City Commission awarded the low bids associated with the redesigned City Hall. For purposes of bid comparison, the rebidding of City Hall was done with a similar scope of work to the original bid. Thus, the rebid did not include owner supplied items such as IT network/broadcast work and certain ancillary fit-up for City Hall.

## Current Budget Status

Contract	Contractor	Original Bid	Change Orders	Current Amount	% Change
General	Olaf Anderson	\$16,442,900	\$902,265	\$17,347,520	5.50%
Mechanical	Robert Gibb	\$3,447,000	\$116,937	\$3,561,582	3.32%
Electrical	Sun Electric	\$2,607,000	\$175,966	\$2,782,966	6.75%
<b>Total</b>		<b>\$22,496,900</b>	<b>\$1,195,168</b>	<b>\$23,692,068</b>	<b>5.31%</b>

Budget Category	Original Total	Current Total
City Hall Construction	\$ 22,000,000	\$ 23,692,068
FF&E	\$ 1,775,000	\$ 1,495,000
Centennial Hall Demo	\$ 600,000	\$ 772,468
Professional Fees	\$ 1,400,000	\$ 1,719,307
Contingency	\$ 1,940,767	\$ 36,924
<b>Total Budget</b>	<b>\$ 27,715,767</b>	<b>\$ 27,715,767</b>

### Owner Supplied Extra Items

As mention previously, the rebid of City Hall was done with a similar scope of work to the original bid and thus, did not include owner supplied items such as IT network and broadcast fit-up and certain ancillary work for City Hall. Those additional costs have been categorized and shown below:

<b>1. City Hall Ancillary Fit-up</b>		<b>\$ 906,989</b>
IS/IT Equipment	\$369,000	
Owner Supplied Furnishings	\$187,500	
Remaining City Hall Miscellaneous	\$339,451	
Commission Chamber Miscellaneous	\$ 24,918	
<b>2. City Hall Public Broadcast</b>		<b>\$ 1,215,375</b>
AV Switches	\$ 4,000	
Satellite Dish Moves	\$ 6,000	
Corridor Broadcast Displays/Software	\$ 13,880	
Atrium Video Panels	\$ 15,000	
Commission Room Video Panels	\$175,000	
Commission Room Broadcast Equipment	\$ 51,495	
Commission Room Build Out	\$950,000	
<b>Total Owner Supplied</b>		<b>\$ 2,122,364</b>

### Recent Project Comparables:

As a means of comparison, other recent public building projects have been assembled for your review. The comparisons are shown below:

<b>Building Project</b>	<b>Bid Amount</b>	<b>Change Orders</b>	<b>Final Amount</b>	<b>% Change</b>
City Hall	\$ 22,496,900	\$ 1,195,168	\$ 23,692,068	5.31
Water Treatment Plant	\$ 103,690,295	\$ 4,341,777	\$ 108,032,072	4.18
HQ Fire Station	\$ 2,455,499	\$ 257,783	\$ 2,713,282	10.50
Fargo Cass Public Health	\$ 7,215,123	\$ 714,365	\$ 7,929,488	9.90
RoCo Parking Ramp (P3)	\$ 12,388,000	\$ 911,018	\$ 13,299,018	7.35

With the addition of owner supplied items that occurred outside the project bidding, the comparisons are shown below:

<b>Budget Category</b>	<b>City Hall</b>	<b>Water Plant</b>	<b>HQ Fire</b>	<b>FCPH</b>	<b>RoCo</b>
Construction	\$ 23,692,068	\$ 108,032,072	\$ 2,713,282	\$ 7,929,488	\$ 13,299,018
Owner Supplied Items	\$ 2,122,364	\$ 2,300,000	\$ 40,682	\$ 205,126	\$ 26,188

**Suggested Plan of Financing**

**Midcontinent and Cable One Franchise Fees**

Since the IT owner supplied items are primarily related to broadcast and video capabilities, it is suggested that the annual franchise fees collected from Midcontinent Communications and Cable One be used as the funding source to pay for these costs. The annual franchise fees collected is approximately \$1,215,542. The following owner supplied items would be applied to this funding source.

- **City Hall Public Broadcast     \$1,215,375**

**Health Insurance Premium Savings (2018)**

Since the ancillary owner supplied items associated with the City Hall ancillary work is related to the final fit-up of the building, it is suggested that the health insurance premium savings that were realized in the 2018 budget be used as the funding source to pay for these costs. The annual health insurance premium savings in the 2018 budget is approximately \$1,782,844. The following items would be applied to this funding source.

- **City Hall Interior/Exterior     \$ 906,989**

**Suggested Motion:**

Approve the above referenced funding plan for owner supplied items associated with the City Hall construction project.

Your consideration in this matter is greatly appreciated.

- C: Michael Redlinger, Assistant City Administrator
- Kent Costin, Finance Director
- Ron Gronneberg, IS Director
- Gregg Schildberger, Public Affairs Coordinator
- Terry Stroh, TL Stroh Architects