

FARGO CITY COMMISSION AGENDA  
Monday, April 15, 2024 – 5:00 P.M.

Executive Session at 4:30 p.m.

Roll Call.

**PLEASE NOTE:** The City Commission will convene at 4:30 p.m. and retire into Executive Session in the Red River Room for the purpose of attorney consultation regarding Case Number 09-2023-CV-02540 titled “City of Fargo v. State of North Dakota” and that discussing the risks, strengths or weaknesses of an action of the public entity in an open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City of Fargo. An Executive Session in accordance with North Dakota Century Code Section 44-04-19.2 for said matters is authorized pursuant to North Dakota Century Code §44-04-19.1 subsection 2.

Regular Meeting at 5:00 P.M.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [FargoND.gov/Streaming](http://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 [FargoND.gov/CityCommission](http://FargoND.gov/CityCommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, April 1, 2024).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Letter of Support for the Hale Properties and Sioux Surgical application to the ND Opportunity Fund.
- 2. 2nd reading and final adoption of an Ordinance Amending Section 1-0305(A)(1) of Article 1-03 of Chapter 1 of the Fargo Municipal Code Relating to Classification of Ordinance Violations; 1st reading, 4/1/24.
- 3. 2nd reading and final adoption of an Ordinance Rezoning a Certain Parcel of Land Lying in Golden Valley Fourth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 4/1/24.
- 4. Gift Agreement and Quit Claim Deed with Lake Agassiz Habitat for Humanity, Inc.
- 5. Findings of Fact, Conclusions and Order of the Board of City Commissioners of the City of Fargo for property located at 1022 9th Avenue North.
- 6. Findings, Conclusions and Order of the Board of City Commissioners of the City of Fargo regarding the Liquid Hospitality, LLC d/b/a Windbreak Saloon License Violation.
- 7. Site Authorizations for Games of Chance:
  - a. Boys and Girls Club of the Red River Valley at Suite Shots (5/6/24).

- b. North Dakota Association for The Disabled, Inc. at Bulldog Tap.
  - c. North Dakota Association for The Disabled, Inc. at Cowboy Jack's.
  - d. North Dakota Association for The Disabled, Inc. at O'Kelly's.
  - e. Northern Prairie Performing Arts at SouthTown PourHouse.
  - f. Northern Prairie Performing Arts at The Windbreak.
  - g. Fraser Ltd. at Golf Addiction.
  - h. Fraser Ltd. at Space Aliens.
  - i. Fraser Ltd. at Cairo Restaurant and Bar.
  - j. Red River Human Service Foundation at Doublewood Lounge.
  - k. Red River Human Service Foundation at Fargo Elks Lodge #260.
8. Applications for Games of Chance:
- a. Bella Garcia Fundraiser for a raffle on 4/28/24; Public Spirited Resolution.
  - b. Hope Blooms for a raffle board on 5/7/24.
  - c. Lincoln Elementary PTA for a raffle on 4/26/24.
  - d. Benefit for Burette Family for raffle on 4/27/24; Public Spirited Resolution.
  - e. Pray for Gray for a raffle on 5/10/24.
  - f. El Zagal Provost Guard for a raffle on 9/12/24.
  - g. Red River Valley Woodcarvers for a raffle, calendar raffle and raffle board 4/26/24-4/28/24.
9. Sponsorship of the 2024 Juneteenth event up to \$15,000.00.
10. Revisions to the Excavation Fees and Guidelines, as presented.
11. Developer Agreement with Scheels All Sports, Inc. for Crossroads Corporate Center Second Addition.
12. Change Order No. 1 in the amount of \$38,420.00 for Project No. ER-23-A1.
13. Bid advertisement for Project No. UR-24-G.
14. Bid award to Border States Paving, Inc. in the amount of \$638,811.80 for Project No. SR-24-B1.
15. Contract and bond for Project No. PR-24-C1.
16. Contract and bond for Project No. TM-24-A1.
17. Final Balancing Change Order No. 2 in the amount of \$0.00 for Improvement District No. UR-23-C1.
18. Memorandum of Offer to Landowner for Permanent Easement (Sidewalk) with L S Development, LLP (Improvement District No. SR-24-B1).
19. Easement (Temporary Construction Easement) with North Dakota State University Development Foundation (Improvement District No. BR-24-F1).
20. Create Improvement District No. AN-24-A (Alley Paving).
21. Create Improvement District No. PR-24-A (Concrete Paving Rehab/Lane Widening).

22. Bid award to Master Construction Company, Inc. in the amount of \$1,253,194.00 for Improvement District No. BN-24-A1.
23. Access Easement (44th Street and Utilities) with Southeast Cass Water Resource District (Improvement District No. BN-24-B1).
24. Contract and bond for Improvement District No. PR-24-F.
25. Items from the FAHR Staff meeting:
  - a. Budget adjustment using CDBG funds in the amount of \$124,034.00 for downtown mobile unit.
  - b. Funding in the amount of \$21,500.00 for an investigation and report on the North Parking Deck at City Hall.
  - c. Adjusted bid award to Bailey Nurseries in the amount of \$82,500.00 (RFP23151).
  - d. Early order for 4 trucks for Solid Waste totaling approximately \$1.25 million.
  - e. Extension of the Prairie Public Lease Agreement to include the two, 3-month extension option at a rate of \$18,667.67/month from 5/24-10/24.
  - f. Purchase Agreement with Holm Properties, LLC for City owned property located at 924 15th Street North.
26. Resolution Authorizing the Issuance and Sale of \$25,705,000.00 City of Fargo Refunding Improvement and Refunding Improvement Refunding Bonds, Series 2024 (Improvement District No. FP-19-A).
27. Selection of the top three submissions of artwork for bus wraps.
28. Resolution approving Plat of The Pines at the District Sixth Addition.
29. Resolution approving Plat of Crossroads Corporate Center Second Addition.
30. Resolution approving Plat of Brekke's Addition.
31. Notice of Grant Award from the ND Department of Emergency Services for FY2023 State Homeland Security Program for the purchase of a TCV from NABCO for the Red River Valley Bomb Squad (CFDA #97.067) (RFP24162).
32. Direct the City Attorney's Office to Amend Fargo Municipal Code 5-0406 - Terms of Office.
33. Receive and file Bias Motivation and Hate Crime Report for year-end 2023.
34. Extension of unpaid leave for Brett Schaible through 7/9/24.
35. Bills.

#### REGULAR AGENDA:

36. **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](https://FargoND.gov/VirtualCommission)).
37. Presentation from Michelle Rydz from the High Plains Fair Housing Center to discuss demographic trends in Fargo neighborhoods.

38. Presentation of the Board of City Commissioners Governance Policies.
39. Update on the Riverfront Renewal Plan and Tax Increment Financing District.
40. Recommendation for amendments to the Tax Increment Financing (TIF) Policy.
41. Recommendation to direct the Police Chief and City Attorney to research what would be required to enforce the law in regards to vehicles that are illegally altered for creating noise.
42. Recommendation to award the bid for Improvement District No. BN-23-E1.
43. Applications for Property Tax Exemptions for Improvements Made to Buildings:
  - a. Bell Bank, 520 Main Avenue (5 years).
  - b. Austin and Annika Avery, 1532 36th Avenue South (5 years).
44. Recommendation for appointments to the following Boards and Commissions:
  - a. Municipal Airport Authority.
  - b. Fargo Dome Authority.
45. Liaison Commissioner Assignment Updates.

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

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**TO: BOARD OF CITY COMMISSIONERS**

**FROM: COMMISSIONER JOHN STRAND**

**DATE: APRIL 15, 2024**

**SUBJECT: PRESENTATION FROM HIGH PLAINS FAIR HOUSING ON FARGO NEIGHBORHOOD DEMOGRAPHICS**

Several months ago Michelle Rydz from High Plains Fair Housing presented to the Human Rights Commission on demographic trends in Fargo neighborhoods. I thought it would be good to have Ms. Rydz present to the City Commission because April is Fair Housing Month.

The Fair Housing Act has two main purposes, 1) to stop housing discrimination and 2) to promote residential integration. Cities that receive federal funding are required to affirmatively further fair housing. Affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically.

In the last seven years, Fargo has experienced tremendous growth but with that growth for the first time in Fargo's history there are majority minority census tracts.

**SUGGESTED MOTION:** This item is for informational purposes only.

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April 15, 2024

Honorable Board of City Commissioners  
225 4th Street North  
Fargo, ND 58102

Dear Commissioners:

Enclosed for your consideration and approval are the revised City of Fargo Governance Policies, as discussed in our workshop with Dr. Jeffry Schatz on April 4, 2024. I am providing you with both a "redline" and "clean" version of the document so that you are able to see the updates agreed to in our April 4th session with Dr. Schatz and how the proposed final version of the document will appear, once approved by the City Commission.

Specifically, I direct your attention to the following Policies that have been updated:

- Policy 2a, related to the City Administrator's Roles and Responsibilities;
- Policy 4, related to the City Commission meeting agenda and procedures; and
- Policy 5, related to resident comment and citizen input opportunities at City Commission meetings on agenda items, non-agenda items and at statutorily-required public hearings.

I will provide a brief overview of the proposed Governance Policies, and following such, request the City Commission's authorization for the City Attorney's Office to draft a Resolution adopting the Governance Policies at the April 29, 2024 City Commission meeting.

**Suggested Motion:** To authorize the Mayor and City Attorney to prepare the proposed City of Fargo Governance Policies, as presented, for adoption by Resolution at the April 29, 2024 City Commission meeting.

Thank you for your consideration of this matter.

Sincerely,

  
Dr. Timothy J. Mahoney  
Mayor



**BOARD OF CITY COMMISSIONERS -  
GOVERNNANCE POLICIES  
Draft Review Workshop 4.4.24**

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## Policy No. 1 - Organizational Structure

The Mayor and four Commissioners, collectively known as the Board of City Commissioners, shall be the governing body of the City of Fargo. The Fargo City government shall operate with the Commission form of government.

### Mayor – Duties - Limitations.

The Mayor shall (1), when present, preside at all meetings of the Board of City Commissioners; (2) perform all duties prescribed by law and the ordinances of the City of Fargo; and (3) be authorized and empowered to issue proclamations, provided, that any such proclamation may be rescinded upon concurrence of at least three members of the Board of City Commissioners. *In addition to these duties, the Mayor will also coordinate and deliver an annual performance review process for the City Administrator.*

1. Serving as the elected head of the City of Fargo, the Mayor shall represent or designate a representative at City functions and at meetings, conferences and negotiations relating to policy matters with other units of government and legislative bodies. The Mayor shall represent the City in negotiations with individuals and private or public enterprises when cultural or economic improvement of the City of Fargo may be involved.
2. The Mayor shall be the executive officer of the City and shall see that all the laws of the City are enforced. The Mayor shall have the right to vote as a member of the Board but shall have no veto power.
3. The procedure for making appointments of members to all boards, Commissions and other agencies shall be established by City ordinance.
4. The Mayor shall cause to be prepared and shall present to the governing body on or before September 1st of each year, the proposed budget for the ensuing fiscal year, which starts on January 1st and ends on December 31st. The budget shall be in a form as permitted by state law. The proposed budget shall include all maintenance and operating expenses, all wages and salaries, all carryover cash reserves anticipated from the current fiscal year, and all anticipated revenues from City taxes and fees and all other sources of revenue, and all debt retirement requirements.
5. The proposed budget may establish reserves for equipment replacement and other capital improvement projects.
6. The proposed budget shall include the total anticipated revenue of all City-operated utilities, and the allotment of that revenue to the City treasury, to utility operating expenses, to debt retirement, to capital improvements and to reserves.
7. The Mayor in his budget message shall include all long-range plans, in place or anticipated, for major capital improvement and investment programs. The proposed budget shall contain a review of the economic, physical, and social conditions and needs of the City, and its long-range plans for cultural and economic development.
8. At the first meeting of the new governing body after each biennial election, the governing body shall elect one of its members as deputy mayor. The deputy mayor shall perform all

the duties of the office of the Mayor in the absence or inability of the Mayor to act. If the Mayor's office becomes vacant, the Deputy Mayor shall become the acting Mayor until the vacancy is filled, as provided in this charter.

*Reference - Home Rule Charter Article 2 Governing Body and Mayor Section A #5*

### **Nominating Process for Deputy Mayor**

- a. The Chair (Mayor) can make nominations for the Deputy Mayor position as may be provided in the bylaws or by the adoption of a motion.
- b. Nominations from the floor – the Chair (Mayor) must call for further nominations at the session in which the election is held. The person making the nomination shall provide no more than one name for the office or position.
- c. Once the nominations have been completed, the meeting Chair will call for a roll call vote. The individual receiving a majority of votes shall be declared the successful candidate.

*Reference Roberts Rule of Order page 408.*

### **Roles and Responsibilities - City Commissioners**

1. Represents City residents at City Commission meetings.
2. Serves on the City Commission and votes on issues before the City Commission at meetings.
3. Engages with City residents to determine City needs.
4. Engage in liaison portfolios and assignments.
5. Participate in the budgeting process and represent their liaison departments.
6. Participate with liaison boards and Commissions.
7. Provide liaison reports at Commission meetings.
8. Adherence to all laws and oath of office.
9. Participate in a designated City of Fargo orientation training.
10. Engage in professional development opportunities.

*Reference Code of Ordinances/Chapter 2 Board of City Commissioners—Duties. General Article 2-0101.*

## **Policy No. 2 - Single Point of Contact**

The Board of City Commissioners sole direction of the operational organization is through the City Administrator. The Board of City Commissioners outlines the powers given to the City Administrator through Operational Expectation Policies (OE's)

## **Policy No. 2a - Operational Expectations Policies (OE)**

Operational expectations are policies that define the parameters or power given to the City Administrator to make decisions and carry out their roles and responsibilities. They are also policies that monitor the City Administrators' performance.

- I. City Administrators' Roles and Responsibilities
- II. Succession Planning and Continuity of Operations
- III. Treatment of Community Members
- IV. Personnel Administration
- V. Financial Planning and Administration
- VI. Asset Protection
- VII. Communication with the Board of Commissioners

## I. City Administrator's Roles and Responsibilities

*The City Administrator is appointed by the City Commission and reports to the commission. He or she serves as the head of the administrative branch of the City of Fargo and is responsible for administering the City's affairs to the Board of City Commissioners. The city commission is responsible for participating in the city administrator's annual performance reviews. The mayor will coordinate the city administrator's annual performance review.*

The City Administrator shall:

~~4-1401. City Administrator supervises all City departments.~~

~~The City Administrator shall supervise the activities of all City departmental managers and ensure the completion of all reports and correspondence required by state and federal rules and regulations.~~

~~4-1402. City Administrator establishes goals and objectives.~~

~~The City Administrator shall establish goals and objectives for all departments and the City to ensure compliance with City Commission policy directives and any applicable local, state, or federal laws, rules, and regulations.~~

~~4-1403. City Administrator coordinates the budget with the Mayor.~~

~~The City Administrator coordinates the financial status of the City with departmental goals, objectives, and actual performance. The City Administrator aids in the development of the budget recommends and monitors the budget for all departments, and monitors expenditures for various items to ensure compliance with guidelines.~~

~~4-1404. City Administrator represents departments to the Commission.~~

~~The City Administrator represents City departments to the City Commission to present the plans and accomplishments of each department and to provide recommendations regarding current plans, projects, and programs.~~

~~4-1405. Liaison for the City.~~

~~The City Administrator shall serve as a liaison for the City with non-governmental organizations, contractors, and citizens concerning City projects and policies.~~

4-1401. City administrator supervises all city departments.

The city administrator shall supervise the activities of all city departmental managers. Ensures completion of all reports and correspondences required by state and federal rules and regulations.

4-1402. City administrator establishes goals and objectives.

The city administrator shall establish goals and objectives for all departments and the city to ensure compliance with city commission policy directives and any applicable local, state or federal laws rules and regulations.

4-1403. City administrator coordinates budget.

The city administrator coordinates financial status of city with departmental goals, objectives and actual performance. The city administrator aids in development of the budget, and recommends and monitors the budget for all departments and monitors expenditures for various items to ensure compliance with guidelines.

4-1404. City administrator represents departments to commission.

The city administrator represents city departments to the city commission to present the plans and accomplishments of each department and to provide recommendations regarding current plans, projects and programs.

4-1405. Liaison for city.

The city administrator shall serve as liaison for the city with non-governmental organizations, contractors and citizens concerning city projects and policies.

***Reference Code of Ordinances/Chapter 4 Officers – General Article 4-14 2002***

## II. Succession Planning and Continuity of Operations

To protect the City of Fargo in the event of an unexpected absence of the City Administrator's services, the City Administrator shall ensure that at least one other executive staff member is familiar with the Board of City Commissioners and City Administrator issues and processes, and can assume those responsibilities on a temporary basis, should the need arise.

1. The Assistant City Administrator shall serve as the Interim City Administrator when the office of the City Administrator is vacant and unfilled or unable to serve.
2. Designation as an interim City Administrator does not guarantee promotion to the City Administrator position, however the employee would be entitled to a previous position.
3. If the City Administrator position becomes vacant, procedures for replacing the City Administrator shall be initiated and follow the guidelines outlined in the City Code of Ordinance, Chapter 7 Civil Service, Article 7-03 - Rules and Regulations, 7-0302 - Recruitment.

In addition, the City Administrator shall:

1. Ensure Succession Plans are in place for all Departments.

### III. Treatment of Community Members

Concerning interactions with the community, the City Administrator shall not cause or knowingly allow conditions, procedures, and actions that are unlawful, unethical, unsafe, disrespectful, disruptive or undignified.

The City Administrator shall ensure the following:

1. Protect confidential information;~~;~~
2. Effectively handle concerns or complaints;~~;~~
3. Maintain an organizational culture that values individual differences in opinion;~~;~~
4. Protect against wrongful or illegal conditions;~~;~~
5. Establish policies and procedures to ensure compliance with all federal and state laws;  
~~and-~~
6. Establish policies and procedures to protect against discrimination, bullying, hazing and harassment, which explicitly includes everyone but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information or status concerning marriage or public assistance, or standing in any group protected by federal, state or local law.



#### IV. Personnel Administration

The City Administrator shall ensure a process is in place to recruit, employ and evaluate all City of Fargo employees.

1. The City Administrator recommends, as per Chapter 7—Civil Service, that employees be appointed based on merit and fitness and are subject to the City of Fargo's applicable personnel policies or rules.
2. The City Administrator may remove or suspend appointed employees subject to the Civil Service Commission and all applicable personnel policies or rules.
3. The City Administrator may delegate tasks and projects to City of Fargo employees.

The City Administrator shall ensure the following:

1. Clear personnel rules and procedures for employees should be administered as per the City Code of Ordinances, Chapter 7 - Civil Service, and the employee handbook;
2. Effective handling of complaints and concerns;
3. Adequate job descriptions for all staff positions;
4. A process is in place to evaluate all employees' performance according to their contribution toward achieving the organization's goals and policies and their compliance with the City of Fargo policies;
5. Protection of confidential information;
6. Ensure that compensation and benefit plans are in place to attract and retain the highest-quality employees by compensating employees within available resources in a manner consistent with the applicable marketplace;
7. Ensure that all staff members are qualified and trained to perform their responsibilities;
8. An organizational culture that positively impacts staff's ability to perform their jobs responsibly and allows them to work in an environment of professional support and courtesy; and

10.9. Establish policies and procedures to protect against discrimination, bullying, hazing, and harassment, which explicitly includes everyone but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental

or physical disability, gender expression/identity, genetic information or status concerning marriage or public assistance, or standing in any group protected by federal, state or local law.

## V. Financial Planning and Administration

The City Administrator aids in budget performance and recommends and monitors all departments' budgets to ensure compliance with the guidelines. The City Administrator must keep the Board of City Commissioners updated about the ongoing performance of the budget throughout the year.

### Financial Planning

1. The City Administrator shall assist the Mayor and City Commissioners in developing the budget in collaboration with the City of Fargo Board of City Commissioners.
- 1.2. The City Administrator shall develop a budget that:
  - a. In a summary format, is understandable to the Board of City Commissioners and presented to allow the Board to understand the relationship between the budget and the priorities of the City of Fargo; and
  - b. Assures fiscal soundness in future years.

### Financial Administration

The City Administrator shall delegate the authority to the Finance Director or designee to ~~and Finance Committee to~~ ensure the following:

1. Ongoing performance of the budget throughout the year;
2. Not cause or allow any financial activity or condition that deviates from the budget the Board of City Commissioners adopted. This includes expending more funds than have been received in the fiscal year unless revenues are made available through other legal means, including the use of fund balances or the authorization to transfer funds from reserve or other funds;
3. The City of Fargo reviews contracts, bonds, instruments, and documents to which it is a party annually;
4. Ensure that payroll and legitimate debts are paid promptly when due;
5. Ensure that all purchases are based upon the purchasing policies of the City; and
  - a. reasonable precaution against conflict of interest;
  - b. comparative prices based on items of similar quality;
  - c. a balance between long-term quality and cost;

6. Coordinate with the City of Fargo's appointed financial auditor for an annual audit of all funds and accounts;
7. Keep complete and accurate financial records by funds and accounts following Governmental Accounting Standards Board (GASB) standards and official positions;~~following Generally Accepted Accounting Principles.~~
8. Maintain compliance with the City of Fargo's Purchasing Policy, which includes entering a purchase or contract in the amount as per the purchasing policy approved by the Board on behalf of the City of Fargo without the approval of the Board of City Commissioners; and
9. Communicate Year-to-Date and projected Year-End financial results and foster ongoing dialogue on new and/or existing financial matters through a quarterly Finance Committee meeting of the Board of City Commissioners.

## VI. Asset Protection

The City Administrator shall not allow assets to be unprotected, inadequately maintained, inappropriately used or unnecessarily risked.

The City Administrator shall ensure the following:

1. Obtain insurance coverage complying with the City of Fargo policies;~~;~~
2. Take reasonable steps to ensure that the facilities and equipment are sufficiently maintained;~~;~~
3. Ensure that actions do not knowingly, recklessly or negligently expose the organization to legal liability;~~;~~
4. A process is in place to make purchases by weighing:
  - a. a reasonable precaution against conflict of interest;~~;~~
  - b. comparative prices based on items of similar quality;~~;~~
  - c. a balance between long-term quality and cost;~~;~~
5. A process is in place to protect intellectual property;~~;~~
6. A process is in place to protect information and files from loss or significant damage; ~~and-~~
7. A process is in place to preserve and dispose of all records related to the affairs or business of the City of Fargo by all applicable state and federal laws.

## VII. Communication with the Board of City Commissioners

The City Administrator shall ensure that the Board of City Commissioners are fully and adequately informed about matters relating to the City of Fargo's work and significant organizational concerns.

The City Administrator shall ensure the following:

1. Attendance at meetings of the Board of City Commissioners. The City Administrator may participate in discussions at the meetings but not vote;~~;~~
2. Recommend procedures or actions necessary to efficiently administrate the City of Fargo's affairs to the Board of City Commissioners;~~;~~
3. Promptly provide information about trends, facts and other information relevant to the Board of City Commissioners;~~;~~
4. Inform the Board of City Commissioners of significant money transfers within funds or other changes substantially affecting the organization's financial condition;~~;~~
5. The Board of City Commissioners has adequate information from various internal and external viewpoints to ensure informed Board decisions;~~;~~
6. Inform the Board of City Commissioners of anticipated significant media coverage;~~;~~
7. Present information in a simple and concise form, indicating clearly whether the information is incidental, intended for decision preparation or for formal monitoring;~~;~~
8. Treat all Board of City Commissioners members impartially and ensure all members have equal access to information;~~;~~
9. Inform the Mayor if, in the City Administrator's opinion, the Board or individual members have encroached into areas of responsibility assigned to the City Administrator or if the Board or its members are non-compliant with any Governance policies, and;~~;~~
10. Inform the Board of City Commissioners of any actual or anticipated noncompliance with any Board Operational Expectation policy or any expected failure to achieve reasonable progress toward compliance with these policies.

### Policy No. 3 - Single Unit of Control

The Board of City Commissioners will direct the City Administrator only through official decisions of the Board.

Accordingly:

1. The Board of City Commissioners will make decisions by formal, recorded vote to avoid ambiguity about whether direction has been given;
2. The City Administrator is neither obligated nor expected to follow the directions or instructions of individual Board members or committees unless the Board has specifically delegated the exercise of authority;
3. It is not unusual for citizens to ask questions of or express concerns to a Board member or members. The Board member is responsible for appropriately referring operational and personnel issues and concerns to the City Administrator. If citizens express concerns that a Commissioner believes require a different course of action, the Commissioner has the responsibility to appropriately inform or discuss the matter with the Liaison Commissioner or Mayor; and
4. If the City Administrator determines that an information request from an individual Board member or a Committee is unreasonable or requires a material amount of staff time, the City Administrator shall ask the Committee or the Board member to refer such requests to the entire Board of City Commissioners for authorization.

## Policy No. 4 - Culture Policy

The Board of City Commissioners will govern lawfully, make all official decisions by a formal vote of the Board and govern with a long-term vision.

1. The Board of City Commissioners will function as a single unit. Individual members' opinions and personal strengths will be used to the Board's best advantage. The Board will make decisions as a group by a formal vote. No individual or committee will be permitted to limit the Board of City Commissioners' performance or prevent the Board from fulfilling its commitments.
2. The Board of City Commissioners is responsible for its performance and commits itself to continuous improvement. The Board of City Commissioners will ensure its members receive the training and professional support necessary to govern effectively.
3. To ensure that the Board of City Commissioners business meetings are conducted with maximum effectiveness and efficiency, members will:
  - a. Come to meetings adequately prepared.
  - b. Support the Mayor's efforts to facilitate an orderly meeting.
  - c. Communicate openly and actively in conversation and dialog.
  - d. Encourage balanced participation of all members.
4. To ensure the Board of City Commissioners are prepared for each Commission meeting and conduct the meetings in an orderly fashion, the following rules will be used to develop the agenda for the meeting:

### Meeting Agenda

- a. There shall be one agenda prepared for each meeting.
- b. Any City Commissioner, ~~advisory City Board, Committee or eCommission~~ through the liaison a City Commissioner staff, ~~or citizen of the City, through a commissioner,~~ may place an item or issue on a future agenda working with the City Administrator and Executive Assistant. The City Commissioner ~~or~~ shall present the appropriate background material for said item, including a suggested motion.
- b-c. A City Commissioner may place an item on the agenda at the request of a resident of the City of Fargo. Staff is not expected to speak to this item unless directed by the Board of City Commissioners, unless a majority of the Board of City Commissioners approves a recommended motion on the citizen initiated citizen-initiated agenda item.



- ~~e~~.d. In preparation for each Commission Meeting, the City Administrator and Executive Assistant of the Board of City Commissioners shall review and finalize the meeting agenda.
- d.e. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- e.f. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- f.g. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public record of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. All necessary and appropriate redactions must be accomplished before being submitted. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- g.h. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there prior to finalization and publication of the meeting agenda.
- h.i. Any items or issues which have not qualified for the Regular Agenda under the rules as stated above, or any new and timely issues which arise after preparation of the Regular Agenda may, with the consent of a majority of the City Commissioners may be added to the agenda.
- i.j. Ordinances shall be sponsored by the City Administrator or Department Head working with the Department Liaison Commissioner and legal counsel.
- j.k. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
1. Consent agenda at the beginning of the agenda. The consent agenda shall be determined by the City Administrator and Executive Assistant;  
~~and~~

2. Non-consent agenda-at the end of the agenda. Non-consent items shall be determined by the City Administrator and Executive Assistant.

~~k.l.~~ l. The calling and conduct of Special Meetings shall be in accordance with the laws of the State of North Dakota.

~~l.m.~~ m. Protocols for Special Meetings shall be established in advance of the meeting by the Mayor to the extent possible.

### **Rules Governing Conduct of City Commission Meetings**

- a. Meetings shall be conducted in accordance with the most recently revised Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
- b. The official meeting parliamentarian shall be the Executive Assistant to the Board of City Commissioners.
- c. ~~e.~~ At each regular meeting, the first item of business shall be considering and approving the agenda, which may include adding or deleting any item.
- d. ~~Each member of the Board of City Commissioners have a duty to vote unless otherwise ineligible by reason of conflict of interest. The conflicted Commissioner is expected to announce the conflict and not vote on the issue. If there is a question as to whether or not a conflict exists, the City Commissioner may advise the entire Board of City Commissioners of the potential conflict and request a ruling from the entire Board to waive the conflict, by a majority vote shall vote on every issue unless absent from the meeting or excused from voting. Any member wishing to be excused from voting or who does not feel qualified to vote because of a conflict of interest shall ask to be excused from voting and state the reasons; therefore, the remaining Commissioners shall, by majority vote, either to grant or deny such request to be excused. A vote must be taken to either accept or deny the conflict. If the Commissioner making such a request is excused, he or she shall be deemed to be disqualified and the abstention shall be noted but not be counted. If the request is denied and the Commissioner refuses to vote, their vote shall be deemed to be the same as the affirmative of those voting. A City Commissioner excused from voting by reason of conflict is deemed to be disqualified and shall be noted but not counted.~~

Aligned to page 254.

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

5. By majority vote, the Board of City Commissioners may revise or amend its policies at any time. A formal request to revise or amend a Governance Policy (formal resolution of policies) shall be made by a City Commissioner and approved for review through a formal vote of the Commission. If the review is approved, the City Administrator and Executive Assistant will reviewse and bring back to the Commission a proposal for revision to a policy. A proposed policy revision will be discussed at least one session of the Board before being approved at a Board meeting.

## Policy No. 5 - Process for **Resident Public** Comment

Board meetings are business meetings held **in a limited** public—not public forums. Guidelines have been established to ensure that public input is orderly and productive and that special interest groups are not allowed to dominate the proceedings of the Board of City Commissioners.

### Resident Comment on Agenda Items

#### Section A

1. Residents or Fargo business owners who wish to address the Board of City Commissioners may do so for topics on the agenda **at during that section of the agenda following the staff presentation.**
- ~~2. Resident Public comments will occur at the end of the meeting on topics that are not on the agenda.~~
- ~~3.2. Sign-up can be **done-completed** online or by contacting the City Commission **O**ffice (The City of Fargo — ResidentPublic Comment Signup (fargond.gov)) **by noon** on the day of a regularly scheduled meeting.~~
- ~~4.3. At the beginning of the public comment periodagenda item, the Mayor will state the number of speakers and the time to be allotted for publicresident comment. No more than 12 individuals will be allowed to sign up for anper agenda item.~~
- ~~5. Only those who signed up online or contacted the City Commission offices before the meeting will be permitted to address the Board.~~
- ~~6. Speakers will not be allowed to verbally attack individual Board of City Commissioners members or employees or use vulgar or profane language.~~
- ~~7. Speakers unwilling to abide by these policies and conform to the rules or time constraints regarding public participation at Board of City Commissioners meetings may be removed from the meeting.~~

9. ~~Generally, speakers will be given two and a half minutes each. If speakers cannot be heard within the allotted timeframe, the Mayor may consider setting up a separate meeting to hear testimony on public interest issues.~~
10. ~~Groups will be urged to designate a spokesperson. When there is a large number of speakers to be heard or if the pressure of business or other circumstances dictates, the Mayor may decide to shorten the length of time allowed to each speaker and limit the total time devoted to public comment.~~
11. ~~Speakers may not "donate" their speaking time to another person.~~
12. ~~Citizen input should not subrogate the regular business of the Board.~~

#### 14.4. Reserved: Future City of Fargo Facilities Security Policy.

##### Section B: Public Hearings Pursuant to Legal Notice

Legally noticed public hearing comments during the meeting will occur when legally required. The time limitation applicable to other comment opportunities shall not apply, but speakers are encouraged to keep their comments to under 3 minutes, when possible.

##### Section C: General Resident Comment Period

At the end of the City Commission meeting, there will be a resident comment period for items not on that evening's e-Commission meeting agenda. Rules for this comment period will be the same as the Resident Comment on Agenda Items.

##### Rules Applicable to ALL Comment Opportunities

1. Only those individuals who signed up online or contacted the City Commission eOffices before the meeting will be permitted to address the Board.
2. Speakers will not be allowed to verbally attack individual Board of City Commissioners members or employees or use vulgar or profane language.
3. Speakers unwilling to abide by these policies and conform to the rules or time constraints regarding public participation at Board of City Commissioners meetings may be removed from the meeting.

4. ~~Groups will be urged to designate a spokesperson. When there is a large number of speakers to be heard or if the pressure of business or other circumstances dictates, the Mayor may decide to shorten the length of time allowed to each speaker and limit the total time devoted to public comment.~~
5. ~~Speakers may not "donate" their speaking time to another person.~~
6. ~~Citizen input should not subrogate the regular business of the Board.~~

~~The Mayor will proceed with the agenda once the speakers have been heard or the time has expired. Generally, the Board of City Commissioners will not act on items not included on the agenda. If items are brought to the Board of City Commissioners' attention during the citizen comment portion of the meeting, which merits further study, follow up or a written response, Board of City Commissioner members, may request such action by the City Administer and/or a committee of the Board of City Commissioners.~~

#### **Guidelines to be read by the Mayor before recognition of the audience**

At this time, the City Commissioner's will hear comments from ~~the public~~ residents. We ask each speaker who has signed up to address the Board of City Commissioners to state their name ~~and address~~ for the record.

Speakers must refrain from using this forum to criticize or complain about a specific employee or Commissioner. Vulgar or profane language will not be tolerated. The Board of City Commissioners is interested in your comments and will listen carefully, but is not obligated to respond to or debate issues in this forum.

Should you desire a written response to a specific question, you may request it. This evening each speaker will be allotted ~~a maximum of~~ 2 ½ minutes for a maximum of 30 minutes for a total of 12 speakers. maximum per meeting. A timer will be used. ~~You, you will receive a warning beeper when there areis 15 secondsX amount~~ of time remaining in the allotted 2 ½ minutes. ~~A, and at the end of the allotted time, a buzzer will sound and the microphone will be switched off.~~

## Policy No. 6 - Code of Ethics/Conflict of Interest

The purpose of a Code of Ethics/Conflict of Interest policy is to ensure that the Board of City Commissioners adhere to and promote proper ethical standards, abide by the law and preserve the organization's integrity, reputation and professional and business relationships.

Before taking any action or casting a vote regarding a matter before the Board, which would constitute a conflict of interest under North Dakota law:

*44-04-22. Conflict of interest law. A person acting in a legislative or quasi-legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.*

### Conflict of Interest

Recognizing it is not possible to address all ways in which ethical issues may arise; the following principles are intended to guide making sound judgments and decisions on behalf of the Board of City Commissioners and its purpose.

### Pledge of Personal and Professional Conduct

- **Integrity** -- I will demonstrate the highest standards of individual conduct, personal accountability, trustworthiness, fair dealings, consideration of the rights of others, and the highest principles of good business relationships.
- **Excellence** -- I will strive to meet the highest performance, quality, service and achievement standards.
- **Honesty** -- I will communicate directly, respectfully, honestly and openly, and avoid misrepresentation, including misrepresentation through omission.
- **Diversity** -- I will support and value diversity -- promoting an environment that embraces all people's similarities and differences to the organization.
- **Respect** -- I will respect and act fairly toward all those I encounter and refuse to engage in or tolerate any form of discrimination or harassment.
- **Responsibility** -- I will take responsibility for my actions and decisions, and remain a careful steward of funds and resources.
- **Compliance** -- I will comply with the Board of City Commissioner's Code of Ethics and all laws and regulations.

The Board of City Commissioners commits itself and its members to ethical business and lawful conduct, including proper use of authority and appropriate decorum when acting as a Board member.

Accordingly,

1. All officers of the City, whether elected or appointed, before entering upon the duties of their respective offices shall take and subscribe to the Oath of Office prescribed in Section 4 of Article XI of the Constitution of the State of North Dakota. Such oath shall be filed in the Office of the City Auditor, provided that the Oath of the City Auditor and the City Treasurer shall be filed in the office of the County Auditor.
2. Commission members will represent the interests of the citizens of the entire City of Fargo, and this accountability will supersede the following:
  - Any conflicting loyalty a member may have to other groups;
  - Loyalty is based upon membership to other boards or staff; and
  - Conflicts are based on personal relations with different employers or boards.
3. Commission members who are a liaison to a department is responsible for working with the department head on budgets and issues in their department.
4. Commissioners will show respect to the Department Liaison Commissioner when asking for information or ideas in the different departments. The liaison Commissioner shall accommodate the request or meeting.
5. If there is a disagreement between a Commissioner and a Department Liaison Commissioner, they can appeal to the City Administrator to resolve the issue. If a disagreement happens to be with the Mayor, then the Deputy Mayor would resolve the issue.
6. Commission members will maintain confidentiality appropriate to sensitive issues and information. They will review the open meeting laws annually and note that information that is discussed in the Executive Session is confidential.
7. Commission members will not express individual negative comments about City staff or employees in a public meeting. They will be expected to discuss such issues with the City Administrator.
8. Dialogue at Commission meetings shall be respectful and courteous.
9. ~~If there is a conflict of interest on a vote of the Commission, the Commissioner is expected to announce that conflict and not vote on the issue. If there is a question of conflict, the Commissioner can request a ruling from the Commission. Reference – Attorney General Opinion 95-06 Conflict of Interest Conflict statute page 19~~



10. When interacting with the public or a legislative body, a Commissioner must make it clear whether they represent the City of Fargo or for a personal purpose.

**Code of Ethics and Conflict of Interest Certificate**

I acknowledge that I have received and read my copy of the Board of City Commissioners Code of Ethics and Conflict of Interest policies for Board Members. I understand that I am responsible for adhering to the Code of Ethics principles, and I confirm that I will conduct myself in accordance with the Code of Ethics principles.

*Please sign and date this Code of Ethics and Conflict of Interest certificate and return it to the Executive Assistant to the Board of City Commissioners.*

\_\_\_\_\_ Neither I nor, to the best of my knowledge, any member of my family has had or has an interest or taken any action which would contravene the policy of this Board.

\_\_\_\_\_ Neither I, nor to the best of my knowledge, any member of my family has had or has an interest or taken any action which would contravene the policy of this Board, **except** such interest or action fully disclosed below:

\_\_\_\_\_ I am in compliance with the Code of Ethics and Conflict of Interest policies.

Printed Name

---

Signature

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Date

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**References -**

ND League of Cities – City Government Basics: Open records, Open meetings and Conflict of Interest [www.ndlc.org](http://www.ndlc.org)

NDCC: 44-04-19. Access to public meetings.

NDCC: 44-04-20. Notice of public meetings required.

NDCC: 44-04-22. Conflict of interest law.

NDCC: 44-01-05. Oath of civil officers.

Attorney General Opinion 95-06 Conflict of Interest – Duty to Vote

Attorney General Opinion 2002- L-54, 2008-L-07, Conflict of Interest

## **Policy No. 7 - Commissioners Addressing Board Member Violations**

The Board of City Commissioners is committed to faithful compliance with the provisions of the Board's policies. A Board member will inform the City Administrator or Mayor if, in the Board member's opinion, the Board or individual members are not in compliance with the Board's policies. If the Mayor is the member whom the Board member feels is not acting in compliance with policy, the Board member will inform the Deputy Mayor. In the event of a member's willful and continuing violation of policy, the Board will seek a remedy in the following order:

1. Conversation privately between the offending member, the City Administrator and the Mayor.
2. Discussion in a public meeting between the offending member and the entire Board.
3. Public Censure of the offending member of the Board.
4. Removal from an officer role on any Boards, Committees and Commissions shall happen by a majority vote of the Board of City Commissioners.

Policy Monitoring Form (Template): ~~Kemebr will develop this process, which does not need to be in the deck of policies.~~

~~\_\_\_\_\_ (Name of Policy being Monitored)~~

**Summary of Compliance Status  
(Date)**

**City Administrator Certification**

~~With respect to (Name of Policy) taken as a whole, the City Administrator certifies that the proceeding information is accurate and complete:~~

~~\_\_\_\_\_ In Compliance~~

~~\_\_\_\_\_ In compliance with Exception (as noted in the evidence)~~

~~\_\_\_\_\_ Not in Compliance~~

**Summary Statement by City Administrator**

Signed: \_\_\_\_\_ Date \_\_\_\_\_

**Board of City Commissioners Recommendation for Compliance**

With respect to (Name of Policy), the Board:

~~\_\_\_\_\_ Accepts the report as fully compliant.~~

~~\_\_\_\_\_ Accepts the report as compliant with noted exceptions.~~

~~\_\_\_\_\_ Finds the City Administrator to be non-compliant.~~

**Summary statement/motion of the Board**

Signed: \_\_\_\_\_ Date \_\_\_\_\_



**BOARD OF CITY COMMISSIONERS -  
GOVERNANCE POLICIES  
Draft Review Workshop 4.4.24**

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## **Policy No. 1 - Organizational Structure**

The Mayor and four Commissioners, collectively known as the Board of City Commissioners, shall be the governing body of the City of Fargo. The Fargo City government shall operate with the Commission form of government.

### **Mayor – Duties - Limitations.**

The Mayor shall (1), when present, preside at all meetings of the Board of City Commissioners; (2) perform all duties prescribed by law and the ordinances of the City of Fargo; and (3) be authorized and empowered to issue proclamations, provided, that any such proclamation may be rescinded upon concurrence of at least three members of the Board of City Commissioners. In addition to these duties, the Mayor will also coordinate and deliver an annual performance review process for the City Administrator.

1. Serving as the elected head of the City of Fargo, the Mayor shall represent or designate a representative at City functions and at meetings, conferences and negotiations relating to policy matters with other units of government and legislative bodies. The Mayor shall represent the City in negotiations with individuals and private or public enterprises when cultural or economic improvement of the City of Fargo may be involved.
2. The Mayor shall be the executive officer of the City and shall see that all the laws of the City are enforced. The Mayor shall have the right to vote as a member of the Board but shall have no veto power.
3. The procedure for making appointments of members to all boards, Commissions and other agencies shall be established by City ordinance.
4. The Mayor shall cause to be prepared and shall present to the governing body on or before September 1st of each year, the proposed budget for the ensuing fiscal year, which starts on January 1st and ends on December 31st. The budget shall be in a form as permitted by state law. The proposed budget shall include all maintenance and operating expenses, all wages and salaries, all carryover cash reserves anticipated from the current fiscal year, and all anticipated revenues from City taxes and fees and all other sources of revenue, and all debt retirement requirements.
5. The proposed budget may establish reserves for equipment replacement and other capital improvement projects.
6. The proposed budget shall include the total anticipated revenue of all City-operated utilities, and the allotment of that revenue to the City treasury, to utility operating expenses, to debt retirement, to capital improvements and to reserves.
7. The Mayor in his budget message shall include all long-range plans, in place or anticipated, for major capital improvement and investment programs. The proposed budget shall contain a review of the economic, physical, and social conditions and needs of the City, and its long-range plans for cultural and economic development.
8. At the first meeting of the new governing body after each biennial election, the governing body shall elect one of its members as deputy mayor. The deputy mayor shall perform all the duties of the office of the Mayor in the absence or inability of the Mayor to act. If the



Mayor's office becomes vacant, the Deputy Mayor shall become the acting Mayor until the vacancy is filled, as provided in this charter.

*Reference - Home Rule Charter Article 2 Governing Body and Mayor Section A #5*

### **Nominating Process for Deputy Mayor**

- a. The Chair (Mayor) can make nominations for the Deputy Mayor position as may be provided in the bylaws or by the adoption of a motion.
- b. Nominations from the floor – the Chair (Mayor) must call for further nominations at the session in which the election is held. The person making the nomination shall provide no more than one name for the office or position.
- c. Once the nominations have been completed, the meeting Chair will call for a roll call vote. The individual receiving a majority of votes shall be declared the successful candidate.

*Reference Roberts Rule of Order page 408.*

### **Roles and Responsibilities - City Commissioners**

1. Represents City residents at City Commission meetings.
2. Serves on the City Commission and votes on issues before the City Commission at meetings.
3. Engages with City residents to determine City needs.
4. Engage in liaison portfolios and assignments.
5. Participate in the budgeting process and represent their liaison departments.
6. Participate with liaison boards and Commissions.
7. Provide liaison reports at Commission meetings.
8. Adherence to all laws and oath of office.
9. Participate in a designated City of Fargo orientation training.
10. Engage in professional development opportunities.

*Reference Code of Ordinances/Chapter 2 Board of City Commissioners—Duties. General Article 2-0101.*

## **Policy No. 2 - Single Point of Contact**

The Board of City Commissioners sole direction of the operational organization is through the City Administrator. The Board of City Commissioners outlines the powers given to the City Administrator through Operational Expectation Policies (OE's)

## **Policy No. 2a - Operational Expectations Policies (OE)**

Operational expectations are policies that define the parameters or power given to the City Administrator to make decisions and carry out their roles and responsibilities. They are also policies that monitor the City Administrators' performance.

- I. City Administrators' Roles and Responsibilities
- II. Succession Planning and Continuity of Operations
- III. Treatment of Community Members
- IV. Personnel Administration
- V. Financial Planning and Administration
- VI. Asset Protection
- VII. Communication with the Board of Commissioners

## I. City Administrator's Roles and Responsibilities

The City Administrator is appointed by the City Commission and reports to the commission. He or she serves as the head of the administrative branch of the City of Fargo and is responsible for administering the City's affairs to the Board of City Commissioners. The city commission is responsible for participating in the city administrator's annual performance reviews. The mayor will coordinate the city administrator's annual performance review.

4-1401. City administrator supervises all city departments.

The city administrator shall supervise the activities of all city departmental managers. Ensures completion of all reports and correspondences required by state and federal rules and regulations.

4-1402. City administrator establishes goals and objectives.

The city administrator shall establish goals and objectives for all departments and the city to ensure compliance with city commission policy directives and any applicable local, state or federal laws rules and regulations.

4-1403. City administrator coordinates budget.

The city administrator coordinates financial status of city with departmental goals, objectives and actual performance. The city administrator aids in development of the budget, and recommends and monitors the budget for all departments and monitors expenditures for various items to ensure compliance with guidelines.

4-1404. City administrator represents departments to commission.

The city administrator represents city departments to the city commission to present the plans and accomplishments of each department and to provide recommendations regarding current plans, projects and programs.

4-1405. Liaison for city.

The city administrator shall serve as liaison for the city with non-governmental organizations, contractors and citizens concerning city projects and policies.

*Reference Code of Ordinances/Chapter 4 Officers – General Article 4-14 2002*

## II. Succession Planning and Continuity of Operations

To protect the City of Fargo in the event of an unexpected absence of the City Administrator's services, the City Administrator shall ensure that at least one other executive staff member is familiar with the Board of City Commissioners and City Administrator issues and processes, and can assume those responsibilities on a temporary basis, should the need arise.

1. The Assistant City Administrator shall serve as the Interim City Administrator when the office of the City Administrator is vacant and unfilled or unable to serve.
2. Designation as an interim City Administrator does not guarantee promotion to the City Administrator position, however the employee would be entitled to a previous position.
3. If the City Administrator position becomes vacant, procedures for replacing the City Administrator shall be initiated and follow the guidelines outlined in the City Code of Ordinance, Chapter 7 Civil Service, Article 7-03 - Rules and Regulations, 7-0302 - Recruitment.

In addition, the City Administrator shall:

1. Ensure Succession Plans are in place for all Departments.

### III. Treatment of Community Members

Concerning interactions with the community, the City Administrator shall not cause or knowingly allow conditions, procedures, and actions that are unlawful, unethical, unsafe, disrespectful, disruptive or undignified.

The City Administrator shall ensure the following:

1. Protect confidential information;
2. Effectively handle concerns or complaints;
3. Maintain an organizational culture that values individual differences in opinion;
4. Protect against wrongful or illegal conditions;
5. Establish policies and procedures to ensure compliance with all federal and state laws; and
6. Establish policies and procedures to protect against discrimination, bullying, hazing and harassment, which explicitly includes everyone but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information or status concerning marriage or public assistance, or standing in any group protected by federal, state or local law.

#### IV. Personnel Administration

The City Administrator shall ensure a process is in place to recruit, employ and evaluate all City of Fargo employees.

1. The City Administrator recommends, as per Chapter 7—Civil Service, that employees be appointed based on merit and fitness and are subject to the City of Fargo's applicable personnel policies or rules.
2. The City Administrator may remove or suspend appointed employees subject to the Civil Service Commission and all applicable personnel policies or rules.
3. The City Administrator may delegate tasks and projects to City of Fargo employees.

The City Administrator shall ensure the following:

1. Clear personnel rules and procedures for employees should be administered as per the City Code of Ordinances, Chapter 7 - Civil Service, and the employee handbook;
2. Effective handling of complaints and concerns;
3. Adequate job descriptions for all staff positions;
4. A process is in place to evaluate all employees' performance according to their contribution toward achieving the organization's goals and policies and their compliance with the City of Fargo policies;
5. Protection of confidential information;
6. Ensure that compensation and benefit plans are in place to attract and retain the highest-quality employees by compensating employees within available resources in a manner consistent with the applicable marketplace;
7. Ensure that all staff members are qualified and trained to perform their responsibilities;
8. An organizational culture that positively impacts staff's ability to perform their jobs responsibly and allows them to work in an environment of professional support and courtesy; and
9. Establish policies and procedures to protect against discrimination, bullying, hazing, and harassment, which explicitly includes everyone but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information or status concerning marriage or public assistance, or standing in any group protected by federal, state or local law.

## V. Financial Planning and Administration

The City Administrator aids in budget performance and recommends and monitors all departments' budgets to ensure compliance with the guidelines. The City Administrator must keep the Board of City Commissioners updated about the ongoing performance of the budget throughout the year.

### Financial Planning

1. The City Administrator shall assist the Mayor and City Commissioners in developing the budget in collaboration with the City of Fargo Board of City Commissioners.
2. The City Administrator shall develop a budget that:
  - a. In a summary format, is understandable to the Board of City Commissioners and presented to allow the Board to understand the relationship between the budget and the priorities of the City of Fargo; and
  - b. Assures fiscal soundness in future years.

### Financial Administration

The City Administrator shall delegate the authority to the Finance Director or designee to ensure the following:

1. Ongoing performance of the budget throughout the year;
2. Not cause or allow any financial activity or condition that deviates from the budget the Board of City Commissioners adopted. This includes expending more funds than have been received in the fiscal year unless revenues are made available through other legal means, including the use of fund balances or the authorization to transfer funds from reserve or other funds;
3. The City of Fargo reviews contracts, bonds, instruments, and documents to which it is a party annually;
4. Ensure that payroll and legitimate debts are paid promptly when due;
5. Ensure that all purchases are based upon the purchasing policies of the City;
  - a. reasonable precaution against conflict of interest;
  - b. comparative prices based on items of similar quality;
  - c. a balance between long-term quality and cost;
6. Coordinate with the City of Fargo's appointed financial auditor for an annual audit of all funds and accounts;



7. Keep complete and accurate financial records by funds and accounts following Governmental Accounting Standards Board (GASB) standards and official positions;
8. Maintain compliance with the City of Fargo's Purchasing Policy, which includes entering a purchase or contract in the amount as per the purchasing policy approved by the Board on behalf of the City of Fargo without the approval of the Board of City Commissioners; and
9. Communicate Year-to-Date and projected Year-End financial results and foster ongoing dialogue on new and/or existing financial matters through a quarterly Finance Committee meeting of the Board of City Commissioners.

## VI. Asset Protection

The City Administrator shall not allow assets to be unprotected, inadequately maintained, inappropriately used or unnecessarily risked.

The City Administrator shall ensure the following:

1. Obtain insurance coverage complying with the City of Fargo policies;
2. Take reasonable steps to ensure that the facilities and equipment are sufficiently maintained;
3. Ensure that actions do not knowingly, recklessly or negligently expose the organization to legal liability;
4. A process is in place to make purchases by weighing:
  - a. a reasonable precaution against conflict of interest;
  - b. comparative prices based on items of similar quality;
  - c. a balance between long-term quality and cost;
5. A process is in place to protect intellectual property;
6. A process is in place to protect information and files from loss or significant damage; and
7. A process is in place to preserve and dispose of all records related to the affairs or business of the City of Fargo by all applicable state and federal laws.

## VII. Communication with the Board of City Commissioners

The City Administrator shall ensure that the Board of City Commissioners are fully and adequately informed about matters relating to the City of Fargo's work and significant organizational concerns.

The City Administrator shall ensure the following:

1. Attendance at meetings of the Board of City Commissioners. The City Administrator may participate in discussions at the meetings but not vote;
2. Recommend procedures or actions necessary to efficiently administrate the City of Fargo's affairs to the Board of City Commissioners;
3. Promptly provide information about trends, facts and other information relevant to the Board of City Commissioners;
4. Inform the Board of City Commissioners of significant money transfers within funds or other changes substantially affecting the organization's financial condition;
5. The Board of City Commissioners has adequate information from various internal and external viewpoints to ensure informed Board decisions;
6. Inform the Board of City Commissioners of anticipated significant media coverage;
7. Present information in a simple and concise form, indicating clearly whether the information is incidental, intended for decision preparation or for formal monitoring;
8. Treat all Board of City Commissioners members impartially and ensure all members have equal access to information;
9. Inform the Mayor if, in the City Administrator's opinion, the Board or individual members have encroached into areas of responsibility assigned to the City Administrator or if the Board or its members are non-compliant with any Governance policies; and
10. Inform the Board of City Commissioners of any actual or anticipated noncompliance with any Board Operational Expectation policy or any expected failure to achieve reasonable progress toward compliance with these policies.

### **Policy No. 3 - Single Unit of Control**

The Board of City Commissioners will direct the City Administrator only through official decisions of the Board.

Accordingly:

1. The Board of City Commissioners will make decisions by formal, recorded vote to avoid ambiguity about whether direction has been given;
2. The City Administrator is neither obligated nor expected to follow the directions or instructions of individual Board members or committees unless the Board has specifically delegated the exercise of authority;
3. It is not unusual for citizens to ask questions of or express concerns to a Board member or members. The Board member is responsible for appropriately referring operational and personnel issues and concerns to the City Administrator. If citizens express concerns that a Commissioner believes require a different course of action, the Commissioner has the responsibility to appropriately inform or discuss the matter with the Liaison Commissioner or Mayor; and
4. If the City Administrator determines that an information request from an individual Board member or a Committee is unreasonable or requires a material amount of staff time, the City Administrator shall ask the Committee or the Board member to refer such requests to the entire Board of City Commissioners for authorization.

## Policy No. 4 - Culture Policy

The Board of City Commissioners will govern lawfully, make all official decisions by a formal vote of the Board and govern with a long-term vision.

1. The Board of City Commissioners will function as a single unit. Individual members' opinions and personal strengths will be used to the Board's best advantage. The Board will make decisions as a group by a formal vote. No individual or committee will be permitted to limit the Board of City Commissioners' performance or prevent the Board from fulfilling its commitments.
2. The Board of City Commissioners is responsible for its performance and commits itself to continuous improvement. The Board of City Commissioners will ensure its members receive the training and professional support necessary to govern effectively.
3. To ensure that the Board of City Commissioners business meetings are conducted with maximum effectiveness and efficiency, members will:
  - a. Come to meetings adequately prepared.
  - b. Support the Mayor's efforts to facilitate an orderly meeting.
  - c. Communicate openly and actively in conversation and dialog.
  - d. Encourage balanced participation of all members.
4. To ensure the Board of City Commissioners are prepared for each Commission meeting and conduct the meetings in an orderly fashion, the following rules will be used to develop the agenda for the meeting:

### Meeting Agenda

- a. There shall be one agenda prepared for each meeting.
- b. Any City Commissioner, City Board, Committee or Commission through the liaison City Commissioner, may place an item or issue on a future agenda working with the City Administrator and Executive Assistant. The City Commissioner shall present the appropriate background material for said item, including a suggested motion.
- c. A City Commissioner may place an item on the agenda at the request of a resident of the City of Fargo. Staff is not expected to speak to this item unless a majority of the Board of City Commissioners approves a recommended motion on the citizen-initiated agenda item.
- d. In preparation for each Commission Meeting, the City Administrator and Executive Assistant of the Board of City Commissioners shall review and finalize the meeting agenda.

- e. All agenda items or issues to be qualified for regular consideration must be submitted in clear, articulate and definite terms and must be communicated to the City Commission office prior to 12:00 noon on the Thursday preceding the meeting.
- f. Agenda items must be accompanied by a written explanation of the item. A "suggested" motion must be typed at the end of the communication which states the action being requested of the Board. If the communication is for information purposes only, there should be a statement to that effect at the beginning of the letter.
- g. Any correspondence or other supporting material for any item on the agenda which is intended to become a part of the public record of the City must be received in the City Commission office no later than 12:00 noon on the Thursday preceding the meeting. All necessary and appropriate redactions must be accomplished before being submitted. In the event such material is not submitted to the City Commission office as stated above, such material and the related agenda item shall be stricken and placed on the agenda for the next regular meeting.
- h. Any item or issue placed on the agenda may be removed or withdrawn only by the person who placed it there prior to finalization and publication of the meeting agenda.
- i. Any items or issues which have not qualified for the Regular Agenda under the rules as stated above, or any new and timely issues which arise after preparation of the Regular Agenda may, with the consent of a majority of the City Commissioners may be added to the agenda.
- j. Ordinances shall be sponsored by the City Administrator or Department Head working with the Department Liaison Commissioner and legal counsel.
- k. The order of the agenda shall be as determined by the Executive Assistant to the Board of City Commissioners utilizing general guidelines as follows:
  - 1. Consent agenda at the beginning of the agenda. The consent agenda shall be determined by the City Administrator and Executive Assistant; and
  - 2. Non-consent agenda at the end of the agenda. Non-consent items shall be determined by the City Administrator and Executive Assistant.
- l. The calling and conduct of Special Meetings shall be in accordance with the laws of the State of North Dakota.
- m. Protocols for Special Meetings shall be established in advance of the meeting by the Mayor to the extent possible.

**Rules Governing Conduct of City Commission Meetings**

- a. Meetings shall be conducted in accordance with the most recently revised Roberts Rules of Order, except that the principle of majority rule shall always prevail, and any such rule may be changed or suspended by a majority vote of the Board of City Commissioners.
  - b. The official meeting parliamentarian shall be the Executive Assistant to the Board of City Commissioners.
  - c. At each regular meeting, the first item of business shall be considering and approving the agenda, which may include adding or deleting any item.
  - d. City Commissioners have a duty to vote unless otherwise ineligible by reason of conflict of interest. The conflicted Commissioner is expected to announce the conflict and not vote on the issue. If there is a question as to whether or not a conflict exists, the City Commissioner may advise the entire Board of City Commissioners of the potential conflict and request a ruling from the entire Board to waive the conflict, by a majority vote. A City Commissioner excused from voting by reason of conflict is deemed to be disqualified and shall be noted but not counted.
  - e. Any on duty Police Officer may be considered as a sergeant at arms for Commission meetings and may be summoned to maintain order by any member of the Board of City Commissioners at any time.
5. By majority vote, the Board of City Commissioners may revise or amend its policies at any time. A formal request to revise or amend a Governance Policy (formal resolution of policies) shall be made by a City Commissioner and approved for review through a formal vote of the Commission. If the review is approved, the City Administrator and Executive Assistant will revise and bring back to the Commission a proposal for revision to a policy. A proposed policy revision will be discussed at least one session of the Board before being approved at a Board meeting.

## Policy No. 5 - Process for Resident Comment

Board meetings are business meetings held in a limited public—not public forums. Guidelines have been established to ensure that public input is orderly and productive and that special interest groups are not allowed to dominate the proceedings of the Board of City Commissioners.

### Resident Comment on Agenda Items

1. Residents or Fargo business owners who wish to address the Board of City Commissioners may do so for topics on the agenda during that section of the agenda following the staff presentation.
2. Sign-up can be completed online or by contacting the City Commission Office ([The City of Fargo – Resident Comment Signup \(fargond.gov\)](http://TheCityofFargo-ResidentCommentSignup.fargond.gov)) **by noon** on the day of a regularly scheduled meeting.
3. At the beginning of the agenda item, the Mayor will state the number of speakers and the time to be allotted for resident comment. No more than 12 individuals will be allowed to sign up for an agenda item.

### Public Hearings Pursuant to Legal Notice

Legally noticed public hearing comments during the meeting will occur when legally required. The time limitation applicable to other comment opportunities shall not apply, but speakers are encouraged to keep their comments to under 3 minutes, when possible.

### General Resident Comment Period

At the end of the City Commission meeting, there will be a resident comment period for items not on that evening's Commission meeting agenda. Rules for this comment period will be the same as the Resident Comment on Agenda Items.

### Rules Applicable to ALL Comment Opportunities

1. Only those individuals who signed up online or contacted the City Commission Office before the meeting will be permitted to address the Board.
2. Speakers will not be allowed to verbally attack individual Board of City Commission members or employees or use vulgar or profane language.
3. Speakers unwilling to abide by these policies and conform to the rules or time constraints regarding public participation at Board of City Commissioners meetings may be removed from the meeting.



4. Groups will be urged to designate a spokesperson.
5. Speakers may not "donate" their speaking time to another person.
6. Citizen input should not subrogate the regular business of the Board.
7. *Reserved: Future City of Fargo Facilities Security Policy.*

**Guidelines to be read by the Mayor before recognition of the audience**

At this time, the City Commission will hear comments from residents. We ask each speaker who has signed up to address the Board of City Commissioners to state their name for the record.

Speakers must refrain from using this forum to criticize or complain about a specific employee or Commissioner. Vulgar or profane language will not be tolerated. The Board of City Commissioners is interested in your comments and will listen carefully, but is not obligated to respond to or debate issues in this forum.

Should you desire a written response to a specific question, you may request it. This evening each speaker will be allotted 2 ½ minutes for a maximum of 30 minute for a total of 12 speakers. A timer will be used. You will receive a warning beep when there are 15 seconds of time remaining in the allotted 2 ½ minutes. At the end of the allotted time, a buzzer will sound and the microphone will be switched off.

## Policy No. 6 - Code of Ethics/Conflict of Interest

The purpose of a Code of Ethics/Conflict of Interest policy is to ensure that the Board of City Commissioners adhere to and promote proper ethical standards, abide by the law and preserve the organization's integrity, reputation and professional and business relationships.

Before taking any action or casting a vote regarding a matter before the Board, which would constitute a conflict of interest under North Dakota law:

*44-04-22. Conflict of interest law. A person acting in a legislative or quasi-legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.*

### Conflict of Interest

Recognizing it is not possible to address all ways in which ethical issues may arise; the following principles are intended to guide making sound judgments and decisions on behalf of the Board of City Commissioners and its purpose.

### Pledge of Personal and Professional Conduct

- **Integrity** -- I will demonstrate the highest standards of individual conduct, personal accountability, trustworthiness, fair dealings, consideration of the rights of others, and the highest principles of good business relationships.
- **Excellence** -- I will strive to meet the highest performance, quality, service and achievement standards.
- **Honesty** -- I will communicate directly, respectfully, honestly and openly, and avoid misrepresentation, including misrepresentation through omission.
- **Diversity** -- I will support and value diversity -- promoting an environment that embraces all people's similarities and differences to the organization.
- **Respect** -- I will respect and act fairly toward all those I encounter and refuse to engage in or tolerate any form of discrimination or harassment.
- **Responsibility** -- I will take responsibility for my actions and decisions, and remain a careful steward of funds and resources.
- **Compliance** -- I will comply with the Board of City Commissioner's Code of Ethics and all laws and regulations.

The Board of City Commissioners commits itself and its members to ethical business and lawful conduct, including proper use of authority and appropriate decorum when acting as a Board member.

Accordingly,

1. All officers of the City, whether elected or appointed, before entering upon the duties of their respective offices shall take and subscribe to the Oath of Office prescribed in Section 4 of Article XI of the Constitution of the State of North Dakota. Such oath shall be filed in the Office of the City Auditor, provided that the Oath of the City Auditor and the City Treasurer shall be filed in the office of the County Auditor.
2. Commission members will represent the interests of the citizens of the entire City of Fargo, and this accountability will supersede the following:
  - Any conflicting loyalty a member may have to other groups;
  - Loyalty is based upon membership to other boards or staff; and
  - Conflicts are based on personal relations with different employers or boards.
3. Commission members who are a liaison to a department is responsible for working with the department head on budgets and issues in their department.
4. Commissioners will show respect to the Department Liaison Commissioner when asking for information or ideas in the different departments. The liaison Commissioner shall accommodate the request or meeting.
5. If there is a disagreement between a Commissioner and a Department Liaison Commissioner, they can appeal to the City Administrator to resolve the issue. If a disagreement happens to be with the Mayor, then the Deputy Mayor would resolve the issue.
6. Commission members will maintain confidentiality appropriate to sensitive issues and information. They will review the open meeting laws annually and note that information that is discussed in the Executive Session is confidential.
7. Commission members will not express individual negative comments about City staff or employees in a public meeting. They will be expected to discuss such issues with the City Administrator.
8. Dialogue at Commission meetings shall be respectful and courteous.
9. When interacting with the public or a legislative body, a Commissioner must make it clear whether they represent the City of Fargo or for a personal purpose.



**Code of Ethics and Conflict of Interest Certificate**

I acknowledge that I have received and read my copy of the Board of City Commissioners Code of Ethics and Conflict of Interest policies for Board Members. I understand that I am responsible for adhering to the Code of Ethics principles, and I confirm that I will conduct myself in accordance with the Code of Ethics principles.

*Please sign and date this Code of Ethics and Conflict of Interest certificate and return it to the Executive Assistant to the Board of City Commissioners.*

\_\_\_\_\_ Neither I nor, to the best of my knowledge, any member of my family has had or has an interest or taken any action which would contravene the policy of this Board.

\_\_\_\_\_ Neither I, nor to the best of my knowledge, any member of my family has had or has an interest or taken any action which would contravene the policy of this Board, **except** such interest or action fully disclosed below:

\_\_\_\_\_ I am in compliance with the Code of Ethics and Conflict of Interest policies.

Printed Name

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Signature

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Date

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**References -**

ND League of Cities – City Government Basics: Open records, Open meetings and Conflict of Interest [www.ndlc.org](http://www.ndlc.org)

NDCC: 44-04-19. Access to public meetings.

NDCC: 44-04-20. Notice of public meetings required.

NDCC: 44-04-22. Conflict of interest law.

NDCC: 44-01-05. Oath of civil officers.

Attorney General Opinion 95-06 Conflict of Interest – Duty to Vote

Attorney General Opinion 2002- L-54, 2008-L-07, Conflict of Interest

## **Policy No. 7 - Commissioners Addressing Board Member Violations**

The Board of City Commissioners is committed to faithful compliance with the provisions of the Board's policies. A Board member will inform the City Administrator or Mayor if, in the Board member's opinion, the Board or individual members are not in compliance with the Board's policies. If the Mayor is the member whom the Board member feels is not acting in compliance with policy, the Board member will inform the Deputy Mayor. In the event of a member's willful and continuing violation of policy, the Board will seek a remedy in the following order:

1. Conversation privately between the offending member, the City Administrator and the Mayor.
2. Discussion in a public meeting between the offending member and the entire Board.
3. Public Censure of the offending member of the Board.
4. Removal from an officer role on any Boards, Committees and Commissions shall happen by a majority vote of the Board of City Commissioners.

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MEMORANDUM

**TO:** Fargo City Commission

**FROM:** Jim Gilmour, Director of Strategic Planning and Research *JG*

**DATE:** April 8, 2024

**SUBJECT:** Riverfront Renewal Plan and Tax Increment Financing District

The Fargo City Commission approved a Riverfront Renewal Plan and Tax Increment Financing (TIF) District in 2021. The overall plan included activities to remove blighted conditions, improve public spaces and encourage private and public sector redevelopment. This is a status report on this Renewal Plan and anticipated revenue.

Two activities have begun. TIF funds were used for demolition of the former Mid-America Steel site buildings and the City approved using future TIF funds for costs of Riverhouse Apartments at 419 3rd Street North.

The table below lists the 10 activities in the plan that would use TIF funds to implement the plan, the initial estimate of costs, a note on the status of the activity and my very approximate estimate of remaining costs of the activity.

<b>List of Activities in Riverfront TIF Plan, Estimated Range of Budget, Notes and Future Need??</b>					
<u>Activities</u>	<u>Low</u>	<u>High</u>	<u>Notes</u>	<u>Remaining??</u>	
419 3rd Street North - Demolition	\$ 500,000	\$ 1,000,000	Shifted to TIF Note	\$ -	
Mid-America - Demolition	\$ 500,000	\$ 2,000,000	First Phase Completed	\$ 1,000,000	
Redevelopment Incentives	\$ 1,000,000	\$ 2,000,000	tbd	\$ 2,000,000	
Affordable Housing (PSJ Site)	\$ 500,000	\$ 1,000,000	\$500,000 Pending Request	\$ 1,000,000	
Fargo Housing - Burell	\$ 1,000,000	\$ 2,000,000	Future Project	\$ 2,000,000	
Lashkowitz	\$ 2,000,000	\$ 3,000,000	\$536,000 Request	\$ 538,000	
Civic Ramp Parking expansion	\$ 1,500,000	\$ 2,500,000	Future Need	\$ 2,500,000	
Civic Center Plaza	\$ 2,000,000	\$ 10,000,000	\$500,000 over next 5 Years	\$ 10,000,000	
Bike Bridge on 2nd Street	\$ 1,000,000	\$ 1,500,000	Canceled	\$ -	
Skyway to City Hall	\$ 500,000	\$ 1,000,000	Hypothetical	\$ 1,000,000	
<b>TOTAL</b>	<b>\$ 10,500,000</b>	<b>\$ 26,000,000</b>		<b>\$ 20,038,000</b>	

The activities are all very different, but they can be grouped into three types of activities:

- Affordable housing (Lashkowitz, Prairie St. John site, Burell site)
- Public Realm (Civic Plaza, Riverfront at Mid-America site, parking)
- Redevelopment (Mid-America site, former PD and Health buildings, private surface parking lots and older buildings appropriate for redevelopment)

There are two activities that could be implemented in the next year, and another that could be ready later this year. They are highlighted on the previous page.

- The Fargo Housing Authority has requested \$536,000 to enhance the appearance and amenities in the new Lashkowitz housing project. A decision needs to be made soon as construction will start this spring. An agreement is being drafted for your consideration in two weeks. TIF money would not be needed until 2025 TIF funds are available.
- The Downtown Infocus plan recommend some short-term steps to activate the City Hall Plaza. The page from the report is attached. The recommendation was to, “Focus on temporary public art, upgrades to better support programming, clear connections to the Red River Trail and new trees and landscaping with a focus on supporting local habitats (butterflies). No de-paving is anticipated at this time.” The recommendation further stated that the City should, “Target funding for tactical improvements for \$100,000/year for the next five years, anticipating maintenance and repainting on an annual basis.”
- Prairie St. John (PSJ) may be willing to sell property south of the hospital for a low-income housing project. There are discussions between the developer and PSJ, and there could be a decision to sell later this year. The cost for site acquisition and demolition may be \$500,000.

#### TIF Funds Available in 2024 and 2025

Most of the TIF funds available from 2023 and 2024 were used for demolition of buildings on the Mid-America Steel site. The table below shows the balance in the Riverfront TIF fund, projected 2025 income, the costs of Lashkowitz and the Civic Plaza and the estimated balance.

Balance March 2024	\$	84,469.45
Projected FY 2025 TIF	\$	572,000.00
Available - 2025	\$	656,469.45
Fargo Housing	\$	(536,000.00)
Civic Plaza	\$	(100,000.00)
Balance	\$	20,469.45

#### Future Years Work

The Infocus Report includes Implementation Steps for the Downtown Riverfront. These steps will require advance planning prior to implementation. The advance work could begin soon. Annual TIF funds will increase in future years to provide money to implement activities in the InFocus implementation report and Riverfront Renewal Plan. I estimate that \$4.8 million will be available from 2026 to 2030 for Riverfront Renewal Plan implementation with a another \$8.2 million available between 2031 and 2035. The TIF District may continue until 2046, and annual estimates of revenue are shown on the next page.



<u>Year</u>	<u>TIF Funds</u>
2025	\$ 572,000
2026	\$ 574,000
2027	\$ 821,000
2028	\$ 1,016,000
2029	\$ 1,052,000
2030	\$ 1,402,000
2031	\$ 1,654,000
2032	\$ 1,654,000
2033	\$ 1,654,000
2034	\$ 1,654,000
2035	\$ 1,654,000
2036	\$ 1,654,000
2037	\$ 1,654,000
2038	\$ 1,654,000
2039	\$ 1,654,000
2040	\$ 2,056,000
2041	\$ 2,056,000
2042	\$ 2,056,000
2043	\$ 2,056,000
2044	\$ 2,056,000
2045	\$ 2,056,000
2046	\$ 2,056,000

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TAKE ACTION!

## Improve City Hall Plaza

### What are we trying to accomplish?

A renewed City Hall Plaza that acts as an attractive front door to the City of Fargo, the riverfront, and important destinations like City Hall, the Fargo Library, and a future performing arts center. The plaza receives temporary improvements in the near term to upgrade the space now for programming and events while planning ahead for a larger overhaul in the spirit of the work completed previously for the space.

### Where are we now?

Recent investments in the plaza include a newly constructed City Hall and a new landscape feature that displays the Sodbuster statue. Legacy infrastructure still remains including a leftover asphalt patch that creates a disjointed environment. A new Fargo sign on 4th Street is a location for selfies and occasional programming has occurred in the plaza. The existing pathway to City Hall from the southeast corner parking lot is not ADA accessible and the Plaza overall feels disconnected from both the Red River and Broadway. A master plan for the plaza was completed in 2019. Since then, a design process for a bridge that connects the space to the Red River trail was conducted. It resulted in a decision to not proceed with a bridge in the near term, though the long-term vision of an active connection between City Hall Plaza and the Red River Trail should remain an important goal.

EXISTING CITY HALL PLAZA



## IMPLEMENTATION STEPS

### STEP 1:

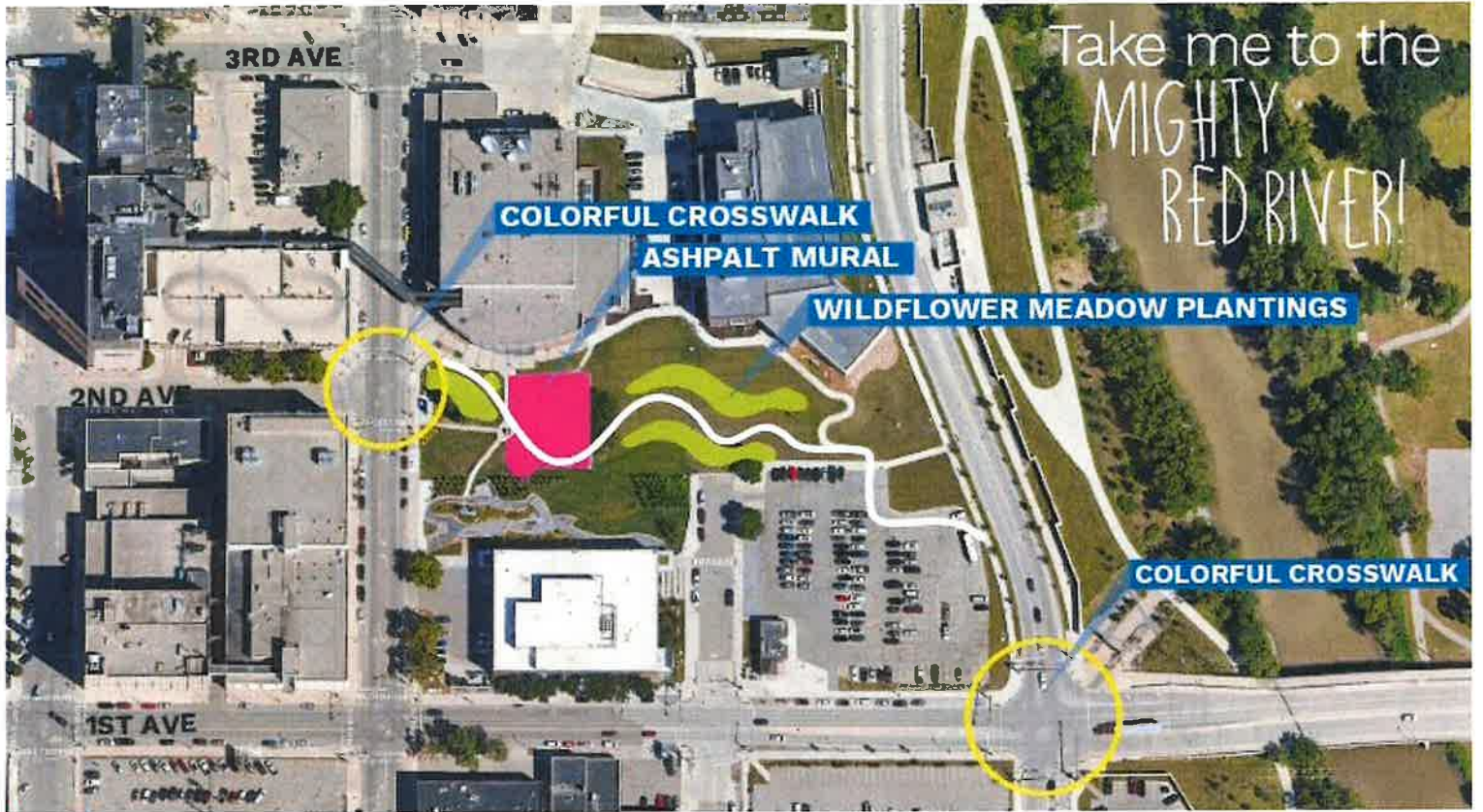
**In the short term, activate City Hall Plaza.** A tactical approach should include:

- Finalizing the plan included on the following page. Focus on temporary public art, upgrades to better support programming, clear connections to the Red River Trail, and new trees and landscaping with a focus on supporting local habitats (butterflies). No de-paving is anticipated at this time.
- Target funding for tactical improvements for \$100,000/year for the next five years, anticipating maintenance and repainting on an annual basis.

### STEP 2:

**In the long term, continue to pursue larger reconstruction of the City Hall Plaza** as part of a full riverfront build-out, and in accordance with the following principles:

- Provide clear, direct, and welcoming access from 2nd Ave to the entrance of the Red River trail through the plaza itself.
- Explore the creation of a market rate development site on the Southeast corner.
- Design the space to be flexible to easily support Downtown programming, and support peaceful protests by the Fargo community.



### Near term enhancement strategy for City Hall Plaza!

ASPHALT MURAL EXAMPLE- "THE OVAL"



Source: "The Oval", Philadelphia, PA.

EVENING ACTIVATION: SOLAR LIGHTS



Solar Pathway Lighting could allow for evening activation.

COLORFUL SAFE CROSSINGS



Painted Curb Extensions, Bayside Park, Jersey City

(40)

## MEMORANDUM

**TO:** Fargo City Commission

**FROM:** Jim Gilmour, Director of Strategic Planning and Research 

**DATE:** April 9, 2024

**SUBJECT:** TIF Policy Amendment

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The City of Fargo Tax Increment Financing (TIF) program has effectively removed blighted structures and supported new, high-quality development. This new development relies on existing infrastructure and provides increased property tax revenue, so it adds little to the cost of providing city services to the property.

Under the current TIF policy, the removal of blighted properties begins when a developer is ready to immediately start on the new development. The details of the new buildings are known and a financial review is done to determine the amount of public assistance. Currently, there is no incentive to maintain deteriorated and/or vacant buildings. In some ways, it encourages developers to leave properties in the current condition to qualify for TIF incentives.

### Policy Change

The Economic Development Incentives Committee is recommending an amendment to the TIF policy to encourage developers to remove blighted buildings in a first phase of redevelopment. The second phase would be review of the details of the proposed new development and a financial review to determine if additional incentives are needed.

The first phase would be the preparation of a Renewal Plan, creation of a TIF District and approval of a first phase development agreement. The terms of the development agreement would be the City agreeing to reimburse the developer for the actual cost of demolition and the value of the existing buildings as determined by the City Assessor. Payment of those costs would be made in the future from TIF income from property taxes on the new buildings. The developer would be given up to 5 years to begin construction of new buildings. If development does not start in the required time, the developer would not receive TIF assistance.

Prior to the second phase, the developer would apply for any plat or zoning changes needed for the project. The developer could apply for and may receive additional incentives such as the Renaissance Zone property tax exemptions or additional TIF assistance.

The policy changes are attached for your consideration.

### Recommended Motion

Approve changes to TIF policy.

## **Tax Increment Financing (TIF) Policy (N.D.C.C. 40-58)**

The purpose of this policy is to establish the City's position relating to the use of TIF for encouraging redevelopment of brownfield sites, slum areas or a blighted areas. The intent is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance provided through TIF.

### **TIF POLICY DEFINITIONS:**

**Brownfield:** The Environmental Protection Agency defines a brownfield as "a property in which the expansion, redevelopment or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant."

**Slum:** ND Urban Renewal Law defines a slum as "an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare."

**Blight:** ND Urban Renewal Law defines a blighted area as "an area other than a slum area which by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. 'Blighted area' does not include any land that has been assessed as agricultural property within the last 10 years unless it was located within the interior boundaries of a city for at least 10 years."

**Industrial and Commercial:** The City may use the tax increment financing assist a project developer in the development of industrial or commercial property. The City may enter into the agreement only if it determines that the agreement will not result in unfair competition and that the agreement is in the best interests of the municipality as a whole. For the purpose of determining costs of development of industrial or commercial property to be reimbursed by tax increments, only the following public costs necessarily incurred, by either the municipality or the project developer, for the purpose of preparing the property for private development by the project developer may be included in the agreement as reimbursable public costs of development:

- The cost of acquiring, or the market value, of all or a part of the industrial or commercial property;
- Costs of demolition, removal, or alteration of buildings and improvements on the industrial or commercial property, including the cost of clearing and grading land;

- Costs of installation, construction, or reconstruction of streets, utilities, parks, and other public works or improvements necessary for carrying out the development or renewal plan;
- All interest and redemption premiums paid on bonds, notes, or other obligations issued by the municipality to provide funds for the payment of eligible public costs of development.

This policy shall be used as a guide in the processing and review of applications requesting tax increment assistance. The fundamental purpose of TIF in Fargo is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance provided through TIF. These policies provide information for developers considering making a request for TIF Brownfield funding.

#### **TYPES OF REDEVELOPMENT PLANS AND DEVELOPER AGREEMENTS**

The City may work with a developer for the establishment and implementation of a renewal plan. Developers may or may not have a detailed redevelopment plan. Most often, a detailed plan has been designed along with financial projections. In other cases, the developer may have full or majority control of the development area but be in the process designing the new redevelopment.

The next two sections outline different renewal policies. There is a policy for developers that are ready to immediately proceed with development. The other policy is providing future assistance to a developer so that the removal of blighted properties would begin soon while allowing more time to design and obtain financing of the new development including potential financial incentives.

#### **FIRST PHASE REDEVELOPMENT**

##### **TERM:**

When undertaking a redevelopment or development project using a TIF exemption or TIF revenue note, the length of the term of this note is limited to 15 years. It is the intent of the City to provide the minimum amount of TIF at the shortest term required for the project to proceed. However; the length of a TIF may extend beyond 15 years when used for City infrastructure, public parking or community development efforts such as affordable housing, replacement housing, public space and public art.

##### **RELOCATION REQUIREMENTS:**

To the extent required by state, federal or local law or regulations, a relocation plan should be provided in the development or renewal plan. Relocation payments to tenants of businesses or residential uses must be given. These relocation payments must follow state and federal guidelines.

##### **PROPERTY ACQUISITION (OR WRITE-DOWN) REQUIREMENTS:**

- The eligible costs paid to the developer shall be evaluated on a case-by-case basis, but the maximum should be the lesser of:
  - The total acquisition cost for the property, provided the acquisition cost is no more than 150% of the assessor's market value for the property;
    - This 150% limit applies to the collective sum of all properties acquired.
  - The difference between what was paid by the developer for the property less the assessor's market value for the land (as opposed to land and buildings).

##### **LIMIT ON PROJECT COST**

TIF assistance to the developer should be limited to a percentage of up to 15% of hard capital costs of development (including the costs of property acquisition) and public infrastructure. The limit of 15% may be exceeded if the project will include a community development purpose, for example:

- Direct investment in community gathering spaces;
- Direct and ongoing investment in public art;
- Development of affordable or replacement housing.

**TIF REVIEW DUE DILIGENCE PROCESS:**

The Fargo City Commission will establish fees for City staff time, legal counsel and City financial advisors. City staff and financial advisors will utilize due diligence procedures to determine the feasibility and the appropriate level of TIF assistance.

On large scale projects, the City may require a review of the financial performance of the project in the future and if the project has a significantly higher than expected return on investment, the amount of the TIF assistance may be reduced.

Renewal plans may include terms that allow the City to use a portion of the TIF revenue for preservation or replacement of lower density housing in neighborhoods adjacent to higher density housing projects. The housing plan would be outlined in the TIF District renewal plan.

**TIF EVALUATION CRITERIA:**

The City has established multiple objectives that should be met to qualify for TIF. Since there are different types of developments, the objectives for each of the development types are different. The four types of anticipated projects include:

- Housing;
- Commercial or industrial;
- Downtown;
- Mixed use (commercial + housing in same development).

**HOUSING PROJECTS SHOULD MEET AT LEAST FIVE (5) OF THE FOLLOWING EIGHT (8) OBJECTIVES:**

1. Served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development;
2. Compatible with the adjacent area or the future land use in the area;
3. Sidewalks, bike trails or a transit stop within 4 blocks;
4. High quality design, exceeding the requirements of the Land Development Code;
5. Includes affordable housing, workforce housing or includes a plan to replace some of the housing eliminated by the development;
6. Eliminates blighted conditions or substandard buildings;
7. Remediates brownfield conditions;
8. Creates significant growth in the tax base on the site.

**COMMERCIAL OR INDUSTRIAL PROJECTS SHOULD MEET AT LEAST FIVE (5) OF THE FOLLOWING EIGHT (8) OBJECTIVES:**

1. Served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development;
2. Sidewalks, bike trails or a transit stop within 4 blocks;
3. Contain primary sector business or jobs;
4. Include public spaces or public art;
5. Cleans up brownfield conditions, eliminates blighted conditions or substandard buildings
6. Create significant growth in the tax base on the site;
7. Encourages additional development on adjacent sites;
8. High quality design.

**DOWNTOWN PROJECTS SHOULD MEET AT LEAST 6 OF THE FOLLOWING 10 OBJECTIVES:**

1. Served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development;
2. Compatible with the adjacent area or the future land use in the area;
3. Sidewalks, bike trails or a transit stop within 4 blocks;
4. Adequate parking and access plan, preferably with shared parking by the different land uses;
5. Contain primary sector business or jobs;
6. Include public spaces or public art;
7. Cleans up brownfield conditions, eliminates blighted conditions or substandard buildings, or replaces surface parking;
8. Create significant growth in the tax base on the site;
9. Encourages additional development on adjacent sites;
10. Contains businesses that will provide needed services or goods used by adjacent land uses.

**MIXED-USE PROJECTS SHOULD MEET AT LEAST 6 OF THE FOLLOWING 10 OBJECTIVES:**

1. Served by existing infrastructure of the development or will upgrade the infrastructure to meet the needs of the development;
2. Compatible with the adjacent area or the future land use in the area;
3. Sidewalks, bike trails or a transit stop within 4 blocks;
4. Adequate parking and access plan, preferably with shared parking by the different land uses;
5. Contain primary sector business or jobs;
6. Include public spaces or public art;
7. Cleans up brownfield conditions, eliminates blighted conditions or substandard buildings, or replaces surface parking;
8. Create significant growth in the tax base on the site;
9. Encourages additional development on adjacent sites;
10. Contains businesses that will provide needed services or goods used by adjacent land uses.



**FIRST PHASE REDEVELOPMENT****Term:**

A phase one redevelopment project using a TIF revenue note is limited to five years. The five-year term is for the first five tax years after completion of the project and the expiration of any property tax exemptions.

**Relocation:**

The City will not reimburse for relocation costs unless the City, in its sole discretion, determines exceptional circumstances apply which justify paying some portion of the relocation costs.

**Limit on Project Cost:**

Eligible first phase TIF assistance is for the value of the buildings and/or improvements as determined by the City Assessor in the most recent tax year and the actual cost of demolition.

**TIF Review Process and Renewal Plans:**

The Fargo City Commission will establish application fees and administrative fees for City staff time and legal counsel either by resolution or through the development agreement or other agreement with the developer. Demolition of vacant structures must be completed within 6 months of the approval of a development agreement unless the City, in its sole discretion, determines exceptional circumstances apply to increase this time period.

Construction of the new development must begin within five years of the approval of the original development agreement and be completed within two years of the start of construction.

Renewal Plans may allow the City to use a portion of the TIF Revenue in future years for adjacent infrastructure.

**Future Incentives:**

The developer may apply for additional incentives such as the Renaissance Zone, PILOT or additional TIF assistance. Those applications will be considered according to the criteria for those programs.

**Evaluation Criteria:**

Projects review will evaluate:

- The conditions of the existing buildings;
- The short-term benefit of building removal to prevent nuisance properties;
- The potential for higher density and high-quality development;
- The existence of factors that prevent immediate redevelopment;
- The time needed to begin redevelopment.



**Arlette Preston, City Commissioner**

Fargo City Hall  
225 4th Street North  
Fargo, ND 58102-4817  
701.715.2862  
[www.FargoND.gov](http://www.FargoND.gov)

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: COMMISSIONER ARLETTE PRESON**

**DATE: APRIL 15, 2024**

**RE: NOISY EXHAUST MODIFIED VEHICLES**

Over the past few years, we have heard from constituents who are frustrated with the noise generated by vehicles that are illegally altered for creating noise. The noise caused by these vehicles causes sleep disturbances and just plain irritation. When the vehicles “cruise” Broadway downtown, the noise bounces off buildings and creates more than just irritation.

It is not clear what, if anything, can be done locally about enforcement of the law regarding these alterations. It would require research by the Police Department and City Attorney to discover what can be done at the local level.

**RECOMMENDED MOTION:** To direct the Police Chief and City Attorney to research this question and report back to the City Commission regarding what would be required to enforce the law.

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April 9, 2024

Honorable Board of City  
Commissioners  
City of Fargo  
Fargo, ND

Re: Improvement District No. BN-23-E1

Dear Commissioners:

Bids were opened at 11:45 am on Wednesday, March 27, 2024, for New Paving and Utility Construction, Improvement District No. BN-23-E1, located on 45th Street North from 19th Avenue North to 32nd Avenue North.

The bids were as follows:

Dakota Underground Co Inc	\$3,643,790.33
Northern Improvement Co	\$3,855,398.54
Park Construction Company	\$4,194,135.97
Border States Paving Inc	\$4,237,986.48
KPH, Inc.	\$4,360,482.20
All Finish Concrete	\$4,653,523.30
Engineers Estimate	\$3,930,464.20

Private financial security is not needed.

9 protests were received amounting to 41.5% of the Improvement District.

This office recommends that the protests be declared insufficient and the contract be awarded to Dakota Underground Co Inc. in the amount of \$3,643,790.33 as the lowest and best bid.

Sincerely,



Thomas Knakmuhs, PE  
City Engineer



Engineer's Statement Of Cost  
Improvement District # BN-23-E1  
New Paving And Utility Construction

45th Street North from 19th Avenue North to 32nd Avenue North

WHEREAS, bids have been opened and filed for the above described Improvement District for City of Fargo, North Dakota; and WHEREAS, an estimate of the cost of work is required by the engineer for the City of Fargo, North Dakota;

NOW THEREFORE Thomas Knakmuhs, do hereby certify as follows:

That I am the City Engineer for the City of Fargo, North Dakota;

That the following is detailed statement of the estimated cost of the job described as:

New Paving and Utility Construction Improvement District # BN-23-E1 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
<b>Miscellaneous</b>					
1	Clear & Grub	LS	1.00	2,500.00	2,500.00
2	F&I Crushed Conc - 6" Thick	SY	150.00	30.00	4,500.00
3	Mulching Type 2 Straw	SY	64,600.00	0.16	10,336.00
4	Seeding Type A	SY	60,100.00	0.25	15,025.00
5	Seeding Type C	SY	4,400.00	0.27	1,188.00
6	Stormwater Management	LS	1.00	6,200.00	6,200.00
7	Temp Construction Entrance	EA	3.00	0.01	0.03
8	Sediment Control Log 6" to 8" Dia	LF	1,150.00	2.25	2,587.50
9	Inlet Protection - New Inlet	EA	14.00	180.00	2,520.00
10	Inlet Protection - Existing Inlet	EA	7.00	180.00	1,260.00
Miscellaneous Total					<b>46,116.53</b>
<b>Outfall Restoration</b>					
11	Remove Pipe All Sizes All Types	LF	8.00	250.00	2,000.00
12	F&I Rip Rap Rock	CY	410.00	126.00	51,660.00
13	Excavation	CY	900.00	6.00	5,400.00
Outfall Restoration Total					<b>59,060.00</b>
<b>Sanitary Sewer</b>					
14	Modify Manhole	EA	1.00	3,500.00	3,500.00
15	Remove Manhole	EA	1.00	5,000.00	5,000.00
16	Plug Pipe 8" Dia	EA	1.00	400.00	400.00
17	Plug Pipe 12" Dia	EA	2.00	400.00	800.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
18	Remove Pipe All Sizes All Types	LF	10.00	50.00	500.00
Sanitary Sewer Total					<b>10,200.00</b>
<b>Water Main</b>					
19	F&I Fittings C153 Ductile Iron	LB	922.00	13.50	12,447.00
20	F&I Hydrant	EA	2.00	6,620.00	13,240.00
21	F&I Insulation 4" Thick	SY	8.00	50.00	400.00
22	Connect Pipe to Exist Pipe	EA	3.00	2,000.00	6,000.00
23	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	11.00	45.00	495.00
24	F&I Pipe C900 DR 18 - 16" Dia PVC	LF	250.00	112.00	28,000.00
25	F&I Pipe w/GB C900 DR 18 - 16" Dia PVC	LF	40.00	146.00	5,840.00
26	F&I Gate Valve 6" Dia	EA	1.00	2,350.00	2,350.00
27	F&I Gate Valve 16" Dia	EA	1.00	16,500.00	16,500.00
28	F&I Hydrant Ext. 24" High	EA	1.00	1,500.00	1,500.00
Water Main Total					<b>86,772.00</b>
<b>Storm Sewer</b>					
29	F&I Controlled Density Fill	CY	4.00	250.00	1,000.00
30	F&I Flap Gate 24" Dia Stainless Steel	EA	1.00	7,130.00	7,130.00
31	F&I Flap Gate 30" Dia Stainless Steel	EA	1.00	8,200.00	8,200.00
32	F&I Manhole 4' Dia Reinf Conc	EA	1.00	3,600.00	3,600.00
33	F&I Manhole 6' Dia Reinf Conc	EA	1.00	9,200.00	9,200.00
34	F&I Manhole 7' Dia Reinf Conc	EA	1.00	13,500.00	13,500.00
35	F&I Inlet - Single Box (SBI) Reinf Conc	EA	8.00	3,300.00	26,400.00
36	F&I Inlet - Double Box (DBI) Reinf Conc	EA	6.00	5,400.00	32,400.00
37	Connect Pipe to Exist Pipe	EA	1.00	500.00	500.00
38	F&I Pipe 18" Dia	LF	17.00	65.00	1,105.00
39	F&I Pipe 12" Dia Reinf Conc	LF	14.00	73.00	1,022.00
40	F&I Pipe 18" Dia Reinf Conc	LF	221.00	76.00	16,796.00
41	F&I Pipe 24" Dia Reinf Conc	LF	253.00	93.00	23,529.00
42	F&I Pipe 30" Dia Reinf Conc	LF	132.00	137.00	18,084.00
43	F&I Pipe 18" Dia Corr Steel	LF	80.00	53.00	4,240.00
44	F&I Pipe 24" Dia Corr Steel	LF	60.00	66.00	3,960.00
45	Remove Pipe All Sizes All Types	LF	282.00	20.00	5,640.00
46	F&I Pipe w/GB 18" Dia Reinf Conc	LF	254.00	88.00	22,352.00
47	F&I Pipe w/GB 24" Dia Reinf Conc	LF	40.00	128.00	5,120.00
48	F&I Pipe w/GB 30" Dia Reinf Conc	LF	40.00	159.00	6,360.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
49	F&I Rip Rap Rock	CY	190.00	126.00	23,940.00
50	F&I Flared End Section 12" Dia Reinf Conc	EA	1.00	850.00	850.00
51	F&I Flared End Section 18" Dia Reinf Conc	EA	6.00	1,080.00	6,480.00
52	F&I Flared End Section 24" Dia Reinf Conc	EA	3.00	1,330.00	3,990.00
53	F&I Flared End Section 30" Dia Reinf Conc	EA	3.00	1,650.00	4,950.00
54	F&I Flared End Section 18" Dia Corr Steel	EA	2.00	600.00	1,200.00
55	F&I Flared End Section 24" Dia Corr Steel	EA	2.00	865.00	1,730.00
56	Excavation	CY	190.00	20.00	3,800.00
Storm Sewer Total					<b>257,078.00</b>
<b>Paving</b>					
57	Remove Pavement All Thicknesses All Types	SY	2,281.00	5.00	11,405.00
58	Topsoil - Strip & Spread	CY	8,520.00	5.00	42,600.00
59	Excavate & Haul - Excess Material	CY	10,800.00	1.50	16,200.00
60	Fill - Import	CY	12,260.00	4.25	52,105.00
61	Excavation	CY	23,408.00	4.00	93,632.00
62	Subgrade Preparation	SY	21,330.00	1.50	31,995.00
63	F&I Woven Geotextile	SY	22,233.00	1.60	35,572.80
64	F&I Class 5 Agg - 6" Thick	SY	403.00	11.00	4,433.00
65	F&I Class 5 Agg - 10" Thick	SY	1,010.00	0.01	10.10
66	F&I Crushed Conc - 6" Thick	SY	500.00	11.00	5,500.00
67	Remove Gravel	SY	2,281.00	4.50	10,264.50
68	F&I Edge Drain 4" Dia PVC	LF	9,126.00	9.30	84,871.80
69	F&I Curb & Gutter Standard (Type II)	LF	9,526.00	29.00	276,254.00
70	Remove Curb & Gutter	LF	20.00	5.00	100.00
71	F&I Pavement 10" Thick Doweled Conc	SY	18,571.00	93.00	1,727,103.00
72	F&I Sidewalk 4" Thick Reinf Conc	SY	118.00	65.00	7,670.00
73	F&I Sidewalk 6" Thick Reinf Conc	SY	37.00	75.00	2,775.00
74	F&I Shared Use Path 5" Thick Reinf Conc	SY	322.00	66.00	21,252.00
75	F&I Det Warn Panels Cast Iron	SF	68.00	62.00	4,216.00
76	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	74.00	286.00	21,164.00
77	Casting to Grade - Blvd	EA	3.00	300.00	900.00
78	Casting to Grade - no Conc	EA	14.00	400.00	5,600.00
79	GV Box to Grade - Blvd	EA	2.00	250.00	500.00
80	F&I Class 5 Agg - 12" Thick	SY	20,320.00	16.50	335,280.00
Paving Total					<b>2,791,403.20</b>

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
<b>Signing</b>					
81	Traffic Control - Type 2	LS	1.00	10,000.00	10,000.00
82	F&I Sign Assembly	EA	8.00	73.00	584.00
83	Remove Sign Assembly	EA	6.00	26.00	156.00
84	F&I Sign Assembly & Anchor	EA	14.00	109.00	1,526.00
85	F&I Diamond Grade Cubed	SF	30.00	27.00	810.00
86	F&I High Intensity Prismatic	SF	110.40	25.00	2,760.00
<b>Signing Total</b>					<b>15,836.00</b>
<b>Pavement Marking</b>					
87	F&I Grooved Plastic Film 8" Wide	LF	985.00	14.60	14,381.00
88	F&I Grooved Plastic Film 16" Wide	LF	40.00	36.40	1,456.00
89	F&I Grooved Contrast Film 7" Wide	LF	80.00	15.60	1,248.00
90	Paint Epoxy Line 4" Wide	LF	30.00	21.00	630.00
91	Paint Epoxy Line 16" Wide	LF	12.00	31.00	372.00
92	F&I Grooved Plastic Film Message	SF	288.00	46.80	13,478.40
93	F&I Grooved Plastic Film 4" Wide	LF	10,046.00	8.10	81,372.60
<b>Pavement Marking Total</b>					<b>112,938.00</b>
<b>Street Lights</b>					
94	Remove Street Light	EA	2.00	624.00	1,248.00
95	F&I Feed Point	EA	1.00	17,680.00	17,680.00
96	F&I Base 6' Deep Reinf Conc	EA	1.00	1,768.00	1,768.00
97	F&I Base 7' Deep Reinf Conc	EA	21.00	1,872.00	39,312.00
98	Remove Base	EA	2.00	1,352.00	2,704.00
99	F&I Conductor #6 USE Cu	LF	13,224.00	2.60	34,382.40
100	F&I Innerduct 1.5" Dia	LF	5,004.00	7.30	36,529.20
101	F&I Luminaire Type A	EA	21.00	728.00	15,288.00
102	F&I Luminaire Type B	EA	1.00	720.00	720.00
103	F&I Pull Box	EA	1.00	2,910.00	2,910.00
104	F&I Light Standard Type A	EA	21.00	4,160.00	87,360.00
105	F&I Light Standard Type B	EA	1.00	4,580.00	4,580.00
<b>Street Lights Total</b>					<b>244,481.60</b>
<b>Traffic Signals</b>					
106	F&I Detection Preformed Loop	EA	7.00	1,560.00	10,920.00
107	F&I Conduit 2" Dia	LF	200.00	21.00	4,200.00
108	F&I Pull Box	EA	1.00	2,910.00	2,910.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
109	Relocate Pull Box PVC	EA	1.00	1,875.00	1,875.00
Traffic Signals Total					<b>19,905.00</b>
<b>Total Construction in \$</b>					<b>3,643,790.33</b>

Engineering	10.00%	364,379.03
Admin	4.00%	145,751.61
Legal	3.00%	109,313.71
Interest	4.00%	145,751.61
Contingency	5.00%	182,189.52
Misc. Costs		56,600.00
<b>Total Estimated Costs</b>		<b>4,647,775.81</b>
Special Assessments		4,023,279.82
City of Reile's Acres Funds		624,495.99
<b>Unfunded Costs</b>		<b>0.00</b>

IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 04/09/2024



Thomas Knakmuhs

City Engineer





430a

April 3, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 520 Main Avenue as submitted by Bell Bank. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$227,134 with the City of Fargo's share being \$38,613.

Sincerely,



Mike Splonskowski  
City Assessor

lml  
attachment

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

**Property Identification**

1. Name of Property Owner Bell Bank Phone No. 701-298-1524

2. Address of Property 520 Main Avenue  
City FARGO State ND Zip Code 58103

3. Legal description of the property for which the exemption is being claimed. Please see attached

4. Parcel Number 01-2112-00090-060 Residential  Commercial  Central Business District

5. Mailing Address of Property Owner 3100 13th Avenue South  
City Fargo State ND Zip Code 58103

**Description Of Improvements For Exemption**

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Please see attached summary

7. Building Permit No. Please see attached 8. Year Built 1972

9. Date of Commencement of making the improvement 2/1/2022

10. Estimated market value of property before improvement \$ 14,129,338

11. Cost of making the improvement (all labor, material and overhead) \$ 124,000,000

12. Estimated market value of property after improvement \$ 138,129,338

**Applicant's Certification and Signature**

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.  
Applicant's Signature [Signature] Date 3.21.24

**Assessor's Determination**

14. The local assessor finds that the improvements in this application has  has not  met the qualifications for exemption for the following reason(s):  
Assessor's Signature [Signature] Date 4-11-2024

**Action of Governing Body**

15. Action taken on this application by local governing board of the county or city: Denied  Approved   
Approval subject to the following conditions: \_\_\_\_\_  
Chairman of Governing Body \_\_\_\_\_ Date \_\_\_\_\_

Bell Tower - Demolition and Improvement Summary

- Demolition:
  - Removal of existing attached parking structure on the south side of the building
  - Removal of existing teller line drive-up structure
  - Removal of existing roof-top mechanical penthouse
  - Removal of existing exterior window system
  - Removal of existing roofing system
  - Removal of all interior furniture, partitions, etc.
  - Removal of all interior flooring and ceiling finishes
  - Removal of all existing mechanical, electrical, plumbing systems and associated equipment, fixtures, piping, ductwork, etc.
  - Removal of existing elevators
  - Removal of existing emergency back-up generator
  
- Improvements:
  - New four-story addition on the south side of the building
  - New teller line drive-up canopy
  - New 14<sup>th</sup> floor level added on existing roof
  - New exterior wall panel façade and window system
  - New roofing system
  - New interior partitions and furniture
  - New interior flooring and ceiling finishes
  - New mechanical, electrical, and plumbing systems
  - New elevators
  - New emergency back-up generator

- **Legal Description:**

Lot: 1 Block: 5 N D URBAN RENEWAL #2 W 250 FT OF 1 LESS A TRACT OF LAND IN LT 1 BLK 5 NORTH DAKOTA R 2 URBAN RENEWAL ADDN DESC AS: BEG AT THE NE COR OF THE W 250 FT OF LT 1 BLK 5; THEN S 2° 21' 23" W AL G THE E LN OF SD W 250 FT A DIST OF 300.13 FT TO T HE N LN OF FIRST AVE S; THEN N 87° 30' 17" W ALG S D N LN A DIST OF 54.84 FT; THEN N 2° 29' 43" E A DI ST OF 101 FT; THEN N 21° 20' 44" W A DIST OF 24.41 FT; THEN N 2 ° 33' 38" E A DIST OF 176.80 FT TO T HE S LN OF MAIN AVE; THEN S 87° 30' 17" E ALG SD S

- **Building Permit Numbers:**

- Remodel/Repair – Floors 5-12 - #2203-0397-REN (7.12.22)
- Foundation Only - #2202-0385-FDTN (7.20.22)
- Addition - #2207-0569-ADD (9.6.22)
- Remodel/Repair - #2301-0356-REN (3.27.23)

436

April 3, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

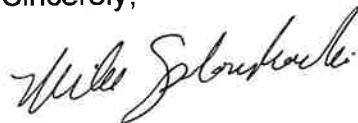
Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1532 36 Ave S as submitted by Austin & Annika Avery. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$35.93 with the City of Fargo's share being \$6.

Sincerely,



Mike Splonskowski  
City Assessor

lml  
attachment

**Application For Property Tax Exemption For Improvements** Page 85  
**To Commercial And Residential Buildings**  
N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)


**Property Identification**

1. Legal description of the property for which exemption is claimed	_____
2. Address of Property	<u>2705 Ruby Dell Schnell Lot 20</u> <u>1532 36th Ave S, Fargo, ND 58104</u>
3. Parcel Number	<u>01-2705-00942-000</u>
4. Name of Property Owner	<u>Austin + Annika Avery</u> Phone No. <u>630-453-1738</u>
5. Mailing Address of Property Owner	<u>1532 36th Ave S Fargo, ND 58104</u>


**Description Of Improvements For Exemption**

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).	<u>Previous owner made improvements, floors, paint, kitchen cabinets and counter tops.</u>		
7. Building permit No.	<u>N/A</u>	8. Year built (residential property)	<u>1986</u>
9. Date of commencement of making the improvements	<u>NOT sure before</u>		
10. Estimated market value of property before the improvements	\$	<u>231,200</u>	
11. Cost of making the improvement (all labor, material and overhead)	\$	<u>not sure previous owner</u>	
12. Estimated market value of property after the improvements	\$	<u>291,000</u>	

**Applicant's Certification And Signature**

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant <u></u> Date <u>2/29/2024</u>

**Assessor's Determination And Signature**

14. The assessor/county director of tax equalization finds that the improvements described in this application do <input checked="" type="checkbox"/> do not <input type="checkbox"/> meet the qualifications for exemption for the following reason(s): _____
Assessor/Director of Tax Equalization <u></u> Date <u>4-11-2024</u>

**Action Of Governing Body**

15. Action taken on this application by the governing board of the county or city: Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Approval is subject to the following conditions: _____
Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.
Chairperson _____ Date _____



MEMORANDUM

**TO:** BOARD OF CITY COMMISSIONERS  
**FROM:** MAYOR TIMOTHY J. MAHONEY  
**DATE:** APRIL 15, 2024  
**SUBJECT:** AIRPORT AUTHORITY APPOINTMENT



The term of Rick Engen expired on April 8, 2024.

Dean Bresciani has submitted an application indicating an interest in serving on the Board and I am recommending his appointment. I have attached a copy of his application for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the appointment of Dean Bresciani as a member of the Airport Authority for a five-year term ending April 8, 2029.

Attachment

wwappt24maabresciani

**Kember Anderson**

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**From:** noreply@cityoffargo.com  
**Sent:** Thursday, March 07, 2024 7:46 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government  
**Attachments:** Bresciani Curriculum Vitea April 2023.pdf

**Name:**

[Dean L. Bresciani]

**Mailing Address:**

[REDACTED]

**City:**

[Fargo]

**State:**

[North Dakota]

**Zip:**

[58102]

**Work Phone:**

[REDACTED]

**Home Phone:**

[REDACTED]

**E-mail:**

[REDACTED]

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

[Airport Authority]

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

*[As an active member of the business communities of our city, region, and state, I have a longstanding and vested interest in transportation issues -- specifically our growing Hector International Airport, and its implications for the economic success of those it serves.*

*I have been extensively involved in both proximal and long-term master planning efforts for city, regional and state issues in NE, NC, TX and ND. Transportation (commercial and public surface transportation, commercial and public rail, and private as well as public commercial air services) have invariably been key features of those roles. Through my 12 years as NDSU's president, the importance of transportation issues in our area became an even higher priority for me in terms of NDSU and our region's success. Hector International Airport's proximity to campus properties, and intersecting interstates, adds to my interest in and opportunities I see.*

*Lastly, as a frequent flyer through both contracted/private, and commercial flight options (Delta Diamond Level) -- and their associated non-hub and executive airports, through the largest-hub domestic and international airport facilities in the world, I have a working knowledge of their efficiencies (or lack thereof), facilities, and services.*

*In short, I would like to contribute my experience, insights and interest in the success of Hector International Airport.]*

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

*[I am currently a graduate faculty member at NDSU, which while a demanding role in its own way, offers me great flexibility (virtually without limitation) to serve as needed by the Airport Authority.]*

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

*[I'm concerned that aside from the above I'd exceed your word limit on this item so I'll simply attach my resume.]*

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

*[Along lines of the above, I'm concerned that aside from the above I'd exceed your word limit on this item so I'll simply attach my resume.]*

**We will retain your application for three years and consider you for the board you**

**have indicated interest in when a vacancy arises.**


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MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY** 

**DATE: APRIL 15, 2024**

**SUBJECT: FARGO DOME AUTHORITY APPOINTMENTS**

The terms of Troy Goergen and Mike Ellingson on the Fargo Dome Authority expired on April 1, 2024. Both Mr. Goergen and Mr. Ellingson are willing to continue their service and I am recommending that they be reappointed.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** To approve the reappointment of Troy Goergen and Mike Ellingson to the Fargo Dome Authority for four year terms ending April 1, 2028.

mmappt24fda