

FARGO CITY COMMISSION AGENDA
Monday, August 8, 2022 - 5:00 p.m.

Executive Session at 4:15 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:15 p.m. and retire into Executive Session in the Red River Room to discuss ongoing negotiations regarding the Roers-Newman Block Property - Tax Increment Financing District No. 2019-02; and to receive attorney advice regarding and in anticipation of reasonably predictable civil litigation with McKenzie & Company regarding opioids; the matters being authorized by North Dakota Century Code § 44-04-19.1 subsections 2 and 9 as public discussion of both matters will have an adverse fiscal effect on the bargaining and/or litigation position of the City if discussions regarding offers to be made or accepted, negotiating strategy to be taken or legal consultation about negotiations or litigation were to occur in an open meeting.

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. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, July 25, 2022).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Bid award for multimedia studio space (PBC22-PS20135).
- 2. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Urban Plains by Brandt Fifth Addition; 1st reading, 7/25/22.
- 3. Gaming Site Authorization for Aggie Foundation at O’Clevy’s.
- 4. Applications for Games of Chance:
 - a. United Way of Cass Clay for a raffle on 8/18/22.
 - b. Nativity Church of Fargo for bingo and a raffle on 11/6/22.
 - c. Fargo Moorhead Derby Girls for a raffle on 9/10/22.
 - d. Scottish Rite Holding Company for a raffle on 8/10/22.
 - e. Veteran’s Honor Flight of ND/MN for a raffle on 8/28/22.
 - f. North Dakota Chapter of Backcountry Hunters and Anglers for a raffle on 8/26/22; Public Spirited Resolution.
 - g. Sts. Anne and Joachim Catholic Church for a raffle on 11/13/22.
 - h. YWCA of Cass Clay for a raffle on 9/8/22.

5. Extension of the Class "A" Alcoholic Beverage License for Irish Hospitality d/b/a Hennessey's Irish Pub until 2/27/23.
6. Change Order No. 2 in the amount of \$59,104.74 and a 7-day time extension to the substantial completion date for Project No. FM-19-B1.
7. Release of Permanent Easement (Street and Utilities Right-of-Way) and Permanent Easement (Sidewalk and Utilities Easement) with A Storage Place, LLC.
8. Payment to Lumen in the amount of \$21,255.04 for relocation of existing underground infrastructure for Project No. FM-19-C1.
9. Bid award for Project No. HD-22-A1.
10. Memorandum of Offer to Landowner for Permanent Easement (Levee and Retaining Wall for Flood Control), Permanent Easement (Storm Sewer) and Easement (Temporary Construction Easement) with Chad Peterson (Project No. FM-19-C).
11. Reject the bids for PD HQ Media Room remodel project and rebid the project (RFP22106).
12. Independent Auditor's Report and the City's Annual Comprehensive Financial Report for the year ending 12/31/21.
13. Sole Source Procurement and Piggyback Contract with AVI Systems, Inc. for electronics upgrades to the classroom at the Public Safety Building (PBC17110).
14. Notice of Grant Award with the ND Department of Health for the City readiness Initiative (CFDA #93.089).
15. Notice of Grant Award with the ND Department of Health for Women, Infant and Children (WIC) (CFDA #10.557).
16. Direct the City Attorney to research and present for consideration appropriate amendments to Fargo Municipal Code Article 10-11 – Smoking in Public Indoor Workplaces Prohibited.
17. Set August 22, 2022 at 5:15 p.m. as the date and time for a hearing on a dangerous building at 437 23rd Street South.
18. Receive and file Public Comments received to date regarding the ongoing activity in the downtown area relating to sidewalk performers and pushcart vendors.
19. Direct the City Attorney to prepare amendments to Fargo Municipal Code Section 12-0106 Impounded Animals-Procedure for Impounding.
20. Receive and file the Traffic Enforcement efforts for June 2022.
21. Operation Underground Railroad (O.U.R.) Domestic Law Enforcement Support Mutual Agreement for the receipt of contributions.
22. Memorandum of Understanding with the Fargo Police Department and the FARGODOME.
23. Reject the bids for the Street Snow Plowing Assistance and rebid with alternative terms (RFP22118).

Page 24. Sole Source Procurement with EnviroTech Services for IceSlicer at \$189.00/ton for the 2022/2023 winter (SSP22123).

25. Dissolve the 2022 contract with Ferguson Waterworks for water main repair materials, miscellaneous water distribution materials, fire hydrants/parts and miscellaneous street materials (RFP22021).
26. Agreement for Transit Services and Amendment to the Joint Powers Agreement for Transit Support with North Dakota State University for the 2022-2023 academic year.
27. Final Balancing Change Order No. 1 in the amount of -\$7,305.68 for Project No. SW 21-02.
28. Change Orders for Project No. SW 22-01:
 - a. No. 1 in the amount of \$9,900.00.
 - b. No. 2 in the amount of \$3,509.00.
29. Hazard Mitigation Grant Program Subgrant Agreement for PDM 2018 with the ND Department of Emergency Services for Project No. WW1707 (CFDA #97.0470).
30. Change Order No. 1 in the amount of \$25,000.00 for Project No. WA2012.
31. Change Order No. 2 in the amount of \$3,041.96 for Project No. WA2005.
32. Proposal from Vessco, Inc. to procure granular activated carbon and filter sand for Project No. WA2255.
33. Bills.
34. Change Order Nos. 1-3 in the amount of \$36,486.00 and time extension to the substantial and final completion dates to 7/8/22 and 8/7/22 for Improvement District No. BN-21-E1.
35. Change Order No. 5 in the amount of \$4,198.20 for Improvement District No. BN-21-H1.
36. Change Order No. 1 to Phase 1 and 2 for a time extension to the substantial and final completion dates to 9/23/22 and 10/23/22 for Improvement District No. BR-22-B1.
37. Change Order No. 3 in the amount of \$44,402.02 for Improvement District No. FP-19-A2.
38. Change Order No. 1 in the amount of \$22,500.00 and time extension to substantial and final completion dates to 8/15/22 and 9/2/22 for Improvement District No. NR-20-A2.
39. Bid award for Improvement District No. BN-22-G1.
40. Contract and bond for Improvement District No. BR-22-A2.

REGULAR AGENDA:

41. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).**

***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

- a. Valley View Addition (3900 54th Street South); approval recommended by the Planning Commission on 7/5/22:
 1. Growth Plan Amendment on Lot 1, Block 7, Valley View Addition from low/medium or medium/high density residential land use to commercial or medium/high density residential land use.
 2. Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay.
 3. 1st reading of rezoning Ordinance.
 - b. Urban Plains by Brandt Sixth Addition (5100 28th Avenue South); approval recommended by the Planning Commission on 6/7/22:
 1. Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Urban Plains by Brandt Sixth Addition.
 - c. Special Assessments for maintenance of skyway system.
 - d. Special Assessment of nuisance abatement fees.
43. Fargo-Moorhead Area Flood Diversion Project Update.
 44. COVID-19 Update.
 45. Recommendation to approve the Mayor's 2023 Preliminary Budget and set the Public Hearing date for Tuesday, September 6, 2022 at 5:15 p.m.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 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.

42a

City of Fargo Staff Report			
Title:	Valley View Addition	Date:	6/30/2022
		Update:	8/4/2022
Location:	3900 54th Street South	Staff Contact:	Donald Kress
Legal Description:	Lot 1, Block 7, Valley View Addition		
Owner(s)/Applicant:	Arbor Courts Townhomes, LLC / Andrew Thill	Engineer:	N/A
Entitlements Requested:	Growth Plan Amendment (to amend the 2003 Southwest Future Land Use Plan land use designation for the subject property from "low/medium or medium/high density residential" land use to "commercial or medium/high density residential" land use); Zone Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay		
Status:	City Commission Public Hearing: August 8, 2022		

Existing	Proposed
Land Use: Vacant	Land Use: Commercial
Zoning: MR-3, Multi-Dwelling Residential	Zoning: LC, Limited Commercial with C-O, conditional overlay
Uses Allowed: MR-3 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. Plus a CUP to allow a day care facility of 13 or more children or adults in a MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 7, Valley View Addition (see "Existing Conditional Use Permit" below)	Uses Allowed: LC allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs , commercial parking, retail sales and service, self service storage, vehicle repair , limited vehicle service, certain telecommunications facilities, basic utilities with C-O, Conditional Overlay to limit some uses and provide building and site design standards
Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre	Maximum Lot Coverage Allowed: 55%

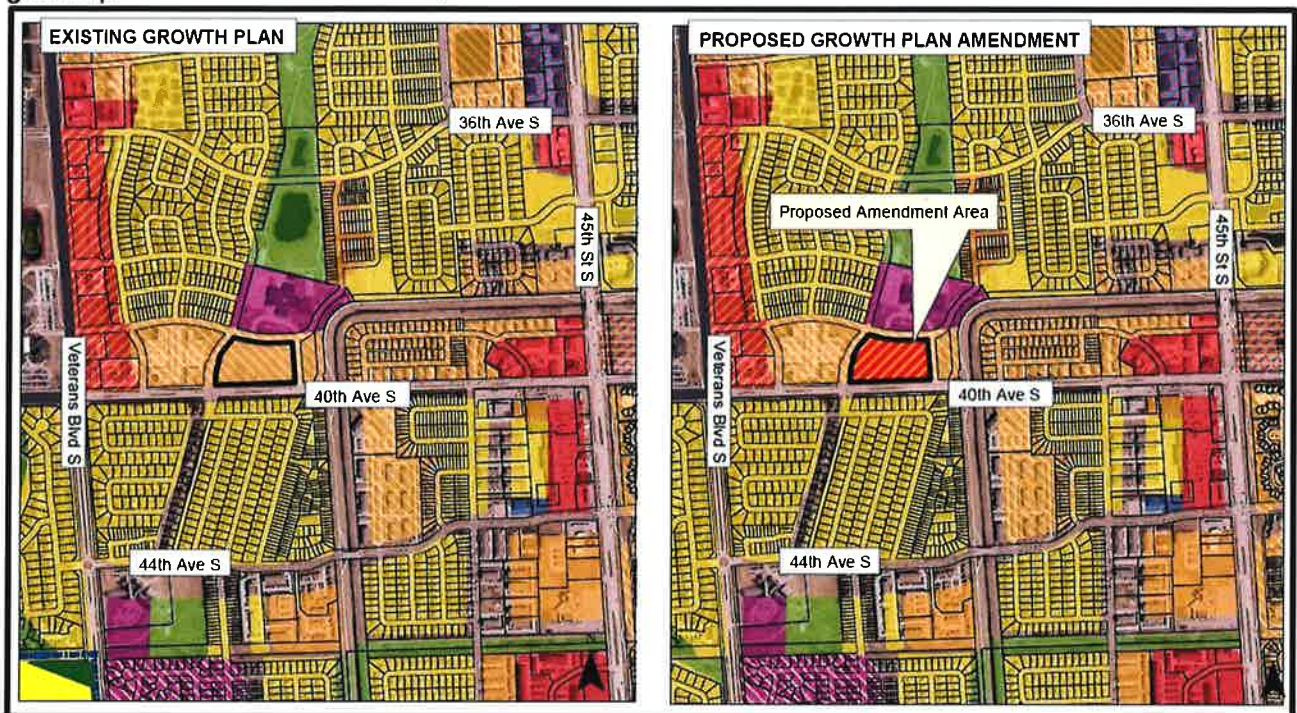
Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay; and 2. A growth plan amendment to amend the 2003 Southwest Future Land Use Plan land use designation for the subject property from "low/medium or medium/high density residential" land use to "commercial or medium/high density residential" land use. <p>The subject property is located at 3900 54th Street South and encompasses approximately 7.36 acres.</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>

Surrounding Land Uses and Zoning Districts:

- North: Independence Elementary School with zoning of P/I, Public Institutional
- East: Vacant Land with zoning of MR-3, Multi-Dwelling Residential
- South: Single-family housing units with zoning of SR-2, Single-Dwelling Residential
- West: Apartment complex with zoning MR-3, Multi-Dwelling Residential

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan as amended by the 2013 Valley View Addition Growth Plan Amendment. This plan designates the subject property as “low/ medium density or medium/high density residential” land use. This land use designation includes the current MR-3, Multi-Dwelling Residential zoning. The applicant proposes to amend this plan to designate the subject property as “commercial or medium/high density residential” land use. The proposed LC, Limited Commercial zoning would be consistent with this land use designation. Findings for the proposed growth plan amendment are below.



Context

Neighborhood: Brandt Crossing

Schools: The subject property is located within the West Fargo School District and is served by Independence Elementary, Liberty Middle and Sheyenne High schools.

Parks: Brandt Crossing Park (5009 33 Avenue South and 5050 33 Avenue South) is located approximately under a half mile north of the subject property. Brandt Crossing Park provides basketball, dog park, playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: Shared use paths are adjacent to the south and west sides of the subject property. These paths are a component of the metro area trail system.

MATBUS Routes: The subject property is located along MATBUS Route 18. There are three stops located within a quarter-mile of the subject property.

Staff Analysis:

GROWTH PLAN AMENDMENT

In order to allow the proposed LC, Limited Commercial zoning, the underlying growth plan, the 2003 Southwest Future Land Use Plan as amended by the 2013 Valley View Addition Growth Plan Amendment, must be amended to change the land use designation for this property from "low/medium or medium/high density residential" to a land use designation that allows commercial zoning. The proposed designation is "commercial or medium/high density residential," which allows commercial zoning but also leaves open the possibility of creating commercial/residential mixed use projects, though no such project is proposed at this time. Findings for the growth plan amendment are below.

GROWTH PLAN AMENDMENT NEIGHBORHOOD MEETING

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on this proposed growth plan amendment. This meeting was held on Wednesday, June 29th, 2022 at City Hall. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting. There were no attendees at this meeting other than the developer and Planning Department staff.

PROPOSED ZONING WITH CONDITIONAL OVERLAY

The applicant proposes to rezone the subject property from MR-3, Multi-Dwelling Residential to LC, Limited Commercial. The LC zone is consistent with the proposed growth plan designation of "commercial or medium/high density residential" land use. The zone change includes a conditional overlay that will regulate signs, prohibit certain land uses on the property, and provides design standards for the development of the site. The conditional overlay is appropriate for this area that is along an arterial street yet still close to multi-dwelling and single-dwelling residential. A copy of the draft conditional overlay is attached.

EXISTING CONDITIONAL USE PERMIT

A conditional use permit (CUP) to allow a day care facility of 13 or more children or adults in a MR-3, Multi-Dwelling Residential zoning district was approved for this property in July, 2016. This CUP will end if the proposed zone change is approved, as a day care facility serving 13 or more children or adults is allowed by right in the LC zone. No CUP is required.

SUMMARY OF THE JULY 5th, 2022 PLANNING COMMISSION HEARING

At the July 5th, 2022 Planning Commission hearing, project representative Brian Kounovsky spoke on behalf of the application.

Discussion was held on the plan for the adjacent property, the delay in developing this property, and the amendment to the Growth Plan. Planning Department staff and Planning and Development Director Nicole Crutchfield spoke on developing, evaluating, and amending Growth Plans.

Following discussion on the limitations of Fargo expansion in the south, and the distance of property owner notifications, the Planning Commission moved to recommend approval, as noted below.

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment, including amendments to previous growth plans:

1. Is the proposed change consistent with surrounding land uses, both existing and future?

The existing land use classification allows low density (mainly single-dwelling) residential, medium and high density (mainly multi-dwelling) residential land uses. The proposed land use classification would retain the medium and high density land uses and also allow commercial land uses. These land uses are appropriate for this property, which is located along an arterial street and adjacent to mainly multi-family uses and a school. Note that the proposed zoning is LC, Limited Commercial with a conditional overlay to further limit some uses, resulting in a low-intensity commercial zone appropriate for this location.

(Criteria Satisfied)

2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.

No. No change to existing street alignments or connection is involved. **(Criteria Satisfied)**

3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?

The proposed change provides the ability to develop either medium/high density residential or commercial uses, or a combination of these uses (mixed-use) on the subject property. Along an arterial street (40th Avenue South), these uses are appropriate. The north side of 40th Avenue South between 45th Street South and Veterans Boulevard displays a variety of land uses and zonings. On the corners of 40th Avenue/45th Street and 40th Avenue/Veterans Boulevard, there is commercial development. Between these two corners, there is residential development at medium to high densities as apartments and townhomes (attached housing). Allowing commercial and medium to high density residential land uses on the subject property fits in with the variety of land uses in this area.

Independence Elementary School (a West Fargo Public School) is across 38th Street South from the subject property. The school bus drop-off is along 38th Street South; the school itself is over 300 feet away from the subject property. The school's playground is on the north side of the school.

The subject property is separated from the single-dwelling residential area on the south side of 40th Avenue South by 40th Avenue itself—a four-lane road that includes some landscaped medians—as well as the boulevard on the south side of 40th Avenue and a wall along the back yards of the residences that back up to 40th Avenue. Thus, there is considerable separation from the single-dwelling residential area to the south.

Cass County Drain No. 27, located approximately 300 feet to the east of the subject property, is the only significant physical feature in this area. This drain is not included in the growth plan amendment. **(Criteria Satisfied)**

4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?

The proposed change provides flexibility in the development of this property, while still retaining land uses appropriate for the area. Regarding walkability, existing portions of sidewalks, the sidewalk on the north side of the subject property, will be completed as part of this project. **(Criteria Satisfied)**

Zoning

Section 20-906. F (1-4) of Fargo's Land Development Code (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. This undeveloped property is mostly surrounded by developed properties. As development continues to evolve, the options for developing such undeveloped properties should also evolve. The proposed zoning of LC, Limited Commercial with a conditional overlay is in response to the difference in development conditions since the property was zoned for multi-dwelling development in 2016. **(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. The subject property fronts on existing, developed public rights-of-way which 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. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one phone inquiry from a neighboring property owner. **(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 [Go2030] and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo."

The Go2030 Plan identifies 40th Avenue South along the subject property as an active living street. The Go2030 Plan states that active living streets should have attractive streetscapes and that land uses along such streets should support walking and biking. The conditional overlay that is part of the LC zoning requires pedestrian connectivity within the development as well as with surrounding sidewalks and also provides design guidelines for both the buildings and the site so that items such as dumpsters

and rooftop utility units are screened from view and development along public streets is pedestrian-oriented, thus supporting the Go2030 plan goals for active living streets.

The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan, as amended by the 2013 Valley View Addition Growth Plan Amendment, which covers an area bounded by Interstate 29 on the east, Interstate 94 on the north, 52nd Avenue South on the south, and the Fargo/West Fargo city limit line to the west. The proposed growth plan amendment would designate the subject property for commercial or medium/high density land uses. The proposed LC, Limited Commercial zoning is consistent with this land use designation. 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)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and approve the proposed 1) amendment to the 2003 Southwest Future Land Use Plan from "low/medium or medium/high density residential" land use to "commercial or medium/high density residential" land use and 2) zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, conditional overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Land Development Code Sections 20-0906.F (1-4) and 20-0905.H, and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 5, 2022

At the July 5th, 2022 Planning Commission hearing, by a vote of 9-0 with two Commission seats vacant, that Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) amendment to the 2003 Southwest Future Land Use Plan from "low/medium or medium/high density residential" land use to "commercial or medium/high density residential" land use and 2) zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, conditional overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Land Development Code Sections 20-0906.F (1-4) and 20-0905.H, and all other applicable requirements of the LDC.

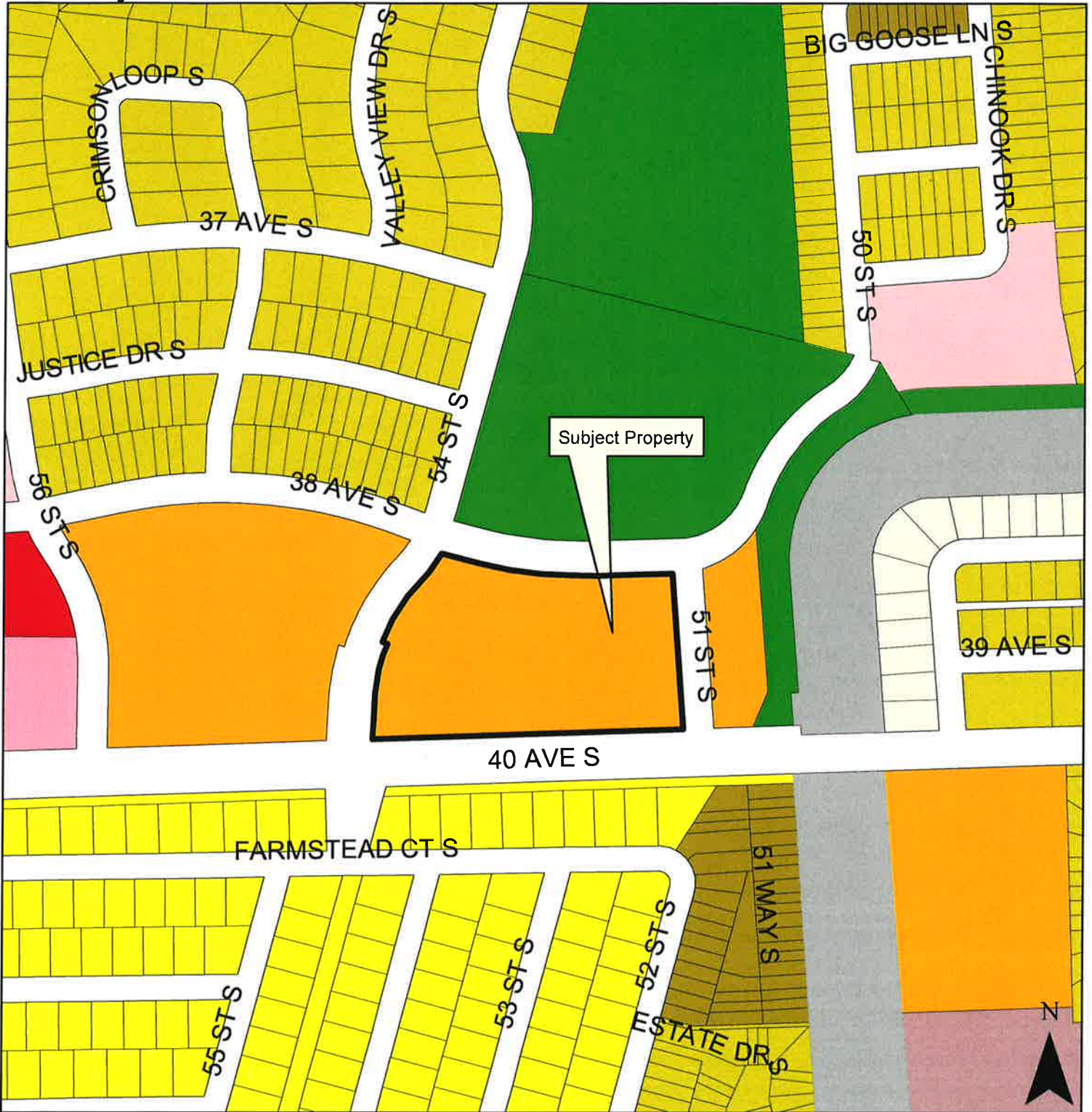
Attachments:

1. Zoning Map
2. Location Map
3. Growth Plan Amendment Map
4. Draft Conditional Overlay

Zone Change (MR-3 to LC with Conditional Overlay); Growth Plan Amendment

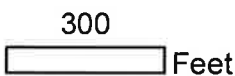
Valley View Addition

3900 54th Street S



Legend

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

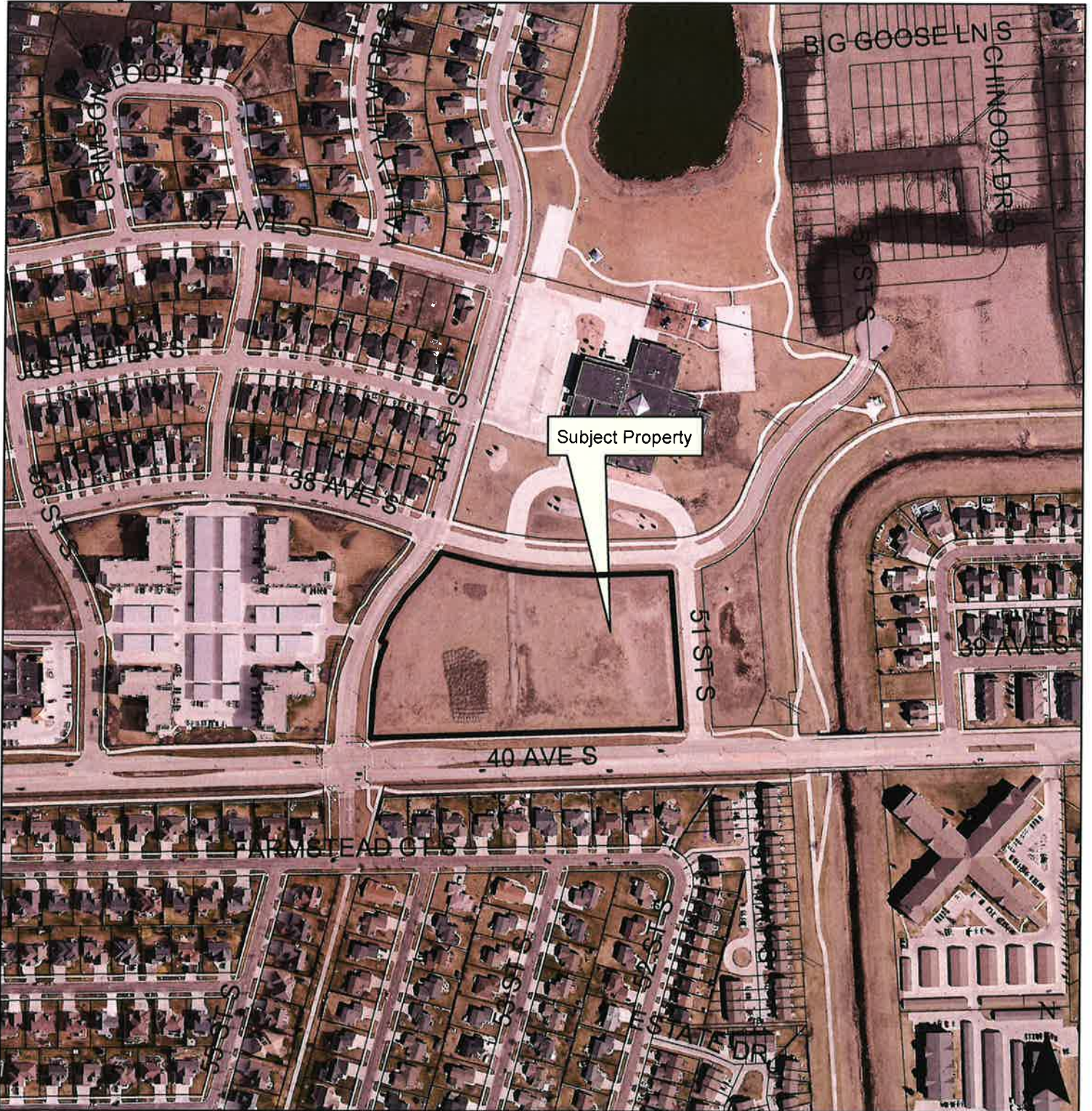


Fargo Planning Commission
July 5, 2022

Zone Change (MR-3 to LC with Conditional Overlay); Growth Plan Amendment

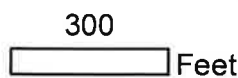
Valley View Addition

3900 54th Street S



Legend

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



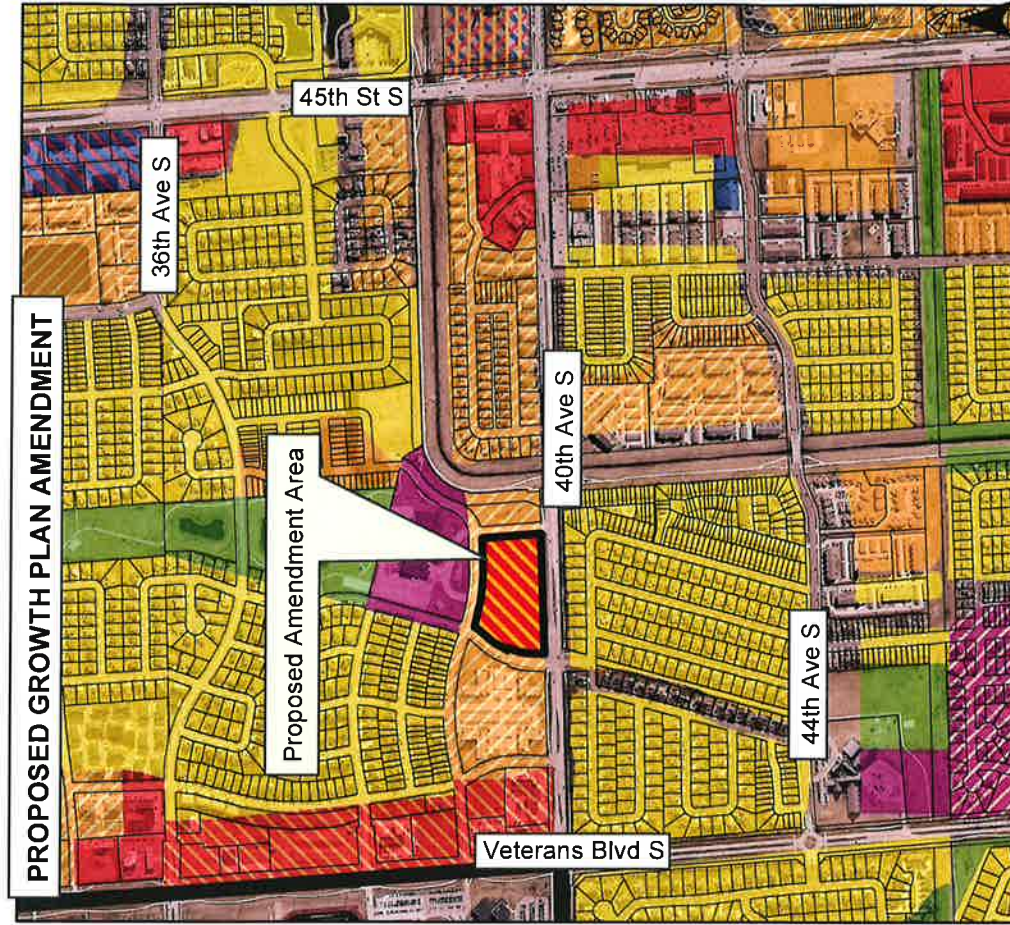
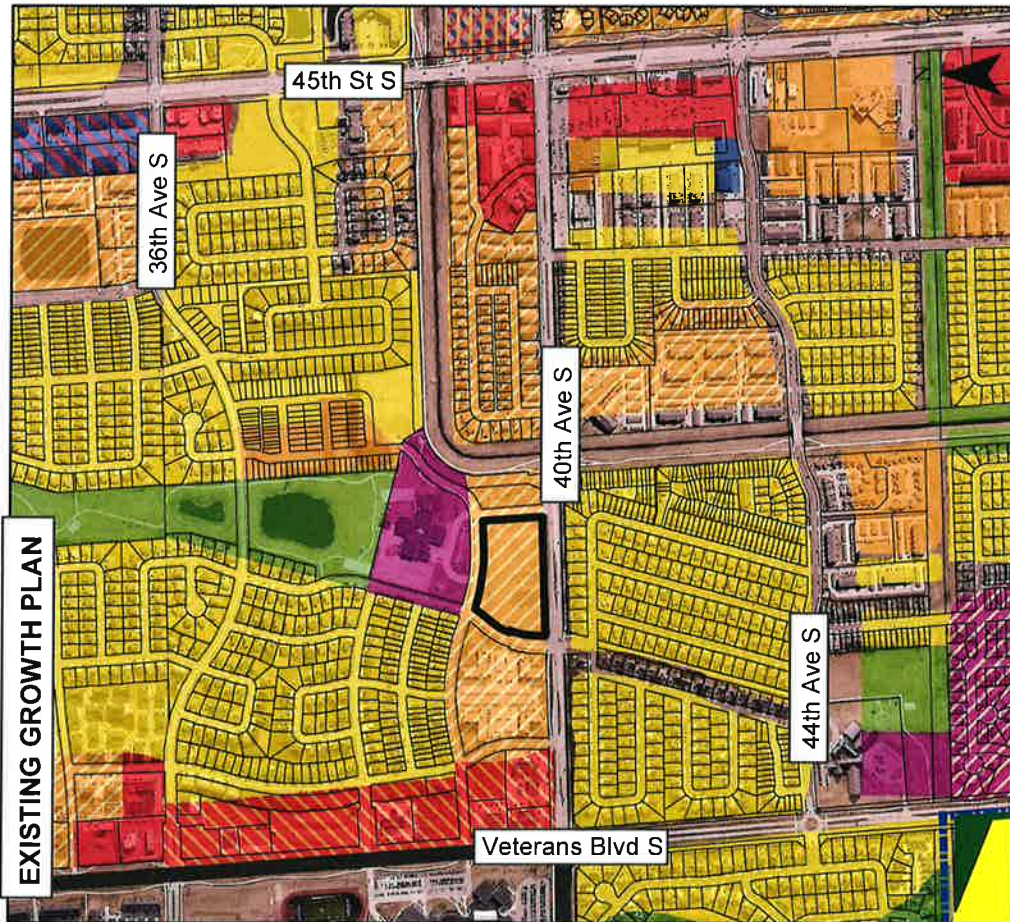
Fargo Planning Commission

July 5, 2022

Growth Plan Amendment ("Low/Medium Density or Medium/High Density Residential" to "Commercial or Medium/High Density Residential")

Valley View Addition

3900 54th Street S



Fargo Planning Commission
July 5, 2022



DRAFT Conditional Overlay Valley View Lot 1, Block 7

30 June 2022

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding the future commercial development of **Lot 1, Block 7, Valley View Addition**.

2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.

4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.

5. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.

6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.

7. Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and service areas shall be screened from the view of adjacent public streets through a structure and/or landscaping.

8. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- a) the primary entrance or entrances to each commercial building, including pad site buildings.
- b) any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
- c) parking areas or structures that serve such primary buildings.
- d) connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
- e) any public sidewalk system along the perimeter streets adjacent to the commercial development.
- f) where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.

10. The following use(s) are prohibited.

- a) Detention Facilities
- b) Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
- c) Portable Signs
- d) Vehicle Repair

11. The Zoning Administrator shall review each applicable Site Plan to determine compliance with this Conditional Overlay and act to approve or deny the Site Plan application.

12. The decision of the Zoning Administrator may be appealed to the Planning Commission.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

4202

ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN VALLEY VIEW 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 Valley View Addition to the City of Fargo, Cass County, North Dakota;
7 and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on July 5, 2022; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on August 8,
11 2022,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lot One (1) Block Seven (7) of Valley View Addition to the City of Fargo, Cass County,
16 North Dakota;

17 is hereby rezoned from "MR-3" Multi-Dwelling Residential, District with a "CUP", Conditional
18 Use Permit to "LC, Limited Commercial, District, repealing the existing "CUP", Conditional
19 Use Permit to the above-described property and enacting a "C-O", Conditional Overlay as
20 follows:

21 1. This Conditional Overlay is intended to provide for a higher quality of design than is
22 afforded by the City of Fargo Land Development Code regarding the future commercial
23 development of Lot 1, Block 7, Valley View Addition.

24 2. All primary buildings shall be constructed or clad with materials that are durable,
25 economically-maintained, and of a quality that will retain their appearance over time, including
26 but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed
27 concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or
28 wood paneling shall not be used as a principal exterior wall material, but durable synthetic
29 materials with the appearance of wood may be used.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 3. Color schemes shall tie building elements together, relate pad buildings within the
2 same development to each other, and shall be used to enhance the architectural form of a
3 building.

4 4. All building facades greater than 150 feet in length, measured horizontally, shall
5 incorporate wall plane projections or recesses having a depth of at least three (3) percent of the
6 length of the facade, and extending at least 20 percent of the length of the facade. No
7 uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated facade would
8 emphasis elements on the face of a wall including change in setback, materials, roof pitch or
9 height.

10 5. Ground floor facades that face public streets shall have arcades, display windows,
11 entry areas, awnings, or other such features along no less than 60 percent of their horizontal
12 length. If the facade facing the street is not the front, it shall include the same features and/or
13 landscaping in scale with the facade.

14 6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public
15 view by parapets, including but not limited to the back of the structure. The average height of
16 such parapets shall not exceed one third of the height of the supporting wall, and such parapets
17 shall not be of a constant height for a distance of greater than 150 feet.

18 7. Loading facilities shall not be located at the front of structures where it is difficult to
19 adequately screen them from view. All loading and service areas shall be screened from the view
20 of adjacent public streets through a structure and/or landscaping.

21 8. Dumpsters and outdoor storage areas must be completely screened from view.
22 Collection area enclosures shall contain permanent walls on three (3) sides with the service
23 opening not directly facing any public right-of-way or residentially zoned property. The fourth
side shall incorporate a metal gate to visually screen the dumpster or compactor.

 9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site
system of pedestrian walkways shall be designed to provide direct access and connections to and
between the following:

- a) the primary entrance or entrances to each commercial building, including pad site

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buildings;

1 b) any sidewalks or walkways on adjacent properties that extend to the boundaries shared
with the commercial development;

2 c) parking areas or structures that serve such primary buildings;

3 d) connections between the on-site (internal) pedestrian walkway network and any public
4 sidewalk system located along adjacent perimeter streets shall be provided at regular
intervals along the perimeter street as appropriate to provide easy access from the public
sidewalks to the interior walkway network;

5 e) any public sidewalk system along the perimeter streets adjacent to the commercial
development; and

6 f) where practical and appropriate, adjacent land uses and developments, including but
not limited to residential developments, retail shopping centers, office buildings.

7 10. The following use(s) are prohibited:

8 a) Detention Facilities;

9 b) Off-Premise Advertising Signs (directional signs that are less than 50 square feet in
10 size are exempt for this prohibition);

11 c) Portable Signs; and

d) Vehicle Repair.

12 11. The Zoning Administrator shall review each applicable Site Plan to determine
13 compliance with this Conditional Overlay and act to approve or deny the Site Plan application.

14 12. The decision of the Zoning Administrator may be appealed to the Planning
Commission.

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

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ORDINANCE NO. _____

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

(SEAL)

Attest:

Timothy J. Mahoney, M.D., Mayor

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

426

City of Fargo Staff Report			
Title:	Urban Plains by Brandt 6th Addition	Date: Updated:	6/2/2022 8/4/2022
Location:	5100 28 th Avenue South	Staff Contact:	Donald Kress Planning Coordinator
Legal Description:	Lot 2, Block 2, Urban Plains by Brandt Second Addition		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/ Enclave Companies (Tim Gleason)	Engineer:	Mead & Hunt
Entitlements Requested:	Zone Change (from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay) and Subdivision (replat of Lot 2, Block 2, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: August 8 th , 2022		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay	Zoning: LC, Limited Commercial with C-O, Conditional Overlay
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities with C-O, Conditional Overlay to limit some uses and provide building and site design standards	LC allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs , commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service with C-O , Conditional Overlay to limit some uses and provide building and site design standards
Maximum Density: 24 units per acre	Maximum Lot Coverage: 55%

Proposal:

The applicant requests two entitlements:

- Zoning Change** (from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay); and
- Minor Subdivision** (replat of Lot 2, Block 2, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota)

HISTORY OF ENTITLEMENTS AND BACKGROUND

In 2003, as part of the Southwest Area Plan, a master plan was created and established for the Urban Plains Development. This master plan and ordinances set forth a mixed use development pattern to encourage buildings closer to the street with parking behind, to reinforce destination and entertainment development for a live-work-entertainment center. The master plan of Urban Plains was modified in 2013. At that time, there was an increase in multi-family development proposals and a change in road layout patterns to accommodate more suburban vehicular oriented development. Remaining consistent between both plans was the plan for mixed-use commercial and residential with a focus on heavy pedestrian use and the regional park (Urban Plains Park) along 51st Street South. The right-of-way included pedestrian and on-street parking amenities unique to anywhere else in the southwest area of the City. These land uses and public amenities were to support the destination-oriented development surrounding the Scheels Arena. With this application, staff requested an updated master plan for review.

At the January 10th, 2022 City Commission hearing, that Commission approved a zone change from LC, Limited Commercial with a conditional overlay to MR-3, Multi-Dwelling Residential with a conditional overlay. The applicant had intended to develop a multi-dwelling residence on the property. The conditional overlay for this project had a primary focus on the urban form and how the project interacts with the scale and relationship to Urban Plains Park and 51st Street South. The applicant provided a concept master plan for the remaining undeveloped lots in Urban Plains.

CURRENT PROPOSAL

The applicant now proposes to subdivide the property into two lots, and rezone both properties to LC, Limited Commercial in order to develop two community-serving uses, one on each property. The proposed conditional overlay for this LC zoning is different from the conditional overlay established in 2017 for LC zoning; it is tailored to the current situation and proposal, as described in detail in the findings below.

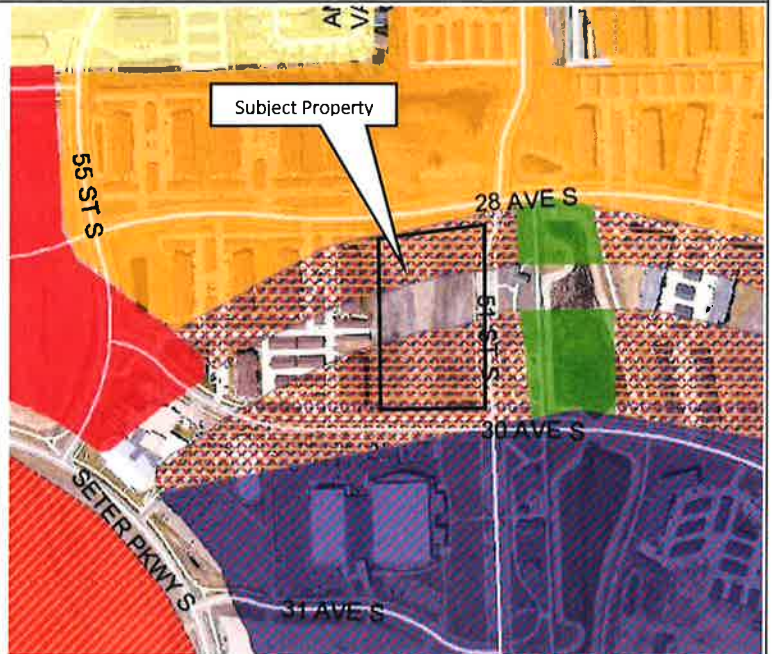
Surrounding Land Uses and Zoning Districts:

- North: Across 28th Avenue South is MR-3 with C-O, with undeveloped property;
- East: Across 51st Street South is P/I, Public & Institutional, with park use (Urban Plains Park);
- South: Across 30th Avenue South is LC, with C-O with undeveloped property and GC, General Commercial with C-O with Scheels Arena;
- West: MR-3 with C-O with multi-dwelling residential.

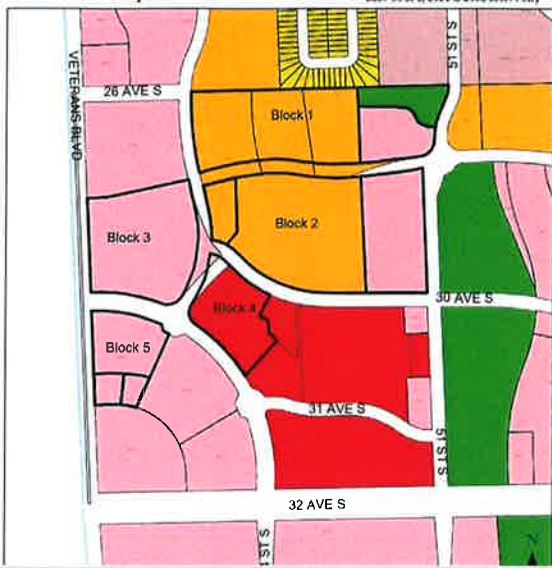
Area Plans:

The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. This plan identifies Office or Commercial and Medium/High Density Residential land uses appropriate for this area.

	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



(continued on next page)



In 2013, a revised conditional overlay and master plan were processed and approved to accommodate an updated development plan.

Context:

Schools: The subject property is located within the West Fargo School District and is served by Freedom Elementary, Liberty Middle and Sheyenne High schools.

Neighborhood: The subject property is located in the Urban Plains neighborhood.

Parks: Across 51st Street South is Urban Plains Park (3020 51st Street South), which includes amenities of playgrounds, trails, and shelters.

Pedestrian / Bicycle: A shared use path is located on the east side of 51st Street South, directly east of the subject property. The trail connects to the metro area trail system.

Transit: MAT Bus route 24 runs along 51st Street South, with a stop at the intersection of 51st Street South and 30th Avenue South, directly adjacent to the property.

Staff Analysis:

PLAT and ZONING

The subject property encompasses approximately 7.00 acres. The plat creates two lots for commercial development, to be zoned LC, Limited Commercial with a conditional overlay. The lots will take access from 28th and 30th Avenues South; they will not have direct vehicular access from 51st Street South.

CONDITIONAL OVERLAY

Two versions of the draft conditional overlay are attached:

1. C-O proposed by the applicant with strike-throughs that show the edits made to this original proposal. This version is included for the Commission's reference.
2. The final "clean copy" showing the C-O after the edits. This is the version proposed for the Commission's approval.

SUMMARY OF JUNE 7th, 2022 PLANNING COMMISSION HEARING

At the June 7th, 2022 Planning Commission hearing on this project, discussion was held on the focus of the proposed Conditional Overlay, and the history of the application site.

Applicant Tim Gleason, Enclave Development, spoke on behalf of the application. He noted the YMCA and CHI Friendship have come forward as potential buyers for the property. YMCA President Steve Smith and CHI Friendship President Dori Leslie, spoke on their proposed plans for the site.

Discussion was held on apartment developments, low-income housing, childcare, and ratio of multi-dwelling residential and single-dwelling residential housing in future growth plans.

Planning and Development Assistant Director Mark Williams spoke on behalf of the Planning Department. He shared an affordable housing study is being conducted by MetroCOG.

Following further discussion on the best use of this property, the Planning Commission moved to recommend approval, as noted below.

Zoning

Section 20-0906. 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 owner. The applicant is requesting to rezone the property in order to construct two commercial buildings. For the use to be allowed, the applicant is requesting the property to be rezoned to LC, Limited Commercial. Staff recommends modifications to the previous C-O, Conditional Overlay that applied to LC zoning on this property, Ordinance No. 5103, by precluding parking abutting the public right-of-way along 51st Street South and to fully accommodate the pedestrian amenities. The draft C-O language proposes buildings along 51st Street South to be placed towards the 51st Street South boulevard, as opposed to on-site surface parking lots, and for surface parking lots to be screened. Additional changes to the Conditional Overlay zoning include removing the design standards that were originally meant to orient the building to 51st Street South. The overlay seeks to keep the language to limit the placement of detached parking garages and parking lots away from 51st Street South. Since the master plan needs to be flexible and the developer has an architectural review committee, for sake of clarity for realtors and future owners, staff is recommending eliminating standards of the overlay that would not be applicable to this location. Initially staff was not supportive of the proposed application due to the agreed upon changes of the master plan that were brought forth with the recent zone change to MR-3. However, after further review and some changes to the project design by the applicant staff believes the project is compatible to the abutting regional park and the distinctive streetscape of 51st Street South. **(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?

Yes. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has not received any inquiries about the project and no letters of opposition. **(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 in a way that will protect the general health, safety, and welfare of the citizens. The 2003 Southwest Future Land Use Plan identified the subject property as suitable for either medium to high-density residential with a combination of office or commercial development. At the time of the land use plan, integrated mixed-use was the market and economic focus of the plan in order to create a destination-oriented attractive area to mimic the conditions of a downtown urban center. Clearly the built environment has shifted from this plan, but staff believes 51st Street South and the abutting land use vision along the corridor maintain elements of this master plan. The conditional overlay provides that the vehicular layout on the individual sites be buffered and oriented away from 51st Street South as envisioned in the original master plan for this area. **(Criteria satisfied)**

Subdivision

The LDC stipulates that the following criteria are 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 proposed zoning of LC, Limited Commercial is consistent with the 2003 Southwest Future Land use Plan designation of Office or Commercial and Medium/High Density Residential. As part of the plat there was discussion about coordinating vehicular circulation and making sure there is no vehicular access to 51st Street South. Each lot will have access oriented toward the adjacent avenue (28th or 30th Avenues South). The plat provides no circulation between the two lots. However, such cross-access easements can be created at the time of development, if appropriate in relation to the uses on the two lots. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move to approve the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay; and 2) Minor Subdivision of **Urban Plains by Brandt Sixth Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan; Section 20-0907 (B) and (C); Section 20-0906. F (1-4); and Standards of Article 20-06 of the LDC; 2003 Growth Plan; and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 7th, 2022

At the June 7th, 2022 Planning Commission hearing, by a vote of 7-0 with one Commissioner absent and three Commission seats vacant, that Commission moved to accept the findings and recommendations of staff and moved to recommend approval to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay; and 2) Minor Subdivision of **Urban Plains by Brandt Sixth Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan; Section 20-0907 (B) and (C); Section 20-0906. F (1-4); and Standards of Article 20-06 of the LDC; 2003 Growth Plan; and all other applicable requirements of the LDC.

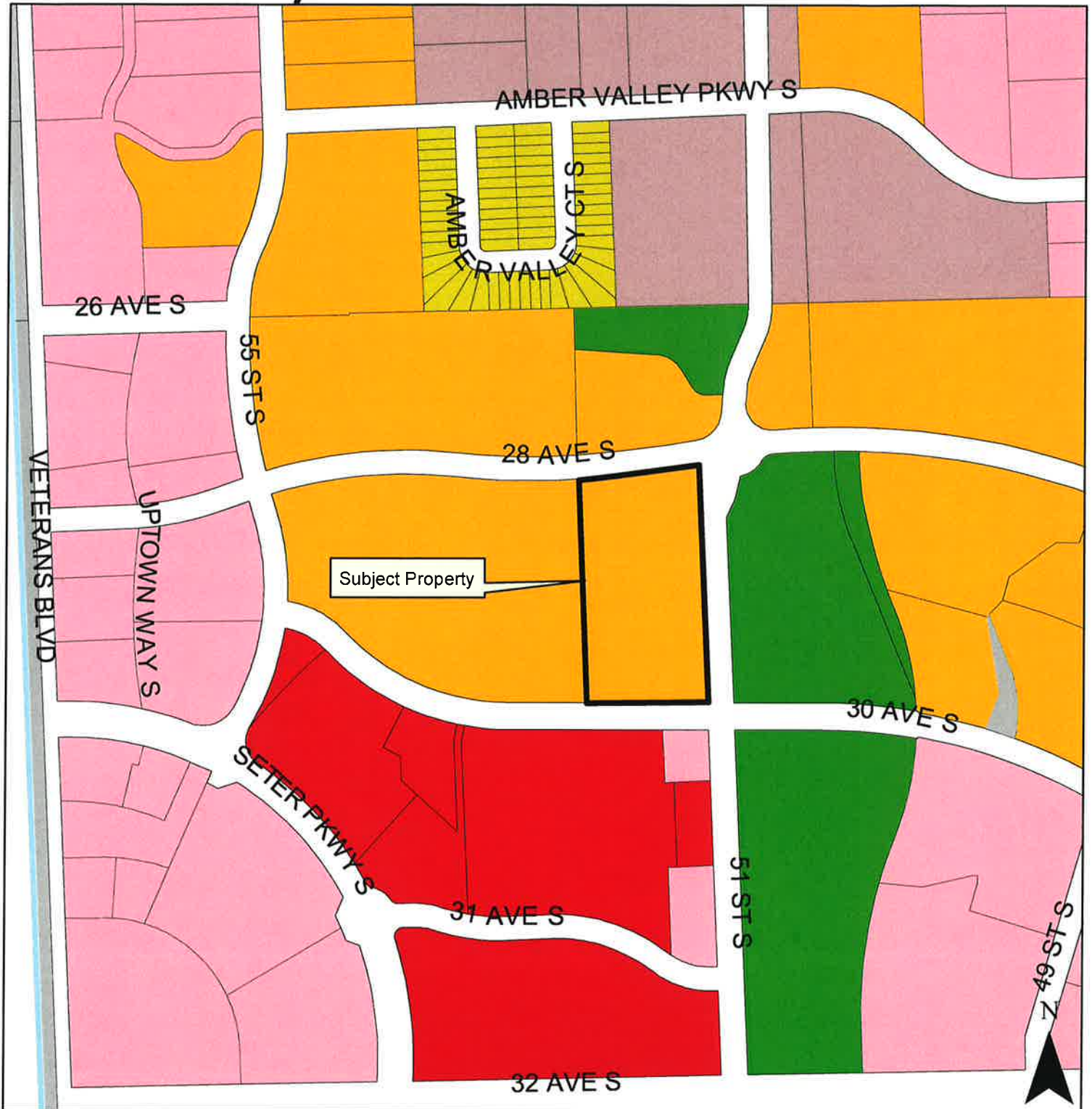
Attachments:

1. Location Map
2. Zoning Map
3. Preliminary plat
4. Draft conditional overlay—original showing edits
5. Draft conditional overlay—final "clean copy"

Plat (Minor); Zone Change (MR-3 with a C-O to LC with a C-O)

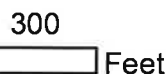
Urban Plains by Brandt Sixth Addition

5100 28th Avenue S



Legend

- AG
- DMU
- GC
- GO
- LC
- MR-1
- MR-2
- MR-3
- MHP
- NC
- PT
- UMU
- SR-2
- SR-3
- SR-5
- City Limits



Fargo Planning Commission
June 7, 2022

Plat (Minor); Zone Change (MR-3 with a C-O to LC with a C-O)

Urban Plains by Brandt Sixth Addition

5100 28th Avenue S



DRAFT CONDITIONAL OVERLAY---ORIGINAL PROPOSAL SHOWING EDITS

Urban Plains by Brandt 6th Addition Draft Conditional Overlay

9 May 22

Current C-O Ord. 5334 for residential use (2021)
Previous C-O Ord. 5103 for commercial use (2017)

Wording is blue is wording in the current C-O (5334) mainly relating to building orientation on the site that is added to the earlier C-O for commercial uses (5103) in order to achieve a look along 51st Street South in the style that was originally envisioned—a more “downtown” looking streetscape.

1) Description

~~This C-O, Conditional Overlay district is primarily intended to encourage high quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.~~

2) Building orientation, form, and style

2.1 Building Orientation

~~a) The commercial buildings shall include pedestrian orientation to 51st Street South.~~

b) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.

~~2.2 All building elevations/facades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least 2 feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet. First level (ground floor) façade facing away from 51st Street South shall be excluded from the requirements of this section.~~

~~2.3 Ground floor non-parking facades that face public right-of-way shall have arcades, windows, entry areas, awnings, or other such features along no less than 60 percent of its horizontal length.~~

~~2.4 Ground floor parking facades that face public right-of-way other than 51st Street South shall have window or faux window treatments or landscape amenities to aid in creating and promoting pedestrian activity.~~

~~2.5 All buildings, regardless of size, shall have clearly defined, highly visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following~~

- ~~i — Canopies, awnings, or porticoes~~

DRAFT CONDITIONAL OVERLAY--ORIGINAL PROPOSAL SHOWING EDITS

- ii. ~~Recesses/projections varying the façade~~
- iii. ~~Raised corniced parapets over the door~~
- iv. ~~Peaked roof forms~~
- v. ~~Arches or arcades~~
- vi. ~~Entry courts~~
- vii. ~~Raised landscape planters and/or wing walls integrated with the building~~

~~2.6 Principal Materials — Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, integrated insulated metal panels curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi generational life span.~~

~~2.7 Accent Materials — In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: architectural metal panels finished wood, and vinyl. Accent materials shall be applied to no greater than 10 percent of each building façade.~~

~~2.8 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall.~~

~~2.9 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be visually screened from adjacent public right of way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same or similar aesthetic language or materials used for the primary building.~~

2.10 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

~~3.1 Building must be situated towards the east along 51st Street South so that it is placed no further back than the required setback.~~

3.2 Surface parking lots shall not be oriented between buildings and 51st Street South boulevards.

3.3 Accessory garages are prohibited with the exception of the Western 120 ft of the property provided that the accessory garages are not visible from 51st Street South and are screened with site amenities from the other Rights-of-Way

3.4 Visibility from public right of way shall be designed for the appreciation by the general public with

DRAFT CONDITIONAL OVERLAY---ORIGINAL PROPOSAL SHOWING EDITS

the use of landscaping enhancements along the public right of way in order to encourage pedestrian activity on the public sidewalks and amongst adjacent sites.

- 3.5 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
- i. Parking lots or parking structures
 - ii. Any public sidewalk or multi-use path along the perimeter of the lot
 - iii. Entrances of other buildings on the site
 - iv. Any public sidewalk system along the perimeter streets adjacent to the development
 - v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator.

4) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

- 4.1 Portable advertising signs
- 4.2 Detention facilities
- 4.3 Self-service storage
- 4.4 Vehicle repair
- 4.5 Vehicle service, limited
- 4.6 Off-premise advertising

~~5) Conditional Uses~~

~~For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the LDC:~~

~~5.1~~

6) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

- 6.1 Façade: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.
- 6.2 Depth: A horizontal distance that is perpendicular to a building façade.
- 6.3 Elevation: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

DRAFT CONDITIONAL OVERLAY—FINAL “CLEAN COPY”

Urban Plains by Brandt 6th Addition Draft Conditional Overlay REVISED

1 June 22

Applies to Lots 1 and 2, Block 1 of Urban Plains by Brandt 6th Addition, zoned LC, Limited Commercial

1) Building orientation, form, and style

1.1 Building Orientation

a) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.

1.2 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

2) Site Design

2.1 Surface parking lots shall not be oriented between buildings and 51st Street South boulevards.

2.2 Accessory garages are prohibited with the exception of the Western 120 ft of the property provided that the accessory garages are not visible from 51st Street South and are screened with site amenities from the other Rights-of-Way

2.3 Visibility from public right of way shall be designed for the appreciation by the general public with the use of landscaping enhancements along the public right of way in order to encourage pedestrian activity on the public sidewalks and amongst adjacent sites.

2.4 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development
- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator.

3) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

3.1 Portable advertising signs

3.2 Detention facilities

DRAFT CONDITIONAL OVERLAY—FINAL “CLEAN COPY”

- 3.3 Self-service storage
- 3.4 Vehicle repair
- 3.5 Vehicle service, limited
- 3.6 Off-premise advertising

4) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

- 4.1 Façade: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.
- 4.2 Depth: A horizontal distance that is perpendicular to a building façade.
- 4.3 Elevation: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

URBAN PLAINS BY BRANDT SECOND ADDITION

A REPLAT OF LOT 2, BLOCK 2 OF URBAN PLAINS BY BRANDT SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)



LEGEND

- MONUMENT IN PLACE
- SETBACK LINE
- LOT AREA (ACRORE FEET)
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- PLAT BOUNDARY LINE
- REACTIVE ACCESS EASEMENT

NOTES

- STAKED DISTANCES ARE SHOWN AND ARE IN FEET AND INCHES.
- REACTIVE ACCESS EASEMENT IS 45 FEET ON THE PLAT OF URBAN PLAINS BY BRANDT SECOND ADDITION, AS AN EASEMENT DEDICATED AS PART OF THE SUBDIVISION. THE REACTIVE ACCESS EASEMENT IS LOCATED ON THE WEST SIDE OF LOT 2 AND LOT 3. THE REACTIVE ACCESS EASEMENT IS 45 FEET WIDE AND IS A LINE COMPANION WITH THE BOUNDARY OF THE ADJACENT LOT ON THE WEST.

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the above described property, have caused the same to be surveyed and platted as shown on the above plat, and I hereby certify that the same is a true and correct representation of the survey of said subdivision, and that the same is in accordance with the laws of the State of North Dakota, and that the same is in accordance with the laws of the City of Fargo, North Dakota, and that the same is in accordance with the laws of the County of Cass, North Dakota.

Let 2, Block 2 of URBAN PLAINS BY BRANDT SECOND ADDITION, according to the plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 7.00 acres, more or less.

OWNER:
URBAN PLAINS LAND COMPANY, LLC

Richard Bryant
President

State of North Dakota }
County of Cass } SS

On this 24th day of September, 2021, appeared before me, Richard Bryant, President, URBAN PLAINS LAND COMPANY, LLC, known to me to be the person whose name appears on the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Jason Nees, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision, and that the same is in accordance with the laws of the State of North Dakota, and that the same is in accordance with the laws of the City of Fargo, North Dakota, and that the same is in accordance with the laws of the County of Cass, North Dakota.

Dated this 24th day of September, 2021.



Jason Nees
Professional Land Surveyor
Registration No. LS8884
State of North Dakota }
County of Cass } SS

On this 24th day of September, 2021, appeared before me, Jason Nees, known to me to be the person whose name is mentioned in the certificate and did acknowledge to me that they executed the same as their own free act and deed.

Richard Bryant
Notary Public

State of North Dakota }
County of Cass } SS

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ___ day of _____, 20__.

Richard Bryant
Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this ___ day of _____, 20__, before me, a notary public in and for said county, personally appeared Richard Bryant, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ___ day of _____, 20__.

Therese J. Mahoney
Mayor

State of North Dakota }
County of Cass } SS

Abner Steen
City Auditor

On this ___ day of _____, 20__, before me, a notary public in and for said county, personally appeared Therese J. Mahoney, Mayor, and Abner Steen, City Auditor, known to me to be the two persons described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ___ day of _____, 20__.

Brenda E. Darrig, P.E.
City Engineer

State of North Dakota }
County of Cass } SS

On this ___ day of _____, 20__, before me, a notary public in and for said county, personally appeared Brenda E. Darrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public



0 60 120
SCALE IN FEET
MAGS BY BERNARD BLOTT
CORPORATION BY STATE

Mead & Hunt
ENGINEERS
PHONE: 701-666-4400
FARGO, ND 58103-9101
PROJECT NO. 2021-01
SHEET 1 OF 1

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

4262

ORDINANCE NO. _____

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AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN URBAN PLAINS BY BRANDT SIXTH 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 Urban Plains by Brandt Sixth Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on June 7, 2022; and,

WHEREAS, the rezoning changes were approved by the City Commission on August 8, 2022,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots One (1) and Two (2), Block One (1) of Urban Plains by Brandt Sixth Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "MR-3", Multi-Dwelling Residential, District, with a "C-O", Conditional Overlay, District as established by Fargo Municipal Ordinance 5334, to "LC", Limited Commercial, District, extinguishing the existing "C-O", Conditional Overlay, District, and replacing with the following "C-O", Conditional Overlay, District:

1) Building orientation, form, and style

1.1 Building Orientation

a) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.

1.2 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

2) Site Design

2.1 Surface parking lots shall not be oriented between buildings and 51st Street South boulevards.

2.2 Accessory garages are prohibited with the exception of the Western 120 ft of the property provided that the accessory garages are not visible from 51st Street South and are screened with site amenities from the other Rights-of-Way

2.3 Visibility from public right of way shall be designed for the appreciation by the general public with the use of landscaping enhancements along the public right of way in order to encourage pedestrian activity on the public sidewalks and amongst adjacent sites.

2.4 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures;
- ii. Any public sidewalk or multi-use path along the perimeter of the lot;
- iii. Entrances of other buildings on the site;
- iv. Any public sidewalk system along the perimeter streets adjacent to the development; and
- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping building--where deemed practical and appropriate by the Zoning Administrator.

3) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

3.1 Portable advertising signs;

3.2 Detention facilities;

3.3 Self-service storage;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

3.4 Vehicle repair;

3.5 Vehicle service, limited; and

3.6 Off-premise advertising.

4) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

4.1 Façade: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.

4.2 Depth: A horizontal distance that is perpendicular to a building façade.

4.3 Elevation: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

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.

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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:

Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:

NOTICE OF HEARING
ON SPECIAL ASSESSMENTS FOR
MAINTENANCE OF SKYWAY SYSTEM

426

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for maintenance of the Skyway System on Monday, August 8, 2022, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 8, 2022, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office

(July 27 & August 3, 2022)

NOTICE OF HEARING

FOR SPECIAL ASSESSMENT OF
NUISANCE ABATEMENT FEES

42d

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on special assessments for Nuisance Abatement fees, provided in the list below, on Monday, August 8, 2022, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Address	Parcel	Assessment	Reason
14 Roberts St	01-2381-00810-000	76,000.00	Encroachment
1714 5th Ave South	01-0040-00040-000	10,595.00	Code Enforcement
1033 5th St North	01-1160-02360-000	18,885.00	Code Enforcement
703 12 St North	01-1120-00660-000	1,500.00	Code Enforcement
1125 29th St North	01-0480-00770-000	185.00	Code Enforcement
1426 4 Ave N	01-2340-01210-000	17,740.00	Code Enforcement
305 University Dr S	01-0700-01950-000	26,375.00	Code Enforcement
4350 13th Ave South	01-2332-00350-000	709.55	Code Enforcement
437 23rd St South	01-0740-02520-000	888.50	Code Enforcement
711 10th Ave North	01-0440-02770-000	33,875.00	Code Enforcement
1420 2nd Ave South	01-0700-01540-000	797.00	Code Enforcement
1021 10th St North	01-0440-02550-000	31,921.80	Code Enforcement
1648 8th Ave South	01-0560-01370-000	24,300.00	Code Enforcement
924 5th St South	01-4100-00610-000	282.66	Code Enforcement
2555 54th Ave South	01-8386-00340-000	1,416.95	Code Enforcement
4778 Arbor Ct South	01-7500-00700-000	200.00	Blvd Trees
4733 Arbor Ct South	01-7500-00310-000	200.00	Blvd Trees
1025 28th Street South	01-4022-00850-000	900.00	Dutch Elm Removal
515 8th St South	01-2400-00880-000	2,025.00	Dutch Elm Removal
511 8th St South	01-2140-00910-000	2,025.00	Dutch Elm Removal
373 7th Ave South	01-1440-00490-000	1,630.00	Dutch Elm Removal
135 32nd Ave NE	01-3500-01010-200	783.00	Dutch Elm Removal

1101 19th Ave North	01-0010-00300-000	638.00	Dutch Elm Removal
5300 12th St South	01-3501-00491-000	957.00	Dutch Elm Removal
1409 8th Ave South	01-0540-00900-000	825.00	Dutch Elm Removal
1415 8th Ave South	01-0540-00890-000	825.00	Dutch Elm Removal
1538 6th Ave South	01-0560-00170-000	2,500.00	Dutch Elm Removal
823 9th St North	01-1130-00310-000	1,600.00	Dutch Elm Removal
388 8th Ave South	01-4100-00210-000	4,650.00	Dutch Elm Removal
101 22nd Ave North	01-2120-00290-000	4,000.00	Dutch Elm Removal
1230 1st Street North	01-1360-02360-000	2,500.00	Dutch Elm Removal
813 9th St North	01-1130-00330-000	4,200.00	Dutch Elm Removal
1107 14th St South	01-0020-01080-000	1,400.00	Dutch Elm Removal
809 18th St South	01-1700-00130-000	4,200.00	Dutch Elm Removal
3902 10th St North	01-2335-00035-050	420.00	Mowing
6588 45 Ave South	01-0720-02630-000	520.00	Mowing
1548 3rd Ave N	01-2340-02100-000	420.00	Mowing
1042 University Drive N	01-1640-01320-000	560.00	Mowing
335 9th Ave South	01-4100-00340-000	190.00	Mowing
120 South University Drive	01-2240-01850-000	215.00	Mowing
4775 Harvest Dr S	01-7760-00381-000	190.00	Mowing
1145 10th Street North	01-0440-00890-000	240.00	Mowing
5491 49th Ave South	01-8436-00920-000	420.00	Mowing
812 7th St North	01-1130-00420-000	165.00	Mowing
1341 15th Street South	01-2040-01120-000	240.00	Mowing
1037 10th Street North	01-0440-02540-000	90.00	Mowing
1108 18th Street North	01-0100-00430-000	520.00	Mowing
1125 16th St North	01-1500-00200-000	140.00	Mowing
7227 Madelyn Lane South	01-8715-00220-000	215.00	Mowing
1534 66th Ave S	01-8659-00940-000	165.00	Mowing

6861 Crofton Lane South	01-8510-00990-000	190.00	Mowing
1806 65th Avenue South	01-8510-00120-000	190.00	Mowing
7265 Madelyn Lane South	01-8715-00190-000	265.00	Mowing
17 N Terrace North	01-2200-00390-000	115.00	Mowing
1109 University Drive South	01-0020-00950-000	140.00	Mowing
730 2nd St North	01-1760-00220-000	290.00	Mowing
6264 56th Ave South	01-8449-04620-000	140.00	Mowing
729 3rd St North	01-1760-00060-000	190.00	Mowing
32 Birch Lane South	01-2330-00440-000	390.00	Mowing
1042 4th Street North	01-1160-02420-000	165.00	Mowing
7271 Eagle Point Dr S	01-8530-00220-000	355.00	Mowing
1201 3rd Street North	01-1360-01230-000	255.00	Mowing
1705 25th Ave South	01-2211-01022-000	340.00	Mowing
1988 67th Ave South	01-8510-00870-000	140.00	Mowing
2751 33 1/2 Ave S	01-0518-00015-000	\$135.00	Snow Removal
2217 5 Ave S	01-0740-02730-000	\$75.00	Snow Removal
2214 34 Ave S	01-2830-00660-000	\$75.00	Snow Removal
812 7 St N	01-1130-00420-000	\$75.00	Snow Removal
914 12 St N	01-2900-00080-000	\$110.00	Snow Removal
501 7 St S	01-2140-00990-000	\$60.00	Snow Removal
1430 12 St N	01-2220-04230-000	\$75.00	Snow Removal
1801 13 Ave S	01-1200-00090-000	\$130.00	Snow Removal
2401 20 Ave #103B	01-2840-00990-080	\$100.00	Snow Removal
32 Birch Ln S	01-2330-00440-000	\$270.00	Snow Removal
214 23 Ave N	01-2080-00040-000	\$80.00	Snow Removal
808 University Dr S	01-1620-00430-000	\$75.00	Snow Removal
1042 University Dr N	01-1640-01320-000	\$145.00	Snow Removal
4262 39 Ave S	01-6600-00403-000	\$75.00	Snow Removal
4335 23 Ave S	01-8475-00400-000	\$505.00	Snow Removal
1014 8 Ave N	01-1120-00550-000	\$75.00	Snow Removal
2509 / 2511 9 St N	01-3100-00990-000	\$167.25	Snow Removal
818 - 820 32 St N	01-1260-00630-000	\$75.00	Snow Removal
322 20 St N	01-3300-01900-000	\$75.00	Snow Removal
509 21 St N	01-3300-00640-000	\$75.00	Snow Removal
1124 4 Ave N	01-2382-03710-000	\$110.00	Snow Removal
4257 Russet Ave S	01-8400-00470-000	\$90.00	Snow Removal

4261 Russet Ave S	01-8400-00480-000	\$90.00	Snow Removal
1445 14 1/2 St S	01-2040-02730-000	\$85.00	Snow Removal
4727 51 Ave S	01-8030-01900-000	\$75.00	Snow Removal
4462 49 St S	01-7001-01190-000	\$75.00	Snow Removal
4913 51 St S	01-8320-00370-000	\$75.00	Snow Removal
914 9 St N	01-1130-00820-000	\$110.00	Snow Removal
903 10 St N	01-1130-00900-000	\$120.00	Snow Removal
4293 39 1/2 Ave S	01-6600-00583-000	\$75.00	Snow Removal
125 28 Ave N	01-0720-01040-000	\$140.00	Snow Removal
716 1 St N	01-1760-00410-000	\$75.00	Snow Removal
3579 58 Ct S	01-8394-00670-000	\$75.00	Snow Removal
1333 12 St N	01-2220-04480-000	\$75.00	Snow Removal
3053 22 St S	01-1405-00460-000	\$115.00	Snow Removal
1341 3 Ave N	01-2340-01530-000	\$75.00	Snow Removal
2202 6 Ave S	01-1940-00070-000	\$236.55	Snow Removal
4709 48 Ave S	01-8030-01310-000	\$150.00	Snow Removal
4253 Russet Ave S	01-8400-00460-000	\$90.00	Snow Removal
4554 7 Ave S	01-3880-01605-000	\$407.50	Snow Removal
111/113 32 Ave N	01-3560-00240-000	\$170.00	Snow Removal
2856 Elm St N	01-0720-00850-000	\$150.00	Snow Removal
1820 Park Blvd S	01-2840-02170-000	\$80.00	Snow Removal
917 10 Ave N	01-0440-02610-000	\$80.00	Snow Removal
1101 19 Ave N	01-0010-00300-000	\$265.00	Snow Removal
708 29 St N	01-2020-00150-000	\$85.00	Snow Removal
102 14 St S	01-0700-00820-000	\$120.00	Snow Removal
702 10 St N	01-1120-00500-000	\$115.00	Snow Removal
2400 65 Ave S	01-8466-00031-000	\$700.00	Snow Removal
729 3 St N	01-1760-00060-000	\$75.00	Snow Removal
414 12 St N	01-2382-04530-000	\$82.50	Snow Removal
414 12 St N	01-2382-04530-000	\$75.00	Snow Removal
414 12 St N	01-2382-04530-000	\$103.75	Snow Removal
1350 14 1/2 St S	01-2040-00610-000	\$150.00	Snow Removal
1448 15 St S	01-2040-02740-000	\$75.00	Snow Removal
1448 15 St S	01-2040-02740-000	\$160.00	Snow Removal
2400 5 Ave S	01-0740-02905-000	\$7,416.84	Snow Removal
711 10 Ave N	01-0440-02770-000	\$100.00	Snow Removal
711 10 Ave N	01-0440-02770-000	\$222.40	Snow Removal
1002 7 St N	01-0440-03200-000	\$75.00	Snow Removal
1041 8 St N	01-0440-02800-000	\$75.00	Snow Removal
1119 3 Ave N	01-2382-03670-000	\$75.00	Snow Removal
6233 35 St S	01-8394-01880-000	\$75.00	Snow Removal
6233 35 St S	01-8394-01880-000	\$75.00	Snow Removal
1626 17 St S	01-2040-05000-000	\$150.00	Snow Removal
913 32 St N	01-1260-00440-000	\$75.00	Snow Removal
1215 10 Ave N	01-0440-01990-000	\$80.00	Snow Removal

915 College St N	01-1620-00620-000	\$75.00	Snow Removal
1137 12 St N	01-0440-01520-000	\$75.00	Snow Removal
1102 8 Ave N	01-1120-00730-000	\$145.00	Snow Removal
1102 8 Ave N	01-1120-00730-000	\$554.75	Snow Removal
2555 54 Ave S	01-8386-00340-000	\$85.00	Snow Removal
4272 Auburn Ave S	01-8400-01001-000	\$75.00	Snow Removal
524 Broadway	01-0450-00380-000	\$450.00	Snow Removal
5253 50 Ave S	01-8320-00660-000	\$75.00	Snow Removal
6222 23 St S	01-7810-01100-000	\$75.00	Snow Removal
2114 65 Ave S	01-8584-00080-000	\$140.00	Snow Removal
3119 Par St N	01-0735-00090-000	\$150.00	Snow Removal
5594 Justice Dr S	01-8573-00430-000	\$140.00	Snow Removal
1011 43 1/2 St S	01-3610-01250-000	\$2,175.66	Snow Removal
3302 River Dr S	01-1146-00220-000	\$170.00	Snow Removal
5169 9 Ave S	01-5170-00320-000	\$130.00	Snow Removal
90 18 Ave N	01-1890-00670-000	\$75.00	Snow Removal
1229 12 St N	01-2220-05040-000	\$75.00	Snow Removal
1014 13 Ave S	01-5060-00040-000	\$75.00	Snow Removal
1018 13 Ave S	01-5060-00030-000	\$75.00	Snow Removal
1020 13 Ave S	01-5060-00020-000	\$75.00	Snow Removal
1605 Broadway	01-2100-00020-000	\$75.00	Snow Removal
3741 10 St N	01-2350-00010-000	\$130.00	Snow Removal
1504 34 1/2 Ave S	01-2705-00432-000	\$75.00	Snow Removal
2010 27 Ave S	01-0505-01474-000	\$75.00	Snow Removal
3050 18 St S	01-2350-00302-000	\$75.00	Snow Removal
1242 11 St S	01-8622-00052-000	\$145.00	Snow Removal
916 2 St N	01-3260-00100-000	\$75.00	Snow Removal
1329 1 Ave N	01-2340-02920-000	\$75.00	Snow Removal
920 14 Ave S	01-1400-01540-000	\$75.00	Snow Removal
2502 58 Ave S	01-5930-00250-000	\$75.00	Snow Removal
5110 48 Ave S	01-7760-00901-000	\$75.00	Snow Removal
308 10 St N	01-2382-03231-000	\$75.00	Snow Removal
2301 University Dr S	01-8803-00200-000	\$4,053.75	Snow Removal
721 48 St S	01-3880-00690-000	\$75.00	Snow Removal
1323 13 1/2 St S	01-2040-00280-000	\$75.00	Snow Removal
1009 13 Ave S	01-0780-01600-000	\$80.00	Snow Removal
3308 Elm St	01-3560-00650-000	\$85.00	Snow Removal
3249 Elm St	01-1001-00020-000	\$90.00	Snow Removal
5804 57 Ave S	01-8449-04420-000	\$140.00	Snow Removal
2253 68 Ave S	01-8466-00340-000	\$75.00	Snow Removal
1701 Prairie Ln S	01-8781-00010-000	\$240.00	Snow Removal
1849 34 St S	01-0530-00510-000	\$594.15	Snow Removal
1645 7 Ave S	01-0560-00400-000	\$145.00	Snow Removal


Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to August 8, 2022, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before

the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office
(July 27 & August 3, 2022 - Legals)

45

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY J. MAHONEY 
DATE: AUGUST 8, 2022
RE: 2023 PRELIMINARY BUDGET APPROVAL

I presented the 2023 Preliminary Budget recommendations on July 28, 2022 and draft copies of the entire budget document were distributed on August 2, 2022.

The next step in the budget approval process is to discuss and approve the Preliminary Budget and schedule a Public Hearing as is required by North Dakota State budget law. The Cass County Auditor's Office is required by law to send a consolidated notice to taxpayers notifying them of the dates, times and locations for all taxing entities public hearings.

The City of Fargo's budget hearing is tentatively scheduled for Tuesday, September 6, 2022. The final budget adoptions are due no later than October 7, 2022.

Suggested Motion: To approve the 2023 Preliminary Budget and schedule the Public Hearing for the final budget for Tuesday, September 6, 2022 at 5:15 p.m.

City of Fargo
2023 Preliminary Budget Summary by Fund and Tax Levy

	2022 Approved Budget	2023 Preliminary Budget
General Fund:		
Current Expenditures	\$ 100,720,149	\$ 108,926,844
Capital Outlay	349,210	408,130
Transfers To Other Funds	3,451,534	3,818,273
Total General Fund Expenditures	\$ 104,520,893	\$ 113,153,247
Special Revenue Funds:		
City Share of Special Assessments	\$ 679,000	\$ 833,000
Noxious Weeds	46,750	41,750
Convention Bureau	1,881,984	2,330,000
Regional Law Enforcement Training Center	100,000	90,350
Court Forfeits	100,000	100,000
SWAT Team	127,247	129,447
Skyway Maintenance	166,000	106,500
Downtown Business Improvement District	535,000	720,000
Neighborhood Revitalization Initiatives (NRI)	8,650	8,650
Community Development Block Grants	858,923	807,875
HOME	1,300,000	400,000
HOME Projects	624,091	520,318
Parking Authority Operations	7,778,069	2,671,272
Parking Repair and Replacement	95,000	205,000
American Rescue Plan	11,439,000	3,500,000
Newman Outdoor Stadium	368,500	191,000
Total Special Revenue Fund Expenditures	\$ 26,108,214	\$ 12,655,162
Total Debt Service Fund Expenditures	\$ 118,119,077	\$ 98,842,497
Enterprise Funds:		
Water	\$ 27,015,094	\$ 33,208,885
Solid Waste	17,324,143	19,848,474
Water Reclamation	16,880,413	18,228,299
Transit	13,764,979	16,102,659
FargoDome	7,325,897	7,631,455
Street Lighting	3,979,449	4,380,947
Forestry	2,586,186	2,742,315
Storm Sewer	3,025,742	3,362,282
Vector Control	1,465,171	717,955
Southeast Cass Sewer	81,120	86,575
Civic Center	465,302	532,135
Total Enterprise Fund Expenses	\$ 93,913,496	\$ 106,841,981
Pension Trust Funds:		
City Employee Pension	\$ 4,098,000	\$ 4,502,000
Police Pension	4,660,500	5,361,000
Total Pension Trust Funds	\$ 8,758,500	\$ 9,863,000
Grand Total - All Funds	\$ 351,420,180	\$ 341,355,887
Preliminary Tax Levy Allocated To:		
General Fund	49.80	51.80
City Share of Special Improvements	1.10	1.10
Weed Control	0.10	0.10
Airport Construction	2.00	2.00
Preliminary Tax Levy	53.00	55.00