

FARGO CITY COMMISSION AGENDA
Monday, October 8, 2018 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Amendment of September 10, 2018 Regular Meeting; Approval of September 24, 2018 Regular Meeting).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 23-0211 of Article 23-02 of Chapter 23 of the Fargo Municipal Code Relating to the Electrical Code.
- 2. 1st reading of the following Ordinances:
 - a. Amending Section 8-1009 of Article 8-10 of Chapter 8 of the Fargo Municipal Code Relating to Parking Regulations.
 - b. Amending Sections 38-0101, 38-0103, 38-0105, 38-0106 & 38-0107, of Article 38-01 of Chapter 38 of the Fargo Municipal Code Relating to Street Lighting and Traffic Control Devices System.
- 3. 2nd reading and final adoption of the following Ordinances; 1st reading 8/24/18:
 - a. Amending Section 8-1425, of Article 8-14 of Chapter 8 of the Fargo Municipal Code Relating to Bicycles.
 - b. Amending Section 01-0305, of Article 01-03 of Chapter 01 of the Fargo Municipal Code Relating to General Provisions.
 - c. Enacting Article 3-23 of Chapter 3 of the Fargo Municipal Code Relating to Collection of Utilities and Services.
- 4. Agreement (Hoffman Glass Pile) with Dak Real Estate Holdings, Inc. for removal of glass pile.
- 5. Easement Release Agreement with Southeast Cass Water Resource District, State of North Dakota, Oak Grove Foundation Properties, LLC and Park Christian School, Inc.
- 6. Receive and file Summons in the matter of James Peter Sabo vs. City of Fargo.
- 7. First Amendment to Roberts Common Condominium – Declaration Establishing a Plan of Condominium Ownership and Pet Area Access Easement Agreement with DFI Roberts LLC.
- 8. Applications for property tax exemptions for improvements made to buildings:
 - a. Ellen and Rodney Shafer, 215 8th Street South (5 year).

- b. Mary Steussy, 301 20th Avenue North (5 year).
 - c. Paul J. and Ann L. Jarvis, 172 North Woodcrest Drive North (5 year).
 - d. Ryan and Krista French, 1226 Oak Street North (5 year).
 - e. Craig A. and Nichole L. Brandenburger, 1329 2nd Street North (5 year).
 - f. Nathan R. and Susan A. Brenneman, 3226 Bohnet Boulevard North (5 year).
 - g. Stephen J. and Nowelle Kisser, 1032 3rd Street North (5 year).
9. Applications for Games of Chance:
 - a. Lewis and Clark Elementary PTA for a raffle on 10/26/18.
 - b. Jefferson Elementary PTA for a raffle on 10/26/18.
 - c. Kappa Psi Pharmaceutical Fraternity for a raffle on 10/15/18.
 - d. Home Builders Care of Fargo-Moorhead Foundation for a raffle on 3/22/19.
 - e. Homeward Animal Shelter for a raffle on 10/19/18.
 - f. The Village Family Service Center for a raffle and raffle board on 11/16/18.
 - g. Eagles Elementary PTA for bingo on 10/16/18, 11/02/18, 2/1/19 and 4/5/19.
 10. 2019 City Commission meeting schedule.
 11. Bid award for food and beverage paper goods at the FARGODOME (RFP18241).
 12. First Amendment to Agreement with Ovations Food Services, LP d/b/a Spectra Food Services and Hospitality.
 13. Court Services Contract (Transfer of Municipal Cases for Jury Trial) with the State of North Dakota.
 14. Notice of Grant Award with the ND Department of Health for the WIC Program (CFDA #10.557).
 15. Notice of Grant Award with the ND Department of Health for Regional Public Health Network Implementation (CFDA #93.758).
 16. Grant Agreement with Lutheran Social Services of North Dakota for nurse case management for tuberculosis infection.
 17. Agreement for Services with Child Care Aware of North Dakota to provide training opportunities to licensed child care center staff to meet annual health code training requirements.
 18. Notice of Grant Award with the ND Department of Health for increasing breastfeeding rates/reducing overweight and obesity program (CFDA #93.994).
 19. Agreement for Services with the American Lung Association for tobacco prevention activities.
 20. Agreement for Services with ShareHouse for tobacco prevention activities.
 21. Agreement for Services with Southeast Human Service Center for tobacco prevention activities.
 22. Benefit renewals, as outlined, effective January 1, 2019.

- Page 23. Set November 5, 2018 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 826 10th Street North.
24. Agreement with Plains Art Museum to provide the Bring Her Home exhibit at the Main Library.
 25. Bid award for the purchase of one 4-ton hot patcher asphalt trailer (PBCSM1647C).
 26. Request to extend the 2018/2019 snow hauling contracts with Master Construction, Diesel Dogs Trucking and Industrial Builders for the 2018/2019 snow season (RFP17012, RFP17013 and RFP17014).
 27. Bid award for the purchase of one Spartan Fire Pumper (PBC18071).
 28. Bid award for the Landfill Gas Compression Plant Expansion (Project No. SW16-03).
 29. ND Department of Transportation State Aid for Public Transit Agreement in the amount of \$494,275.00 (Contract #38181487).
 30. Section 5339 Bus and Bus Facilities Grant Program application.
 31. Negative Final Balancing Change Order No. 3 in the amount of -\$21,266.18 for Project No. FM-14-63.
 32. Change Order No. 2 for an increase of \$13,245.00 and a 13-day time extension for Project No. FM-15-F2.
 33. Change Order No. 3 for an increase of \$2,023.68 for Project No. FM-15-K1.
 34. Selection of AE2S to perform the electrical design services for Project No. MS-18-J0.
 35. Engineering Services Agreement Amendment No. 1 with Houston Engineering in the amount of \$396,182.00 for Project No. FM-14-71.
 36. Bid award for Project No. WA1753.
 37. Sole Source Procurement with Hydro Klean for pipe cleaning at the Water Treatment Plant (SSP18163).
 38. Change Order No. 20 for an increase of \$181,730.00 for the general construction contract Project No. WA1301.
 39. Contracts and bonds for Project Nos. BP-00-43 and UR-18-A1.
 40. Bills.
 41. Memorandum of Offer to Landowner – Temporary Easement (Construction) with West Fargo Investments, LLC for Improvement District No. BN-19-A1.
 42. Memorandum of Offer to Landowner – Temporary Easement (Construction) with Julie L. Vetter and Aaron D. Olson for Improvement District No. BN-19-A1.
 43. Change Order No. 1 for an increase of \$145,301.00 for Improvement District No. BN-17-A3.

- Page 44.
44. Negative Final Balancing Change Order No. 1 in the amount of -\$10,932.93 for Improvement District No. BR-16-E1.
 45. Change Order No. 1 for an increase of \$34,991.04 for Improvement District No. PR-18-C1.
 46. Change Order No. 1 for an increase of \$30,375.00 for Improvement District No. SL-17-B1.
 47. Time Extension to 5/1/18 for Improvement District No. BN-18-A1.
 48. Utility Relocation and authorize payment to Cable One in the amount of \$14,707.38 for Improvement District No. DN-18-A1.
 49. Early entry of Improvement District No. BN-19-A1 to the 2019 CIP.
 50. Create Improvement District No. BN-19-A.
 51. Bid award for Improvement District Nos. FM-14-8 and UN-18-C1.

REGULAR AGENDA:

52. Receive and file an Ordinance Enacting Article 39-01 of Chapter 39 of the Fargo Municipal Code Relating to Collection of Utilities and Services.
53. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
 - a. Costs totaling \$9,786.00.
 - b. Costs totaling \$6,314.00.
54. Public Hearings - 5:15 pm:
 - a. CONTINUE to 11/5/18 - Application filed by Enclave Development LLC for a payment in lieu of tax exemption (PILOT) for a project located at 312 11th Street North, which the applicant will use in the operation of 60-75 housing units and amenity space; continued from the 8/27/18 and 9/10/18 Regular Meetings.
 - b. Text Amendment to amend Section 20-0504.G of Article 20-05, of the Fargo Municipal Code (Land Development Code), relating to the measurement of building height; approval recommended by the Planning Commission on 9/4/18.
 1. 1st reading of Ordinance.
 - c. Zoning Change from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential (2127 58th Avenue South); approval recommended by the Planning Commission on 9/4/18:
 1. 1st reading of rezoning Ordinance.
 - d. Larkin Addition (3949 37th Avenue South; 3555 and 3611 38th Street South; and 3552 and 3600 39th Street South); approval recommended by the Planning Commission on 5/1/18:
 1. Zoning Change from AG, Agricultural to LI, Limited Industrial.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Larkin Addition.

- e. Special Assessment lists for the following Improvement Districts, all having been approved by the Special Assessment Commission on 9/5/18; set the interest rate at 1% per annum over the net rate on bonds financing said projects:
1. Park District Assessment Improvement District No. 7151.
 2. Park District Assessment Improvement District No. 7152.
 3. Park District Assessment Improvement District No. 7153.
 4. Park District Assessment Improvement District No. 7154.
 5. P.C. Concrete Alley Paving Improvement District No. AN-17-A.
 6. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights Improvement District No. BN-17-G.
 7. Sanitary Sewer, Water Main, Storm Sewer, Asphalt Paving, Concrete Curb and Gutter, Street Lights Improvement District No. BN-17-H.
 8. Water Main Replacement, Force Main Construction, Street Reconstruction Improvement District No. BR-16-C.
 9. Water Main Replacement, Force Main Construction, Street Reconstruction Improvement District No. BR-17-B.
 10. Flood Mitigation, Water Main Replacement, Force Main Construction, Street Reconstruction Improvement District No. FM-14-92.
 11. Flood Mitigation, Water Main Replacement, Force Main Construction, Street Reconstruction Improvement District No. FM-14-93.
 12. P.C. Concrete Pavement, Curb and Gutter, Storm Sewer, Sanitary Sewer, Water Main, Street Lighting Improvement District No. PN-15-A.
 13. P.C. Concrete Pavement, Bridge Widening, Storm Sewer, Sanitary Sewer, Water Main, Street Lighting, Traffic Signals Improvement District No. PR-17-A.
 14. Asphalt Mill and Overlay Improvement District No. PR-17-H.
 15. Street Lighting and Incidentals Improvement District No. SL-16-A.
 16. Street Lighting and Incidentals Improvement District No. SL-16-B.
 17. Street Lighting and Incidentals Improvement District No. SL-17-E.
 18. Street Lighting and Incidentals Improvement District No. SL-17-F.
 19. Street Lighting and Incidentals Improvement District No. SL-17-G.
 20. New Construction City Sidewalks Improvement District No. SN-17-A.

55. Recommendation for appointment to the Arts and Culture Commission.

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.



52

Office of the City Attorney

City Attorney
Erik R. Johnson

October 4, 2018

Assistant City Attorney
Nancy J. Morris

Board of City Commissioner
City Hall
225 4th Street North
Fargo, ND 58102

Dear Commissioners,

Presented for your consideration today is a new Storm Water Service Charge Ordinance which provides the means for the collection of Storm Water fees from all parcels located within the city of Fargo. This Ordinance presents the opportunity to collect fees for Storm Water Utility Services from residential customers at a flat rate, and nonresidential properties based on the parcel size and the amount of impervious surface. The amount of the fee is not being presented for your consideration at this time. Rather, the Ordinance provides for the adoption of a Resolution to establish the rate to be charged by the City, which will be presented to you at the time of adoption of the Ordinance. The Ordinance will become effective the first of the year, in conformance with the budget adopted by this Commission on September 24, 2018. The Ordinance also provides for the adoption of separate Policies and Guidelines that will address some of the mechanics of the operation of the proposed Ordinance, developed over several months of discussions.

SUGGESTED MOTION: I move to receive and file the following Ordinance Enacting Article 39-01 of Chapter 39 of the Fargo Municipal Code Relating to Storm Water Service Charges, and to place the ordinance on for first reading at the next regularly scheduled city commission meeting.

Sincerely,

A handwritten signature in cursive script that reads "Nancy J. Morris".

Nancy J. Morris

Enclosure



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE ENACTING ARTICLE 39-01 OF CHAPTER 39
OF THE FARGO MUNICIPAL CODE
RELATING TO COLLECTION OF
UTILITIES AND SERVICES

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2
3 WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in
4 accordance with Chapter 40-05.1 of the North Dakota Century Code; and

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

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

10 WHEREAS, the board of city commissioners deems it necessary and appropriate to
11 implement such authority by the adoption of this ordinance; and

12 WHEREAS, for the purpose of paying for the construction, reconstruction, repair,
13 improvements, maintenance, operation and use of the storm sewer system, the board of city
14 commissioners wishes to establish a storm sewer system charge to be made against all properties
15 located within the city limits. All charges shall be established, collected and accounted for in the
16 manner as set forth under Article 39-01.

17 NOW, THEREFORE,

18 Be It Ordained by the board of city commissioners of the city of Fargo:

19 Section 1. Enactment.

20 Article 39-01 of Chapter 39 of the Fargo Municipal Code is hereby enacted as follows:
21
22
23

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

CHAPTER 39 –
STORM WATER UTILITY SERVICE

Article 39-01- Storm Water Service Charge

1
2
3 Section 39-0101- Generally. A monthly storm water service charge shall be collected for each property located within the city of Fargo.

4 Section 39-0102- Definitions.

5 The following definitions shall apply in the interpretation and enforcement of this Article:

6 (1) Land use or zoning classification is that classification identified in the Land Development
7 Code, Fargo Municipal Code Chapter 20.

8 (2) Area is the total square footage of all the improved and unimproved property contained
9 within the boundaries of each parcel of land in the city as determined by the City Engineer or
designee, in conjunction with the city Geographical Information System (GIS).

10 (3) Storm water system rate is that portion of the total annual expenses which the board of
commissioners of the city of Fargo determines is to be charged to a parcel with a specific land
11 use or zoning classification to provide such services as the management and operation of the
12 storm water system as well as the construction, reconstruction, repair, enlargement, maintenance,
use and operation of all storm water utility improvements.

13 (4) Storm water service charge is the actual charge imposed against each parcel of land within
the city.

14 Section 39-0103- Collection. The storm water service charge shall be collected from
15 each parcel on a monthly billing.

16 Section 39-0104- Calculation. The storm water service charge shall be a flat rate or
17 based on the percentage of impervious surface and the size of the property draining into the
city's storm sewer system.

18 Section 39-0105. Fees for Residential and Nonresidential Properties. Property within the
19 city shall be assessed a monthly storm water service charge. The amount of the monthly storm
20 water

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

service charge for all Residential and Nonresidential properties shall be established by Resolution of the board of city commissioners of the city of Fargo.

1 Section 39-0106- Exemptions or Reduced Charges. Exemptions and reduced charges
2 may be adopted by Resolution of the board of city Commissioners of the city of Fargo.

3 Section 39-0107.- Review of Storm Water System Charge.

- 4 (1) Property owners, as determined by the city of Fargo parcel information, may seek review of
5 the storm sewer system charge by filing a written request for review with the City Engineer.
6 The request shall be filed within thirty (30) days of the mailing of the monthly bill and shall
7 set forth the particular grounds upon which the review is sought.
- 8 (2) Grounds for review include questions relating to the city's determination of the parcel's area
9 and its determination of the parcel's impervious surface determination.
- 10 (3) The board of commissioners, by resolution and upon the recommendation of the City
11 Engineer shall adopt guidelines and policies for the review of these petitions. The City
12 Engineer shall follow these guidelines and policies and consider all pertinent data including
13 that provided by the property owner before making a determination of the merits of each
14 petition.

15 Section 39-0108.- Certification of unpaid charges. The balance of any unpaid storm
16 water service charges shall be certified for collection with real estate taxes in the following year
17 in accordance with Article 3-23.

18 Section 2. Effective Date.

19 This ordinance shall be in full force and effect from and after its approval.

20 _____
21 Timothy J. Mahoney, Mayor

22 (SEAL)

23 Attest:

First Reading:
Second Reading:
Final Passage:

Steven Sprague, City Auditor

53a

Finance Office

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

TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: September 19, 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.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$9,786.

September 19, 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 #73 pursuant to the terms and conditions of House Bill 1020 for costs incurred from August 1, 2018 to August 31, 2018 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 \$9,786.

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	\$187,076,245	\$19,572	50%	\$9,786	\$56,913,969

Project Narrative, this request:


Project Number	Project Description
V02801	Pay Application #24 for WP 42A.2, 2 nd Street North Pump Station
V05201	Pay Application #1 for WP28A – Cass County Road 16 and 17 Grading and Seeding

We certify that \$79,166,117 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
 August 2018

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7950-429.73-52	8/23/2018		290010 INDUSTRIAL BUILDERS INC	1,076.67	2 ST N PUMP STATION	V02801	2ND ST NORTH PUMP STATION
			Total ND Construction - Flood Control	1,076.67			
790-7950-429.73-66	8/23/2018		290130 S & S LANDSCAPING CO INC	18,495.00	GRADE/SEED, WASHOUT SEED	V05201	WP28A/43A SEED, REPR, MAINT
			Total ND Construction - Landscaping	18,495.00			
			Total Expense for Period	19,571.67			

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TO: BOARD OF CITY COMMISSIONERS

FROM: KENT COSTIN, DIRECTOR OF FINANCE

RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

DATE: September 19, 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 August 2018.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$6,314.

September 19, 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 #74 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from August 1, 2018 to August 31, 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 \$6,314.

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	\$187,086,031	\$12,628	50%	\$6,314	\$56,907,655

Project Narrative, this request:

Project Number	Project Description
V05201	Pay Application #1 for WP43A – OHB Ring Levee Washout Repairs and Seeding

We certify that \$79,166,117 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
 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
 August 2018 - OHB Levee Related Costs**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7952-429.73-66	8/23/2018		290130 S & S LANDSCAPING CO INC	12,628.00	GRADE/SEED, WASHOUT SEED	V05201	WP28A/43A SEED, REPR, MAINT
			Total OHB Construction - Landscaping	12,628.00			
			Total Expense for Period	12,628.00			

City of Fargo Staff Report			
Title:	LDC Text Amendment	Date:	8-28-2018
		Update:	10-3-2018
Location:	Citywide	Staff Contact:	Kylie Bagley
Owner(s)/Applicant:	City of Fargo/Zoning Administrator	Engineer:	N/A
Entitlements Requested:	LDC Text Amendment (Amending Section 20-0504.G of the Fargo Municipal Code (Land Development Code) relating to the measurement of building height		
Status:	Planning Commission Public Hearing: October 8, 2018		

Proposed Text Amendment

The city staff is seeking approval of a text amendment of Section 20-0504.G of the Fargo Municipal Code (Land Development Code) relating to the measurement of building height. These changes codify interpretations that are used by staff.

Current Section 20-0504.G is:

- G. *Height*
Building height refers to the vertical distance between the average finished grade at the base of the building along the side of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.
2. *Exceptions to Height Limits*
Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues. Height limits also do not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 1/3 percent of the area of the roof.

The applicant is proposing the following changes to Section 20-0504.G (Deleted items are struck through and added items are underlined):

- G. *Height*
Building height refers to the vertical distance between the average finished grade at the base of the building along the side of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip ~~or~~, gambrel or mono-pitch roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.
2. *Exceptions to Height Limits*
Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues. Height limits also do not apply to any dormer, bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 1/3 percent of the area of the roof. No dormer may exceed the highest point or peak of the structure to which the dormer is attached even when the structure is exempt from height limitations.

Staff Analysis:

In accordance with §20-0904.E Review Criteria of the Land Development Code, proposed text amendments that satisfy all of the following criteria may be approved.

<p>1. The amendment must be consistent with the purpose of this Land Development Code; Section 20-0104 of the LDC stipulates that the purpose and intent of the Land Development Code 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. The proposed amendment will ensure that buildings do not exceed the height requirements, protecting the citizen's health, safety and general welfare. (Criteria Satisfied)</p> <p>2. The amendment must not adversely affect the public health, safety, or general welfare; Staff finds that the amendment does not adversely affect the public health, safety, or general welfare. (Criteria Satisfied)</p> <p>3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected. Staff finds that the proposed amendment is necessary because of changing social and economic conditions. The proposed amendment will keep building heights the same regardless of different roof types. (Criteria Satisfied)</p>
<p>Planning Commission Recommendation: September 4, 2018</p>
<p>On September 4, 2018, with a 7-0 vote, the Planning Commission accepted the findings and recommendations of staff and hereby recommended approval to the City Commission of the proposed text amendment to Section 20-0504.G of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."</p>
<p>Staff Recommendation:</p>
<p>Suggested Motion "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed text amendment to Section 20-0504.G of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."</p>
<p>Attachments:</p>
<p>1. Draft LDC Text Amendment Ordinance</p>

§20-0504 Measurements and Exemptions

G. Height

Building height refers to the vertical distance between the average finished grade at the base of the building along the side of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip ~~or~~, gambrel or mono-pitch roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

1. Fences or Walls

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

2. Exceptions to Height Limits

Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues. Height limits also do not apply to any dormer, bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 1/3 percent of the area of the roof. No dormer may exceed the highest point or peak of the structure to which the dormer is attached even when the structure is exempt from height limitations.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

5461

AN ORDINANCE AMENDING SECTION 20-0504.G
OF ARTICLE 20-05 OF CHAPTER 20 OF
THE FARGO MUNICIPAL CODE (LAND DEVELOPMENT CODE)
RELATING TO MEASUREMENTS AND EXEMPTIONS

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-50.1 of the North Dakota Century Code; and

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

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

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

NOW, THEREFORE,

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

Section 1. Amendment.

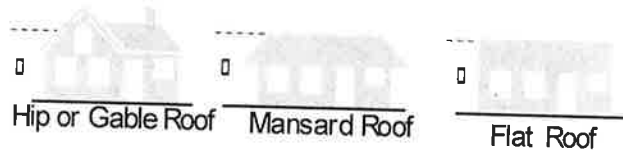
Section 20-0504.G of Article 20-05 of Chapter 20 (Land Development Code) is hereby amended to read as follows:

* * * * *

G. Height

Building height refers to the vertical distance between the average finished grade at the base of the building along the side of the building being

measured and: 1) the average height level between the eaves and ridge line of a gable, hip, or gambrel or mono-pitch roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1. Fences or Walls

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

Exceptions to Height Limits

Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues. Height limits also do not apply to any dormer, bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 1/3 percent of the area of the roof. No dormer may exceed the highest point or peak of the structure to which the dormer is attached even when the structure is exempt from a height limitation.

Section 2. 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 \$500; the court to have power to suspend said sentence and to revoke the suspension thereof.

Section 3. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

Timothy J. Mahoney, Mayor

(Seal)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Reading:
Publication:

540

City of Fargo Staff Report			
Title:	Legacy I 2 nd Addition	Date:	8-28-2018
		Update:	10-1-2018
Location:	2127 58 th Ave S	Staff Contact:	Kylie Bagley
Legal Description:	Part of Lot 14 and 15, Legacy I 2 nd Addition		
Owner(s)/Applicant:	Clarence and Noreen Aadland, Maureen Olson, Cleo Jahnke and Barry and Lori Ann Schwan	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential)		
Status:	City Commission Public Hearing: October 8, 2018		

Existing	Proposed
Land Use: Attached Housing	Land Use: Attached Housing
Zoning: MR-1, Multi-Dwelling Residential	Zoning: SR-5, Single-Dwelling Residential
Uses Allowed: 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	Uses Allowed: Detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density Allowed (Residential): Maximum 16 units per acre	Maximum Density Allowed (Residential): maximum of 14.5 units per acre

Proposal:
<p>The applicants are proposing a zone change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, for the property located at 2127 58th Avenue South. The zone change is being requested due to the applicants' concern regarding the special assessments on the property. The property meets all dimensional standards of the SR-5, Single-Dwelling Residential zoning district.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-4, Single-Dwelling Residential, with detached and attached houses. • East: MR-1, Multi-Dwelling Residential, with attached houses. • South: Across 58th Ave S properties are zoned SR-4, Single-Dwelling Residential, with detached and attached houses. • West: MR-1, Multi-Dwelling Residential, with attached houses.

Area Plans:

The subject property is located within the 2007 Growth Plan with the designation of Residential Area – lower to medium density.

Future Land Use

- Commercial Area
- Future School
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural



Schools and Parks:

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

Parks: Greenfields Park, a neighborhood park, is located north of the subject property.

Pedestrian / Bicycle: Off-road bike facilities run along 58th Avenue South and is a component of the metro area trail system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
Staff is unaware of any zoning map error in regard to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. **(Criteria Satisfied)**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan 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 Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Planning Commission Recommendation: September 4, 2018

On September 4, 2018, with a 8-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the proposed zoning change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

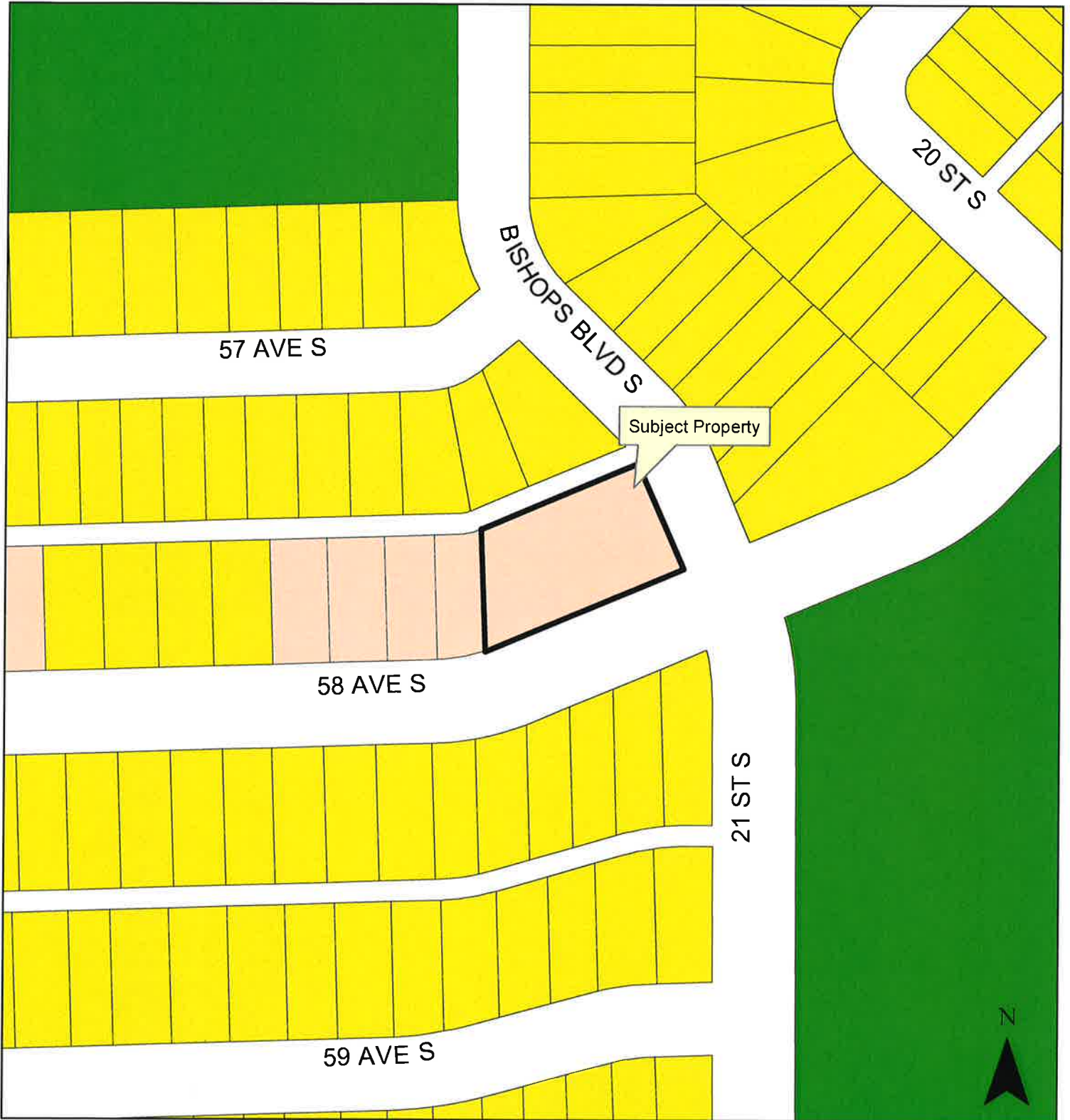
Attachments:

1. Zoning Map
2. Location Map

Zone Change (MR-1 to SR-5)

Legacy I 2nd Addition

2127 58th Avenue South



Legend

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

300

Feet

Fargo Planning Commission
September 4, 2018

Zone Change (MR-1 to SR-5)

Legacy I 2nd Addition

2127 58th Avenue South



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

5461

ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN
2 PARCELS OF LAND LYING IN LEGACY I 2ND ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in Legacy I 2nd Addition to the City of Fargo, Cass County, North Dakota; and,

7 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
8 request on September 4, 2018; and,

9 WHEREAS, the rezoning changes were approved by the City Commission on October 8,
10 2018,

11 NOW, THEREFORE,

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

13 Section 1. The following described property:

14 All of Lot Fifteen (15) and part of Lot Fourteen (14) described as follows:
15 Beginning at the Northeast corner of said Lot Fourteen (14); thence South 22° 36'
16 35" East, assumed bearing along the East line of said Lot Fourteen (14), a distance
17 of 110.43 feet to the Southeast corner of said Lot Fourteen (14); thence South 67°
18 23' 25" West 23.07 feet along the South line of said Lot Fourteen (14); thence
19 Southwesterly 18.59 feet along the South line of said Lot Fourteen (14) and along a
20 tangential curve concave to the Northwest having central angle of 05° 19' 32" and a
21 radius of 200.00 feet; thence North 01° 48' 14" West, not tangent to the last
22 described curve, 117.21 feet to the point of beginning, Block 3, Legacy I 2nd
23 Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-1", Multi-Dwelling Residential, District to "SR-5", Single-Dwelling Residential, District;

Section 2. 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.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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(SEAL)

Attest:

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

5Ad

City of Fargo Staff Report			
Title:	Larkin Addition	Date: Update:	4/24/18 10/3/18
Location:	3949 37th Ave S; 3555 & 3611 38th St S; and 3552 & 3600 39th St S	Staff Contact:	Aaron Nelson
Legal Description:	Lots 1-2, Block 1, Larson Addition; part of Lot 2, Block 1, Collins Third Subdivision; vacated portions of 36th Avenue South and 39th Street South; and an unplatted portion of the Southeast Quarter of Section 27, Township 139 North, Range 49 West		
Owner(s)/Applicant:	Larkin Properties LLP/Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (A replat of Lots 1-2, Block 1, Larson Addition; part of Lot 2, Block 1, Collins Third Subdivision; vacated portions of 36th Avenue South and 39th Street South; and an unplatted portion of the Southeast Quarter of Section 27, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota.) Zone Change (from AG, Agricultural, to LI, Limited Industrial on a portion of Lots 2 & 4, Block 1, Larkin Addition)		
Status:	City Commission Public Hearing: October 8, 2018		

Existing
Land Use: Manufacturing & Production and Industrial Services
Zoning: LI, Limited Industrial & AG, Agricultural
Uses Allowed: LI – Limited Industrial: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self– storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. AG – Agricultural: Detached houses, parks and open space, safety services, basic utilities, and crop production.
Maximum Lot Coverage Allowed in LI: 85% building coverage

Proposed
Land Use: No Change
Zoning: LI, Limited Industrial
Uses Allowed: LI – Limited Industrial: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self– storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.
Maximum Lot Coverage Allowed in LI: No Change

Proposal: The applicant is seeking approval of two entitlements: <ol style="list-style-type: none"> 1. A minor subdivision, entitled Larkin Addition. 2. A zoning change from AG, Agricultural, to LI, Limited Industrial. <u>Subdivision</u> The western portion of subject property is the location of a furniture manufacturing facility. The owner plans to expand the facility by constructing a new warehouse building on Lot 2 of the proposed subdivision. To accommodate this expansion, the owner of the manufacturing facility is acquiring additional land to the north of the existing facility, which makes up the northern and eastern portions of Lot 2. This land is being acquired from the owner of the eastern portion of the subject property, where a trucking sales and services business is located. The

purpose of the subdivision is to accommodate this sale of land and to redefine the lot lines between these two owners.

Zoning

A portion of the subject property is vacant and has never been platted or developed. Accordingly, the property has remained within the AG, Agricultural, zoning district as the City has developed around it. The purpose of the proposed zoning map amendment is to establish LI, Limited Industrial, as the urban zoning district for the property and to allow the proposed industrial use of the property.

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

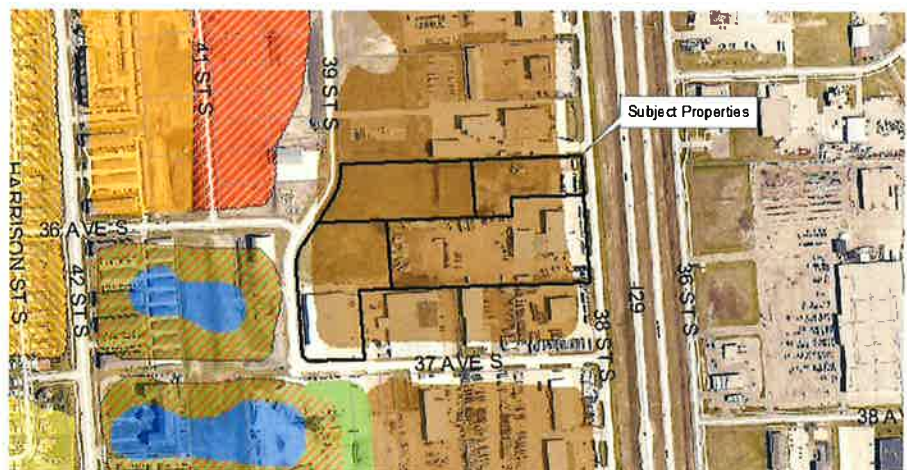
Surrounding Land Uses and Zoning Districts:

- North: LI, Limited Industrial, with Industrial Services use
- East: Across 38th Street South is Interstate 29
- South: LI, Limited Industrial, with a mix of industrial uses, including the area across 37th Avenue South
- West: Across 39th Street South is LI, Limited Industrial, with Industrial Service uses

Area Plans:

The 2003 Southwest Future Land Use Plan designates this area as future Industrial.

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



Schools and Parks:

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

Neighborhood: The subject property is located in the Pointe West Neighborhood

Parks: Pointe West Park (3331 42nd Street S) is located less than a half (0.5) miles northwest of the subject property and offers the amenities picnic table and playground.

Pedestrian / Bicycle: There are off-road bike facilities located along 42nd Street South less than a quarter (0.25) mile west of the subject property that are a component of the metro area bikeways system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of LI is consistent with the 2003 Southwest Future Land Use Plan designation of the area of this project as "industrial." **(Criteria Satisfied)**

- 2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights-of-way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zoning change is consistent with the LI zoning district that surrounds the subject property. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received no comments on inquiries from the public. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan. This plan designates this property as appropriate for industrial uses. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

- 1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subdivision is intended to replat the subject property into four lots to accommodate the transfer of ownership and future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Update 10/3/2018: After the Planning Commission meeting on May 1st, a portion of the proposed subdivision was sold between the two owners. An updated plat and title opinion which reflect this ownership change were submitted by the applicant and reviewed by City staff.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and approve the proposed: 1) zoning change from AG, Agricultural, to LI, Limited Industrial and 2) subdivision plat, **Larkin Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06 and Section 20-0906, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: May 1, 2018

On May 1, 2018, with a vote of 10-0, the Planning Commission accepted the findings and recommendations of staff recommend approval to the City Commission of the proposed: 1) zoning change from AG, Agricultural, to LI, Limited Industrial and 2) subdivision plat, **Larkin Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06 and Section 20-0906, and all other applicable requirements of the Land Development Code.

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Plat (Minor) and Zone Change (AG to LI)

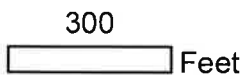
355 & 3611 38th St S, 3552 & 3600
39th St S and 3949 37th Ave S

Larkin Addition



Legend

AG	LC	MHP	SR-1
DD	MC	NO	SR-2
CC	MRR-1	P/I	SR-3
GG	MRR-2	UMU	City Limits
GO	MRR-3		



Plat (Minor) and Zone Change (AG to LI)

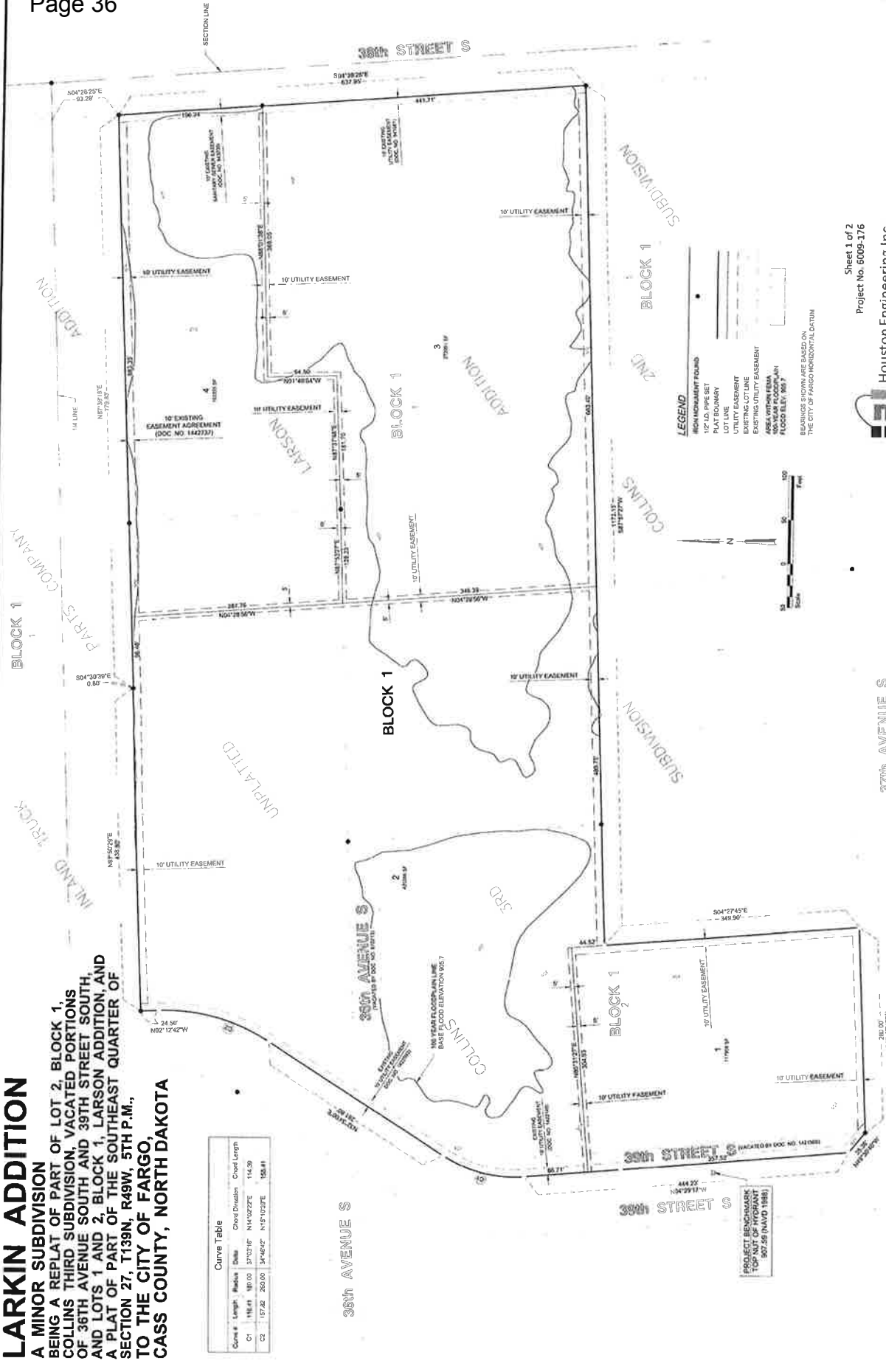
3555 & 3611 38th St S, 3552 & 3600
39th St S and 3949 37th Ave S

Larkin Addition



LARKIN ADDITION
 A MINOR SUBDIVISION
 BEING A REPLAT OF PART OF LOT 2, BLOCK 1,
 COLLINS THIRD SUBDIVISION, VACATED PORTIONS
 OF 36TH AVENUE SOUTH AND 39TH STREET SOUTH,
 AND LOTS 1 AND 2, BLOCK 1, LARSON ADDITION, AND
 A PLAT OF PART OF THE SOUTHEAST QUARTER OF
 SECTION 27, T139N, R49W, 5TH P.M.,
 TO THE CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA

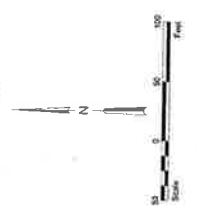
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	116.41	180.00	37°03'16"	N44°02'27"E	114.39
C2	157.62	250.00	34°46'42"	N72°02'57"E	155.44



LEGEND

- IRON INSTRUMENT FOUND
- 12" I.D. PIPE SET
- PLAT BOUNDARY
- UTILITY EASEMENT
- UTILITY EASEMENT
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT
- AREA WITHIN FEMA FLOOD PLAIN
- FLOOD ELEV. (FAT)

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM



Sheet 1 of 2
 Project No. 6009-176
 Houston Engineering Inc.
 Phone: 701.237.5065



37th AVENUE S

H:\Projects\6009-176\6009-176.dwg (1/20/18 2:33 PM) (pctm)

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

59d2

ORDINANCE NO. _____

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN LARKIN 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 the proposed Larkin Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on May 1, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on October 8, 2018,

NOW, THEREFORE,

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

Section 1. The following described property:

That part of Lots Two (2) and Four (4), Block One (1), Larkin Addition to the City of Fargo, Cass County, North Dakota, more particularly described as:

Beginning at the northwest corner of Lot One (1), Larson Addition to the City of Fargo, said point also lying on the northerly line of the vacated South Half of 36th Avenue South; thence South 87°53'27" West, along said northerly line, for a distance of 347.89 feet to a point of intersection with the easterly line of 39th Street South; thence North 32°34'00" East, along the easterly line of said 39th Street South, for a distance of 139.38 feet to a point of tangential curve to the left, having a radius of 260.00 feet; thence northeasterly, along the easterly line of said 39th Street South and along said curve, for a distance of 157.82 feet, through a central angle of 34°46'42"; thence North 02°12'42" West, along the easterly line of said 39th Street South, for a distance of 24.50 feet to the southwest corner of Inland Truck Parts Company Addition to the City of Fargo; thence North 87°50'29" East, along the southerly line of said Inland Truck Parts Company

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 Addition, for a distance of 438.80 feet; thence South 04°30'39" East, along the
2 southerly line of said Inland Truck Parts Company Addition, for a distance of 0.80
3 feet; thence North 87°38'18" East, along the southerly line of said Inland Truck
4 Parts Company Addition, for a distance of 224.63 feet to the northeast corner of
5 Lot Two (2) of said Larson Addition to the City of Fargo; thence South 04°29'36"
6 East, along the westerly line of said Lot Two (2), for a distance of 288.33 feet to
7 the southwest corner of said Lot Two (2); thence South 87°53'27" West, along the
8 northerly line of said Lot One (1), for a distance of 453.00 feet to the point of
9 beginning. [Said tract contains 4.697 acres, more or less];

10 is hereby rezoned from "AG", Agricultural, District to "LI", Limited Industrial, District;

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

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

15 _____
16 Timothy J. Mahoney, Mayor

17 (SEAL)

18 Attest:

19 _____
20 Steven Sprague, City Auditor

21 First Reading:
22 Second Reading:
23 Final Passage:




55

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

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: SEPTEMBER 24, 2018

SUBJECT: ARTS AND CULTURE COMMISSION APPOINTMENT

A vacancy exists on the Arts and Culture Commission due to the resignation of Michael J. Olsen.

Tracy Jordre has expressed interest in serving on the Board; therefore, I am recommending her appointed to fill the unexpired term of Mr. Olsen expiring on June 1, 2019. I have attached a copy of his application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Tracy Jordre to fill the unexpired term of Michael J. Olsen expiring on June 1, 2019.

mmappt18acc-jordre

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, August 14, 2018 9:16 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Tracy Jordre]

Mailing Address:

[8505 25th Street South]

City:

[Fargo]

State:

[North Dakota]

Zip:

[58104]

Work Phone:

[7013658622]

Home Phone:

[7015523133]

E-mail:

[tjordre@jlgarchitects.com]

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

[Arts & Culture Commission, Planning Commission]

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

[Returning back to the FMWF area after living in the Denver area for over 12 years, I realize that my background and expertise could be used to help improve upon our growing community. While tremendous changes have and are happening, there is still room for significant impacts to make our communities thrive even more and I would LOVE to have a voice in that!]

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

[8-12 max.]

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

[I have worked with multiple jurisdictions across 15+ states to date in my career as an architect. I have not held a public seat yet, as previously I had young children, but I now have more time available to dedicate to public service.]

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

[I am an 18 year licensed architect and lead our commercial division for our 12 offices. Land & building planning is what I do, day in and day out...]

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