

FARGO CITY COMMISSION AGENDA
Tuesday, December 26, 2023 – 4:00 P.M.

Executive Session at 4:00 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:00 p.m. and retire into Executive Session in the Red River Room for the purpose of attorney consultation regarding threatened litigation pertaining to 501 Main Avenue and to discuss negotiating strategy or provide negotiation instructions to its attorney or other negotiator regarding the threatened litigation and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity. To discuss these matters in public in an open meeting would have an adverse fiscal effect on the City. Thus, an Executive Session for these matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2, 5 and 9.

Regular Meeting at 5:00 P.M.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, December 11, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. Accept the results of the City's Canvassing Board for the December 5, 2023 Special election and withdraw from final passage:
 - a. An Ordinance Enacting Article 3-24 of Chapter 3 of the Fargo Municipal Code Relating to a Lodging Tax for Fargodome Including Conference Center and
 - b. An Ordinance Enacting Article 3-25 of Chapter 3 of the Fargo Municipal Code Relating to a Sales Tax for Fargodome Including Conference Center.
2. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of the following Ordinances:
 - a. Repealing Section 10-0307 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Persons Using Streets not to be Molested.
 - b. Repealing Section 10-0311 of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Panhandling.
3. 2nd reading and final adoption of an Ordinance Enacting Section 8-0610 of Article 8-06 of Chapter 8 of the Fargo Municipal Code Relating to Rotary Traffic Islands; 1st reading, 12/11/23.

4. 2nd reading and final adoption of an Ordinance Amending Section 25-1508 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st reading, 12/11/23.
5. City of Fargo Resolution Authorizing Officers to Make Deposits and Withdrawals.
6. Applications for Games of Chance:
 - a. Benefit for Isaac Douglas for a raffle on 1/20/24; Public Spirited Resolution.
 - b. El Zagal (Temple) for a raffle on 12/27/23.
 - c. NDSU Saddle and Sirloin for a raffle on 3/27/24.
 - d. St. John Paul II Catholic Schools for a raffle and raffle board on 2/2/24.
 - e. El Zagal Shrine Arab Patrol for a raffle on 3/15/24.
7. Maintenance Certification for Urban Federal Aid Projects with the NDDOT.
8. Bill of Sale with Northern States Power Company d/b/a Xcel Energy for a street light pole located at 613 1st Avenue North.
9. Amendment No. 1 with KLJ in the amount of \$28,857.10 for Project No. FM-24-A0.
10. Amendment No. 1 to the Engineering Services Agreement with Apex Engineering Group in the amount of \$140,071.00 for Project No. NR-24-A0.
11. Final Balancing Change Order No. 1 in the amount of \$0.00 for Project No. FM-22-C3.
12. Change Order No. 2 in the amount of \$9,790.00 for Improvement District No. BR-23-E1.
13. Negative Final Balancing Change Order No. 2 in the amount of -\$65,536.92 for Improvement District No. BR-22-C1.
14. Negative Final Balancing Change Order No. 2 in the amount of -\$8,178.01 for Improvement District No. PN-23-A1.
15. Negative Final Balancing Change Order No. 4 in the amount of -\$41,446.92 for Improvement District No. PR-23-F1.
16. Negative Final Balancing Change Order No. 1 in the amount of -\$227,481.08 for Improvement District No. PR-23-G1.
17. Bid award to Dakota Underground Company Inc. in the amount of \$4,107,126.09 for Improvement District No. BR-24-B1.
18. Contract and bond for Project No. SN-23-B1.
19. Bid award and Agreement with Select Pro Cleaning in the amount of \$636,300.00 for cleaning services at City Hall and Sky Commons-West Wing (RFP24019).
20. Bid award and Agreement with Automated Maintenance Services, Inc. in the amount of \$447,037.00 for cleaning services at Fargo Cass Public Health (RFP24020).
21. Bid award and Agreement with Osgood Cleaning Services LLC in the amount of \$266,400.00 for cleaning services at the downtown Library (RFP24021).

22. Master Services Agreement with JLG Architects for engineering/architectural services (RFP24011).
23. Tenth Amended Lease Agreement North Dakota State University and the Fargo Dome Authority.
24. Acknowledgement of Agreement Extension with Ovations Food Services, L.P. d/b/a OVG Hospitality (f/k/a Spectra Food Services & Hospitality).
25. Resolution adopting the City of Fargo Purchasing Card Policy, Purchasing Policy and Procedure Manuals.
26. Change Orders for Fire Station No. 8 Construction (general construction contract) (ITB23050):
 - a. No. 6 in the amount of \$8,737.93.
 - b. No. 7 in the amount of -\$588.66.
 - c. No. 8 in the amount of \$9,866.95.
27. Change Order No. 1 in the amount of -\$4,967.00 for Fire Station No. 8 (electrical construction contract) (ITB23050).
28. Fire Department request for a rollover of Capital Funds, as presented.
29. Fire Department budget adjustment, as presented.
30. Budget adjustment for the Grant Award from the ND Department of Health and Human Services for Public Health Infrastructure and Workforce (CFDA #93.967).
31. Budget adjustment for the Purchase of Service Agreement with the ND Department of Health and Human Services, Behavioral Health Division for addressing opioid stimulant misuse.
32. Budget adjustment for the Purchase of Service Agreement with the ND Department of Health and Human Services, Behavioral Health Division for substance abuse prevention.
33. Direct the City Attorney to amend the Findings of Fact, Conclusions and Order for property located at 1208 University Drive South contingent upon the transfer of ownership.
34. Direct the City Attorney to amend the Findings of Fact, Conclusions and Order for property located at 1710 1st Avenue South to allow the owner to repair the structure by 6/28/24.
35. Request to overfill the 1/22/24 Fargo Police Academy class with five sworn Police Officer positions.
36. Bid award in the amount of \$395,923.00 to Sanitation Products for the purchase of one dual auto side load refuse truck (RFP24017).
37. Bid award in the amount of \$191,736.00 to Sanitation Products for the purchase of one hook and hoist refuse truck (RFP24027).
38. Exempt Purchase Request for vendor specific parts and service from New Flyer Industries Parts in the amount of \$250,000.00 and from Cummins NP in the amount of \$250,000.00 (EX24025 and EX24023).

39. Contract with Via Mobility LLC for the purchase of scheduling and dispatching Paratransit bus software/hardware (RFP23215).
40. One year extension to the Electrical Services Agreement with Sun Electric, Inc. for electrical services at the Water Treatment Plant.
41. Amendment of Resolution Authorizing the Issuance and Sale of an Amended and Restated \$98,000,000.00 City of Fargo Sales Tax and Water Revenue Bond, Series 2013B and ND State Revolving Fund Program Amended and Restated Loan Agreement with the ND Public Finance Authority.
42. Bills.

REGULAR AGENDA:

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

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

44. **PUBLIC HEARING** – Application for a transfer of a Class “FA-GOLF” Alcoholic Beverage License from Kjerbeersten, LLC d/b/a 19th Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ’s Tavern to be located at 1500 East Rose Creek Parkway South.
45. **PUBLIC HEARING** – Application for a Class “F” Alcoholic Beverage License for El Vaqueros d/b/a El Vaqueros to be located at 3001 13 Avenue South.
46. **PUBLIC HEARING** – Application for a transfer of a Class “A-Club” Alcoholic Beverage License for Fargo Air Museum d/b/a Fargo Air Museum to be located at 1609 19th Avenue North (ownership change).
47. **PUBLIC HEARING** – Application for a Class “Z” Alcoholic Beverage License for Downtown Tavern, LLC d/b/a Marge’s Bar to be located at 210 Broadway, Suite 90.
48. **PUBLIC HEARING** - Application for a Class “C” Alcoholic Beverage License for Uncorked Lounge d/b/a Uncorked Lounge to be located at 5601 33rd Avenue South.
49. **PUBLIC HEARING** – Reconsideration of the City Commission’s Action on November 27, 2023 to Deny a Land Management Plan Permit at 338 9th Avenue South.
50. Presentation and approval of the Fargo Fire Department 2024-2029 Strategic Plan.
51. Update on the 2024-2027 Engineering CIP.
52. Decision on the North Broadway Bridge (Project No. QR-23-A0).
53. Recommendations for appointments to the Board of Health.
54. Recommendation for appointment to the Metropolitan Council of Governments Policy Board.
55. Liaison Commissioner Assignment Updates.

NOTICE OF HEARING

AA

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, December 26, 2023, at 5:15 o'clock p.m. to consider a transfer for a Class "FA-GOLF" Alcoholic Beverage License from Kjerbeersten, LLC, d/b/a 19th Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ's Tavern to be located at 1500 East Rose Creek Parkway South.

Any interested person may appear and will be heard.

City Auditor's Office
(December 6, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – CJ's Tavern – Rose Creek

DATE: December 20, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: FA-Golf – Full Service liquor license for Golf Course
Business Name: CJ's Tavern
Location: 1500 Rose Creek Parkway
Applicants: Cody Townsend, Jordan Erpelding, Bradley Erpelding

This application is for the transfer of a Class FA Golf liquor license. This facility will continue to operate as a full service golf course.

Chief Zibolski is recommending DENIAL due to an invalid application for a Class FA Golf alcoholic beverage license to Up North Hospitality LLC d/b/a CJ's Tavern. Subsequent to the background check the applicants removed Brett Erpelding from the ownership group and provided the documentation to the Auditor's office evidencing this change. With this change Chief Zibolski is okay with moving this application forward.

The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to APPROVE the issuance of a Class FA Golf alcoholic beverage license to Up North Hospitality, LLC d/b/a CJ's Tavern, removing Brett Erpelding from the ownership group.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 12/7/2023

RE: Alcoholic Beverage License Transfer Application, Class "FA-GOLF", CJ's Tavern

Application for transfer of a class "FA-GOLF" Alcoholic Beverage License from Kjerbeersten, LLC d/b/a 19th Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ's Tavern, Located at 1500 East Rose Creek Parkway S, Fargo.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Townsend, Cody

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

Credit History -

Townsend's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Erpelding, Jordan

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed he received an open container citation in 2014. This charge was disclosed on his application.

Credit History -

Jordan Erpelding's credit history was reviewed. There are no prior bankruptcies, or debts turned over to collections. Jordan has two credit card accounts that show they are currently 30 days delinquent. However, the monthly notation shows the delinquencies were 1-2 years ago and both accounts are current with one having zero balance.

Erpelding, Brett

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) show Brett Erpelding was arrested for a DUI in June of 2012. Brett was also issued a citation for driving under suspension on the same day. Brett disclosed the DUI on the application (he indicates it happened in 2013) but does not mention the DUS citation. Brett disclosed that his driver's license was suspended after the DUI arrest, but it must have also been suspended at the time of the arrest to receive the citation. ND public records shows this DUS citation was dismissed. Both police records and ND public records show Brett pled guilty to "smoking in a prohibited location" in 2015. According to the case report, Brett was an employee at E-Cig Empire and his friends were smoking inside of the shop during business hours. This charge is a criminal infraction in ND. This charge was not disclosed on the application.

Credit History -

Brett Erpelding's credit history was reviewed. There are no prior bankruptcies, or debts turned over to collections. Brett Erpelding has two accounts that were 30 days past due, but are now both current.

Erpelding, Bradley

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed Bradley was arrested for a DUI in 2000. This charge was disclosed on the application. North Dakota public record also shows Bradley received a "hunting without non-resident license" in 1996. The disposition is listed as "deferred dismissal".

Credit History -

Bradley Erpelding's credit history was reviewed. There are no recent past due accounts or debts turned over to collections. Bradley disclosed on his application that he filed for bankruptcy about 15 years ago. This bankruptcy did not show up on my credit report.

Investigation Notes

This application is for the transfer of a class "GA-GOLF" alcoholic beverage license (Authorizes the licensee to sell beer, wine, and spirits, on sale only and located on a 9 hole or more USGA golf course. A bar is allowed and 25% of sales must be from food from April-October, and 50% of sales must be from food from November-March) from Kjerbeersten, LLC d/b/a 19th Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ's Tavern.

I spoke with Brett Erpelding over the phone with regards to the missing information on his application. I told him I found some criminal charges that were not disclosed on his application. I brought up the smoking in a public space charge. Brett responded asking if it was 2007. I said it was from 2015 and asked if he remembered the charge. Brett said he did not. I read him the circumstances from the police report and added that the charge would have required him to appear in court and Brett said he still doesn't remember, but said he probably did it. I also asked Brett if his driver's license has ever been suspended other than the DUI noted on the application. Brett said it probably was from driving without insurance. This would explain the DUS citation issued during the DUI arrest in 2012.

I asked Brett why these charges were not disclosed on the application. Brett said he did not fill out the application, adding that one of the other applicants, maybe Cody, must have filled it out for him. I asked if this co-applicant asked him for the correct information to put on the application for him and he said they did not, and they must have looked it up or just remembered the information. I followed up asking if he signed the documents that have his signature and he said he did, but couldn't remember what he signed exactly. A closer review all of the handwritten applications shows it's likely that all 4 applications were filled out by individual people, and the person who filled out Brett's portion did not complete any of the other paperwork.

I called Cody Townsend to talk about Brett's application. Cody said he received a text message from Brett after I talked to him saying Brett put the wrong date of his DUI in the application. I asked Cody if he filled out Brett's paperwork for him and he said he did not, and Brett did fill it out himself. Cody was not able to give an explanation of why Brett would have been untruthful about not completing the application, other than it's possible he did not remember filling it out.

Business Location

CJ's Tavern will be located at 1500 East Rose Creek Parkway S at the Rose Creek Golf Course. There are no other businesses with an alcoholic beverage license in the area.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
FARGO POLICE DEPARTMENT

DEC 12 2023

WILLIAM S AHLFELDT
CAPTAIN

REF: CHIEF ZIBOLSKI

- BOTH CHRISTENSEN
AND STEFONOWICZ ON
VACATION.

- FORWARD

RECEIVED
FARGO POLICE DEPARTMENT
DEC 12 2023
DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: S. SPRUE

- RECOMMEND DENIAL DUE
TO INVALID APPLICATION



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Up North Hospitality LLC
(Must match State of North Dakota registration name)

DBA Name: CJ's Tavern

Is the establishment applying for (or has) a food license under the same name? Yes No

Business location address: 1500 East Rose Creek Pkwy S. Fargo, ND 58104

Mailing address: 201 5th St. N. Ste 1600. Fargo, ND 58102

Business E-mail address: Cody.h.townsend@gmail.com

Local Manager E-mail address: Cody.h.townsend@gmail.com

Best Contact Phone number: (701) 306-9546

Anticipated Date of Opening: 1-1-24

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 9-21-23 Class of License: FA-GOLF Transfer: Yes No

Investigations Fee Paid (\$250) Yes No Date Paid: 9-21-23

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation Denial Recommendation

[Signature]
Chief of Police

12-12-23
Date

* Application filled out by one person in valuating process - see investigation



Steve Sprague, City Auditor
City Auditor's Office
225 N 4th Street
Fargo, ND 58102-4817

Dear Mr. Sprague:

I am writing on behalf of the Fargo Park District to notify you and the Liquor Control Board that it is our intent to develop a lease arrangement with CJs Tavern to operate the food and beverage at Rose Creek Golf Course starting in January 2024. We have meet with the ownership group, including Brad Erpelding, Brett Erpelding, Codi Townsend and Jordan Erpelding to discuss their interest in operating the restaurant year-round. They would also have exclusive right to serve food and beverage in the grill and beverage cart(s) on the golf course.

We are currently drafting a lease and our intent is to discuss this at the December 12, 2023 Park Board meeting. The lease will be contingent upon the ownership group's ability to gain approval for a liquor license from the City of Fargo. The Park District is aware that Cody Townsend and Andy Skatvold have made a request for the transfer of the 19th Hole liquor license.

As per our phone discussion, the Fargo Park District would support this transfer and, if possible, ask that the application be considered at your December 2023 meeting.

Please contact me if you have any concerns regarding this lease at Rose Creek Golf Course.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Carolyn", is written in black ink.

Carolyn Boutain
Director of Community Relations
Fargo Park District
701-499-6075
cboutain@fargoparks.com

NOTICE OF HEARING

45

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, December 26, 2023, at 5:15 o'clock p.m. to consider an application for a Class "F" Alcoholic Beverage License for El Vaqueros, to be located at 3001 13 Avenue South.

Any interested person may appear and will be heard.

City Auditor's Office
(December 6, 2023)

MEMORANDUM

TO: Liquor Control Board
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Application – El Vaqueros
DATE: November 15, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: F – Full service– No bar allowed, food sales must exceed alcohol
Business Name: El Vaqueros
Location: 3001 13th Ave South
Applicants: Sandra Vega

This application is for the issuance of a Class F liquor license. This facility is be a full service Mexican restaurant and would like to offer alcoholic beverages with meals. They are currently open for business.

The Liquor Control Board voted unanimously to approve issuing the liquor license to El Vaqueros.

Recommended Motion:

Move to approve the issuance of a Class F alcoholic beverage license to El Vaqueros d/b/a El Vaqueros.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 10/27/2023

RE: Alcoholic Beverage License Application, Class "F", El Vaqueros

RECEIVED
FARGO POLICE DEPARTMENT

OCT 31 2023

MATT CHRISTENSEN
LIEUTENANT
REF: CAPT AHLFELDT

RECEIVED
FARGO POLICE DEPARTMENT

NOV 01 2023

WILLIAM S AHLFELDT
CAPTAIN
REF: A.C. STEPHANSON
- FURMAN

Application for a class "F" Alcoholic Beverage License from
El Vaqueros, Located at 3001 13th Ave S, Fargo.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Vega, Sandra

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed Vega was cited/arrested for minor in consumption in West Fargo in 2005. This charge was disclosed on the application. Vega has a valid ND Driver's License. Vega did not list the ND DL on the application. Vega only listed MN and FL. Vega's MN driver's license shows "no license" "changed state of record".

Credit History -

Vega's credit history was reviewed. There are no prior bankruptcies or debts turned over to collections. Vega has one account that was 60 days past due on three occasions, and one account that was 30 days past due on two occasions.

Investigation Notes

This application is for a class "F" alcoholic beverage license (Authorizes the licensee to sell beer, wine, and spirits "on-sale" only. Bar is not allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages) for El Vaqueros.

I interviewed Vega over the phone. I asked Vega why I was able to see a valid ND driver's license but it was not listed on the application. Vega said she had to go to Mexico for an emergency in 2020 and needed a passport. She went to the ND DOT to get an ID card while she was staying with her sister in West Fargo. There must have been a miscommunication and ND issued her a ND DL, which in turn canceled her MN DL. Vega was unaware her MN DL was no longer valid and she now had a ND DL. Vega, who is a Minnesota resident now, was going to go to the MN DMV to try and fix the issue.

I asked Vega about the recent missed payments on her credit accounts. Vega said the recent missed payments were on her mortgage. She thought she had signed up for auto-payment, but nothing was coming out of her account. She said payments were missed at the time, but the account is current now.

I brought up the minor in consumption charge that she disclosed on her application. Vega admitted to the charge again and said she has kept her record clean since.

Finally, I mentioned I saw in the application that her children currently serve at the restaurant. Vega's children are both under the age of 18. I made sure she was aware that they would not be able to serve alcohol at that age. Vega said she is well aware of that ordinance and they will not be serving alcohol.

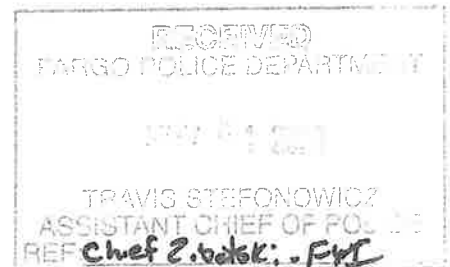
Vega was very cooperative during our conversation.

Business Location

El Vaqueros is located at 3001 13th Ave S, Fargo. The restaurant is already open and they are looking to add an Alcoholic Beverage License. The other business in the area with an alcoholic beverage licenses is Applebee's.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.



11/16/23
20592



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: El Vaqueros
(Must match State of North Dakota registration name)

DBA Name: Same

Is the establishment applying for (or has) a food license under the same name? Yes No

Business location address: 3001 13th Ave S. Fargo, ND 58103

Mailing address: 3001 13th Ave S. Fargo, ND 58103

Business E-mail address: Elvaquerosfargo@gmail.com

Local Manager E-mail address: Sandraperez244@gmail.com

Best Contact Phone number: (218) 790-0289

Anticipated Date of Opening: already open

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

[Handwritten signature]

The following section to be completed by City Staff:

Date Received: 10/6/23 Class of License: F Transfer: Yes No

Investigations Fee Paid (\$250) Yes No Date Paid: 10/6/23 Check/CC # CC

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Denial Recommendation

[Signature]
Chief of Police

11-02-23
Date

46

NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, December 26, 2023 at 5:15 o'clock p.m. to consider an application for ownership change of a Class "A-Club" Alcoholic Beverage License for Fargo Air Museum to be located at 1609 19th Avenue North.

Any interested person may appear and will be heard.

City Auditor's Office
(December 6, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Fargo Air Museum

DATE: December 26, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board for a Manager change:

License Class: A-Club – Club must have 200 members and 20 years in existence
Business Name: Fargo Air Museum
Location: 1609 19th Ave North
Applicants: Amy Ott

This application is for a manager change for a Class A-Club liquor license. To qualify for a Club license the organization must be in existence for 20 years and have 200 members. There are no food sales requirements and they are allowed to have a physical bar.

Being no significant concerns, staff & Liquor Control recommend approval of the manager change for a Class A-Club alcoholic beverage license to Fargo Air Museum d/b/a Fargo Air Museum. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the manager change for a Class A-Club alcoholic beverage license to Fargo Air Museum, LLC d/b/a Fargo Air Museum.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 11/21/2023

RE: Transfer of Alcoholic Beverage License Application, Class "A-Club", Fargo Air Museum

Application for a transfer of class "A-Club" Alcoholic Beverage License to a new owner for
Fargo Air Museum, Located at 1609 19th Ave N.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Ott, Amy

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

Credit History -

Ott's credit history was reviewed. There are no recent past due accounts or debts turned over to collections. Ott disclosed she filed for bankruptcy in 2013 and explained "Substantial debt from a divorce in 2013 after my ex husband filed for bankruptcy. I unfortunately could not take on that amount of debt alone." This bankruptcy was not listed on my credit history.

Investigation Notes

This application is for a transfer of a class "A-Club" alcoholic beverage license (Authorizes the licensee to sell spirits, beer and wine "On-Sale" only, bar is allowed. This license is for an organization for civic, fraternal, social or business purposes with at least 200 members and in existence for at least 20 years) to new ownership for Fargo Air Museum.

Business Location

Fargo Air Museum is located at 1609 19th Ave N. Other businesses in the area with alcoholic beverage licenses include Applebees, Buffalo Wild Wings, Homewood Suites, Labby's Grill & Bar, and Happy Harry's Bottle Shop.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
 FARGO POLICE DEPARTMENT
 NOV 22 2023
 MATT CHRISTENSEN
 LIEUTENANT
 REF: *CAPT AHLFELDT*

RECEIVED
FARGO POLICE DEPARTMENT

NOV 27 2023

WILLIAM S AHLFELDT
CAPTAIN
REF: *A.C. STEFONOWICZ*

- FORWARD

RECEIVED
 FARGO POLICE DEPARTMENT
 NOV 27 2023
 TRAVIS STEFONOWICZ
 ASSISTANT CHIEF OF POLICE
 REF: *Chief Zibolski - FIC*

RECEIVED
 FARGO POLICE DEPARTMENT
 NOV 28 2023
 DAVID B ZIBOLSKI
 CHIEF OF POLICE
 REF: *J. Sprague*

- Recommend Approval



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Fargo Air Museum
(Must match State of North Dakota registration name)

DBA Name: Fargo Air Museum

Is the establishment applying for (or has) a food license under the same name? Yes ___ No X

Business location address: 1609 19th Avenue North

Mailing address: 1609 19th Avenue North

Business E-mail address: communication@fargoairmuseum.org

Local Manager E-mail address: amy@fargoairmuseum.org

Best Contact Phone number: (701) 293-8043

Anticipated Date of Opening: 1/1/2024

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

New Management

Date Received: 10-23-23 Class of License: A-Club Transfer: X Yes ___ No

Investigations Fee Paid (\$250) X Yes ___ No Date Paid: 10-27-23

Police Department review completed by: CC Date: _____

(Attached recommendation report):

X Approval Recommendation
Chief of Police

Denial Recommendation
11-28-23
Date

NOTICE OF HEARING

47

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, December 26, 2023, at 5:15 o'clock p.m. to consider an application for a Class "Z" Alcoholic Beverage License for Downtown Tavern, LLC d/b/a Marge's Bar to be located at 210 Broadway, Suite 90.

Any interested person may appear and will be heard.

City Auditor's Office
(December 6, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Marge's Bar

DATE: December 20, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: Z – Full alcohol - bar allowed, No food requirement
Business Name: Marge's Bar
Location: 210 Broadway, Suite 90
Applicants: Dan Hurder, David Hurder, William Hurder, Jennifer Olson

This application is for the issuance of a Class Z liquor license. This license will separate the sales from Marge's Bar and The Boiler Room that are currently occurring under one license.

Being no significant concerns, staff & Liquor Control recommend approval of the issuance of a Class Z alcoholic beverage license to Downtown Tavern LLC d/b/a Marge's Bar. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class Z alcoholic beverage license to Downtown Tavern , LLC d/b/a Marge's Bar.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 12/4/2023

RE: Alcoholic Beverage License Application, Class "Z", Marge's Bar

Application for a class "Z" Alcoholic Beverage License from
Downtown Tavern, LLC d/b/a Marge's Bar, Located at 210 Broadway Suite 90, Fargo.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Hurder, Dan

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history. Dan Hurder disclosed a DUI in 2005 on his application. This DUI was also disclosed on a prior alcoholic beverage license application.

Credit History -

Dan Hurder's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Hurder, David

Criminal History - A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed no criminal history.

Credit History - David Hurder's credit history was reviewed. There are no prior bankruptcies or recent past due accounts. David Hurder has one collections account for \$155.

Hurder, William

Criminal History - A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed no criminal history.

Credit History - William Hurder's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Olson, Jennifer

Criminal History - A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed no criminal history.

Credit History - Jennifer Olson's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections. Olson had an account that was 120 days delinquent, but was paid in full in 2020.

Investigation Notes

This application is for a class "Z" alcoholic beverage license (Authorizes the licensee to sell "on-sale" beer, wine, and spirits, bar is allowed) for Downtown Tavern, LLC d/b/a Marge's Bar.

I spoke with David Hurder over the phone in regards to the \$155 collections account. David said he was aware of the account and said it stemmed from around 2007 when he tried to cancel a television subscription. The company had sent him a check in the mail and then sent a bill later claiming he still owed money on the account. David said he spent hours on the phone with the company to try and get it resolved, which was not successful. David said he was aware the account went to collections and would not settle with the credit companies when they contacted him due to him not agreeing with the debt.

Business Location

Marge's Bar is located at 210 Broadway N Suite 90. Other businesses in the immediate area with alcoholic beverage licenses are Beer and Fish Company, Rosewild, Blackbird Wood Fire Pizza, Teddy's, and Dempsey's. Marge's Bar is also located in the downtown area with several other businesses with alcoholic beverage licenses to the north and south.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
FARGO POLICE DEPARTMENT

DEC 12 2023

WILLIAM S AHLFELDT
CAPTAIN

REF: CHIEF ZIBOLSKI

- LT. CHASTENSEN
AND A.C. STEFANOWICZ
ON VACATION.
- FORWARD

RECEIVED
FARGO POLICE DEPARTMENT
DEC 12 2023
DAVID B ZIBOLSKI
CHIEF OF POLICE *DB*
REF: S. SPRAGUE

+ ReLommen Approval



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Downtown Tavern LLC

(Must match State of North Dakota registration name)

DBA Name: Boiler Room/Marge's Bar

Is the establishment applying for (or has) a food license under the same name? Yes No

Business location address: 210 Broadway Suite 90

Mailing address: 670 4th Ave N

Business E-mail address: dan.hurder@greatplainshospitality.com

Local Manager E-mail address: jenny@boilerroomfargo.com

Best Contact Phone number: (701) 3181080

Anticipated Date of Opening: already open

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 10/26/23 Class of License: Z Transfer: Yes No

Investigations Fee Paid (\$250) Yes No Date Paid: 10/26/23

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Denial Recommendation

David B. Juhl
Chief of Police

12-12-23
Date

NOTICE OF HEARING

48

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, December 26, 2023, at 5:15 o'clock p.m. to consider an application for a Class "C" Alcoholic Beverage License for Uncorked Lounge d/b/a Uncorked Lounge to be located at 5601 33 Ave S.

Any interested person may appear and will be heard.

City Auditor's Office
(December 6, 2023)

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Uncorked Lounge

DATE: December 20, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: C – Beer - bar allowed, No food requirement – adding to the Class W
Business Name: Uncorked Lounge
Location: 5601 33rd Ave S
Applicants: Jessica Medler

This application is for the issuance of a Class C liquor license. This facility will be an upscale wine bar & lounge also offering beer.

Being no significant concerns, staff & Liquor Control recommend approval of the issuance of a Class C alcoholic beverage license to Uncorked Lounge LLC d/b/a Uncorked Lounge, this will add to the Class W. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class C alcoholic beverage license to Uncorked Lounge, LLC d/b/a Uncorked Lounge.



FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *AM*

Date: 11/23/2023

RE: Alcoholic Beverage License Application, Class "C", Uncorked Lounge

Application for a class "C" Alcoholic Beverage License from
Uncorked Lounge, LLC d/b/a Uncorked Lounge, Located at 2820 Uptown Way, Fargo.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

Medler, Jessica

Criminal History -

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed no criminal history.

Credit History -

Medler's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Investigation Notes

This application is for a class "C" alcoholic beverage license (Authorizes the licensee to sell beer "on-sale" only, bar is allowed) for Uncorked Lounge, LLC d/b/a Uncorked.

Uncorked Lounge already holds a class "W" alcoholic beverage license. This application is to add a class "C" license to allow the sale of beer.

Business Location

Uncorked Lounge is located at 2820 Uptown Way. Other Businesses in the area with alcoholic licenses include Plaza Azteca.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED
FARGO POLICE DEPARTMENT

NOV 28 2023

MATT CHRISTENSEN
LIEUTENANT
REF: CAPT AHLFELDT

RECEIVED
FARGO POLICE DEPARTMENT

NOV 30 2023

WILLIAM S AHLFELDT
CAPTAIN
REF: A.C. STEFONOWICZ
- FORWARD
- INFORMATIONAL

RECEIVED
FARGO POLICE DEPARTMENT

NOV 30 2023

TRAVIS STEFONOWICZ
ASSISTANT CHIEF OF POLICE
REF: Chief Zibolski - FYE

RECEIVED
FARGO POLICE DEPARTMENT

NOV 30 2023

DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: S. S PRABHU

- RECOMMEND APPROVAL



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Uncorked Lounge LLC
(Must match State of North Dakota registration name)

DBA Name: _____

Is the establishment applying for (or has) a food license under the same name? Yes ___ No X

Business location address: 5601 33rd Ave S Suite 105

Mailing address: 6091 66th St S

Business E-mail address: Hello@uncorkedlounge.social

Local Manager E-mail address: JessMedler@outlook.com

Best Contact Phone number: (701) 541-9800

Anticipated Date of Opening: March 2024

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 11-14-23 Class of License: C *(ADD TO EX-500 & W)* Transfer: ___ Yes X No

Investigations Fee Paid (\$250) X Yes ___ No Date Paid: _____

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

X Approval Recommendation
David Byrd
Chief of Police

___ Denial Recommendation

Date



PUBLIC WORKS OPERATIONS

499

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

December 26, 2023

Honorable Board of City Commissioners
City Hall
225 4th St N
Fargo, ND 58102

Commissioners:

At the November 27, 2023, commission meeting, a public hearing was held regarding the appeal of a Board of Adjustment decision regarding a Land Management Permit at 338 9th Ave S. The motion to support the Land Management Permit was declared lost for the lack of a majority. At the December 11 meeting, commissioners voted to reconsider this permit request, and hold a public hearing.

The packet submitted at the November 27 meeting included:

- License agreement for the use and maintenance of the city owned lot at 338 9th Ave S.
- Certificate of Liability Insurance.
- Public Works Project Evaluation Committee report of action.

Chapter 11-08 of the Fargo Municipal Code, adopted in 2006, does allow vegetation to exceed 8" in height to allow property owners or occupants an opportunity to establish prairie wildflowers, grasses, and other pollinator plants as alternatives to traditional Kentucky bluegrass, as long as there is a Land Management Plan/Permit in place.

3 years ago, the owners at 340 9th Ave S, took it upon themselves and contracted PRI (now MN Native Landscapes) to establish wildflower and native grass plantings on this city owned lot. Currently, a mowing is scheduled for spring 2024.

Prairie plantings in an urban area are a challenge, and require unique maintenance strategies at different times throughout the growing season, managed by an individual or contractor knowledgeable in this type of landscaping. It also requires a commitment by the owner or occupant. This commitment is reflected in the Land Management Plan/Permit and in this case, the use and maintenance agreement.

Typical maintenance needs include:

3-5 site visits per season.

- Full spring or fall mowing as needed
- Spot herbicide
- Herbicide wicking
- Hand weeding
- Spot mowing
- Reseeding/Replanting as needed

Cost examples:

- Veterans Boulevard roundabouts: \$1500.00 for 2023. *City funded.*
- 338 9th Ave S: \$3025.00 (2021-2023; included site prep, seeding, wildflower planting and maintenance). *Privately funded.*

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution



**PUBLIC WORKS
OPERATIONS**

**Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100**

Recommended motion:

After reviewing all of the information, uphold the Board of Adjustment decision reaffirming the Forestry Department's approval of the Land Management Plan/Permit at 338 9th Ave S and at the close of the public hearing, act to approve the original application.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Liudahl".

Scott Liudahl
City Forester

Cc: Ben Dow

LMP 338 9th Ave S – city commission 12.26.23.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

LICENSE AGREEMENT

THIS AGREEMENT is entered into by and between the City of Fargo, North Dakota, a municipal corporation, whose address is 225 4th Street North, Fargo, North Dakota, hereinafter referred to as “Licensor”, and Darrell Ross and/or Kimberly Wallen, owners of the property located at 340 9th Avenue South, Fargo, North Dakota, hereinafter referred to as “Licensee”, whether one or more.

WHEREAS, Licensee desires to secure access to the city of Fargo owned lot South of and adjacent to Licensee’s lot for the purpose of maintaining and managing the prairie planting; and

WHEREAS, City is willing to allow Licensee to secure a permit for the maintenance of the prairie planting on the lot adjacent to Licensee’s lot for this purpose.

NOW THEREFORE, for good and valuable consideration hereby acknowledged, the parties agree as follows:

1. Licensee is the owner of the adjacent property, legally described as follows:

The East Half (E ½) of Lot Six (6), all of Lot Seven (7), except the South 51' of said Lots, Block Four (4), Woodruff's Addition to the City of Fargo, Cass County, State of North Dakota.

2. The description of the premises for the purposes of this License is as follows:

Lot Six (6), Block Four (4), Woodruffs Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Property address: 338 9th Avenue South, Fargo, ND 58103

3. Use of Property and Prohibited Activities. Licensee is hereby granted access to, and use of, the Fargo owned lot for the sole purpose of maintaining the property, including but not limited to mowing, trimming, seeding, weed management, and watering in accordance with the terms of a Prairie Management Permit issued by the City of Fargo.

4. Insurance. Licensee agrees to carry general liability insurance in an amount not less than \$500,000, and shall provide Licensor a Certificate of Insurance naming the City of Fargo as an additional insured. Such insurance must be maintained during the term of this agreement and any extension agreed to thereafter. Failure to provide and maintain the necessary insurance shall result in an immediate termination of the access and use granted herein.

5. Non-reimbursement of Damages. Licensee acknowledges that they shall be responsible for all costs associated with repairing any damages to permissible improvements made to the property.

6. Term. The term of this license agreement shall be for a period of 3 years. This license agreement may be extended by the parties, in writing signed by the parties,

for additional 3-year terms, such extensions to be recorded in the County of Cass, State of North Dakota. City reserves the right to terminate this license agreement, with or without cause, at any time, without costs or payments to Licensee. City shall endeavor to provide Licensee at least 10 days' Notice of Intent to Terminate License Agreement, but shall have no obligation to provide such notice.

7. Non-transferability. This license agreement shall be personal to the Licensee, whether one or more, hereto so long as Licensee remains in possession and control of the adjacent lot. Any modifications, assignment or successors may request to enter into a new license agreement with the City for the purpose stated herein, such permission to not be unreasonably withheld. The parties agree and understand that this license agreement shall be recorded, at Licensee's cost and expense.

Dated this ___ day of _____, 2023.

LICENSOR:

City of Fargo, a North Dakota Municipal Corporation

Dr. Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ___ day of _____, 2023, before me a Notary Public in and for said county and state, personally appeared Dr. Timothy J. Mahoney and Steven Sprague, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, NORTH DAKOTA, the municipal corporation described in and who executed the within

and foregoing instrument and acknowledged to me that said municipal corporation executed the same.

Notary Public
Cass County, North Dakota
My Commission Expires:

Dated this 21 day of November 2023.

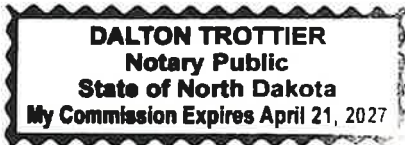
LICENSEE:

By: Darrell W Ross

By: Kimberly Wallen

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this 21st day of November, 2023, before me a Notary Public in and for said county and state, personally appeared Darrell Ross and Kimberly Wallen to me known to be the persons described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same.



Dalton Trottier
Notary Public
Cass County, North Dakota
My Commission Expires:



Policy Number: HO00002700

Date Entered: 11/20/2023

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/20/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Shane Lebahn or Justin Heisler 623 Main Ave E #106 West Fargo, ND 58078	CONTACT NAME: Shane Lebahn PHONE (A/C, No, Ext): (701) 282-9402 FAX (A/C, No): () - E-MAIL ADDRESS: _____ _____
INSURER(S) AFFORDING COVERAGE	
INSURER A: Farmers Union Insurance Company	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
 Darrell & Kimberly Ross
 340 9th Ave S
 Fargo, ND 58103

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSP WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: _____		HO00002700	02/20/2023	02/20/2024	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N N / A					PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Liability is extended off homeowners policy for "338 9th Ave S Fargo ND 58103."
 City of Fargo is also additional insured.

CERTIFICATE HOLDER City of Fargo 225 4th St N Fargo, ND 58102	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: Use and Maintenance Agreement

Location: 338 9th Avenue South

Date of Hearing: 9/25/2023

<u>Routing</u>	<u>Date</u>
City Commission	
PWPEC File	X
Project File	Scott Liudahl

The Committee reviewed the attached correspondence from City Forester, Scott Liudahl, regarding a proposed License Agreement for the City owned lot at 338 9th Avenue South.

Three years ago, property owners at 340 9th Avenue South, Darrell Ross and Kimberly Wallen, contracted with MN Native Landscapes to install a prairie landscape/pollinator garden on the City owned vacant lot located at 338 9th Avenue South. Three years later, it is well established and being actively managed, and in good condition.

Per ordinance, anything growing over 8" in height is not allowed unless there is a Land Management Permit (LMP) in place. Environmental Health received a complaint regarding the un-mowed lot. After consulting with Public Works and Environmental Health staff, we felt it was appropriate to pursue the LMP after the fact. One appeal was received and will be heard at the next Board of Adjustment meeting.

With guidance from Nancy Morris, a proposed License Agreement has been established. Darrell has agreed to maintain the City owner property per the LMP guidelines and License Agreement.

The Committee discussed their support of agreements such as this that allow, under certain conditions, neighboring property owners to maintain City owned land. The Committee further discussed current and missing language in the proposed License Agreement. The Committee felt that the insurance requirements (\$1 million general liability) was likely in excess and could be a deterrent to this and potentially future property owners. The Committee also discussed the need to include language pertaining to non-reimbursement of damages

On a motion by Ben Dow, seconded by Brenda Derrig, the Committee voted to approve the proposed License Agreement for the City owned lot at 338 9th Avenue South with the condition that Scott Liudahl work with the City Attorney to include non-reimbursement of damages language and to consider reducing insurance requirements.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the License Agreement for the City owned lot at 338 9th Avenue South.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

Developer meets City policy for payment of delinquent specials Agreement for payment of specials required of developer Letter of Credit required (per policy approved 5-28-13)

Yes	No
	N/A
	N/A
	N/A

COMMITTEE

- Tim Mahoney, Mayor
- Nicole Crutchfield, Director of Planning
- Steve Dirksen, Fire Chief
- Brenda Derrig, Assistant City Administrator
- Ben Dow, Director of Operations
- Steve Sprague, City Auditor
- Tom Knakmuhs, City Engineer
- Susan Thompson, Finance Director

Present	Yes	No	Unanimous
			<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson


 Tom Knakmuhs, P.E.
 City Engineer



PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

To: Tom Knakmuhs, City Engineer; PWPEC
From: Scott Liudahl, City Forester
Re: Use and Maintenance Agreement – 338 9th Ave S
Date: 9/25/23

Part 1

I am working with the property owners at 340 9th Ave S – Darrell Ross, and Kimberly Wallen. Three years ago, knowing it was not their property (338 9th Ave S – city owned vacant lot) but also knowing nothing was going to be done with it, they contracted with MN Native Landscapes, formerly Prairie Restorations Inc., to install a prairie landscape/pollinator garden on this piece of city property. Three years later, it is well established, being actively managed, and in good condition.

Per ordinance, anything growing over 8" in height is not allowed unless there is a Land Management Permit (LMP) in place. After review of the property owner's application and supporting documentation, the city forester then issues the LMP. This is the normal process. Darrell claims he was unaware to the LMP requirement, and Environmental Health received a complaint regarding the un-mowed lot. After consulting with Public Works and Environmental Health staff, we felt it was appropriate to pursue the LMP after the fact. The LMP was approved. One appeal was received via the neighborhood notification process, and will be heard at the next Board of Adjustment meeting.

Part 2

With guidance from Nancy Morris, a proposed license agreement is attached. Darrell wants, and has agreed, to maintain the city owned property per the LMP guidelines and a license agreement.

Suggested motion:

Support the proposed license agreement for the city owned lot at 338 9th Ave S.

Thank you.

PWPEC license agreement 338 9th Ave S (projects-areas).doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: SCOTT LIUDAHL, CITY FORESTER

DATE: NOVEMBER 9, 2023

RE: APPEAL OF BOARD OF ADJUSTMENT DECISION REGARDING A LAND MANAGEMENT PERMIT AT 338 9 AVE S, UPHOLDING AN ADMINISTRATIVE DECISION ON PERMIT

In front of the City Commission on November 13th is a public hearing to appeal the Board of Adjustment's decision to uphold an administrative decision on a Land Management Permit. The Board of Adjustment considered an appeal of an administrative decision on October 24, 2023 and unanimously approved to uphold the decision of the City Forester.

Here is a summary of exhibits for reference:

- 1) Board of Adjustment – Finding of Fact
- 2) Application for an Appeal of a Board of Adjustment Decision, dated October 25, 2023
- 3) Board of Adjustment Appeal of an Administration Decision, staff report and supporting documentation dated October 24, 2023.

The appellant and staff will both be present as part of the public hearing for this item to provide the background for your review and ruling of this appeal.

Suggested Motion:

The Board of City Commissioners has reviewed the application and supporting documentation for a Land Management Plan / Permit at 338 9th Avenue South and find the proposed application meets the purpose and intent of Fargo Municipal Code 11-08. Upholding the Board of Adjustment decision reaffirming the Forestry Department's approval of the Land Management Plan / Permit at 338 9th Avenue South.

CITY OF FARGO
Appeal of a Board of Adjustment Decision

Item: Appeal of Board of Adjustment Decision

Date: November 6, 2023

Appellant: Marilyn Seitz

Appeal of BOA Decision to City Commission – November 13, 2023

Summary of Record

Background:

The Board of Adjustment considered an Appeal of an Administrative Decision at the October 24, 2023 regular meeting.

Exhibits:

The following exhibits are admitted as part of this staff report and are attached:

- Appeal of a Board of Adjustment Decision application from the appellant, dated October 25, 2023.
- Board of Adjustment packet excerpt from the October 24, 2023 which includes the permit application and Fargo Municipal Code, Article 11-08.

October 24, 2023 Board of Adjustment - Findings of Fact

A full and complete application was filed by K. Wallin and D. Ross on June 27, 2023 seeking a Land Management Permit at 338 9th Avenue South to allow plantings to exceed the maximum 8-inch height of grasses as required in 11-0809 of the Fargo Municipal Code.

The Land Management Plan / Permits are intended to promote native and other plants and grasses in their landscape, including pollinator gardens/plants, vs traditional Kentucky blue grass.

As outlined in the Fargo Municipal Code 11-0810, the City Forester reviewed and approved the application and mailed notification of the approval to property owners within 200 feet of the subject property. Neighboring property owners were provided the option to appeal the City Forester decision to the Board of Adjustment as outlined in a letter dated July 17, 2023.

A written letter of protest was submitted via email to the City Forester on August 8, 2023 by M. Sietz.

The Board of Adjustment considered the Appeal of an Administration Decision at the October 24, 2023 meeting. The Land Development Code, as outlined in the §20-0916, outlines how the Board of Adjustment is to consider an Appeal of an Administrative Decision:

Appeals of Administrative Decisions shall be taken to the Board of Adjustment. The Board of Adjustment shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Adjustment shall have all the powers of the official from whom the appeal is taken, and the Board of Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. A concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

The Board of Adjustment at the regular meeting on October 24, 2023 voted 5-0, unanimously to Affirm staff's decision to Approve the Land Management Permit / Plan application for 338 9th Avenue South.

Appeals from the action of the Board of Adjustment may be taken to the Board of City Commissioners by filing an appeal with the Zoning Administrator.

On October 25, 2023, an application to Appeal a Board of Adjustment was submitted to the Zoning Administrator Decision by M. Seitz.

Appeal of a Board of Adjustment Decision

The Board of City Commissioners shall consider the application for a Land Management Permit / Plan as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application.



PLANNING AND DEVELOPMENT

200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526

E-Mail: planning@cityoffargo.com
www.cityoffargo.com

APPEAL OF A BOARD OF ADJUSTMENT DECISION

We, the undersigned, do hereby petition the Board of City Commissioners of the City of Fargo, North Dakota, to hear and decide an appeal of a decision or determination made by the Board of Adjustment of the City of Fargo.

Property Owner Information

Name (printed): MARILYN Seitz
 Address: 327 10 AVE N.E.S.
 Primary Phone: 701-293-0033 Notext
 Alternative Phone: -
 Fax: -
 Email: mcseitz888@gmail.com

Representation Information (if applicable)

Name (printed): _____
 Address: _____
 Primary Phone: _____
 Alternative Phone: _____
 Fax: _____
 Email: _____

Location of property involved in the appealed decision (if applicable)

Address: 338 9 AVE. SOUTH - FARGO, N.D. (City Owned)
 Legal Description (attach separate sheet if more space is needed): _____

Reason for Appeal (attach separate sheet if more space is needed)

Political favoritism or rejection !!
Discrimination toward me
Harassment toward me after rejection.
See attached list of Complaints (please)

Acknowledgement – We hereby acknowledge that we have familiarized ourselves with the rules and regulations to the preparation of this submittal and that the forgoing information is true and complete to the best of our knowledge.

Owner (Signature): Marilyn Seitz Date: 10/25/2023
 Representative (Signature): _____ Date: _____

Office Use Only

Date Filed: _____ Pre-Application Meeting Date: _____
 Application Complete: Yes No Reviewed By: _____

RECEIVED
10/25/2023

City of Fargo

Board of Adjustment

225 N 4 Street

Attn: Kim Citrowske

Fargo, ND 58102

Cc: Scott Luidahl

Fargo Forestry Dept

402 23 st N

Fargo, ND 58102 sluidahl@fargond.gov

This is In PROTEST and response to WEED PATCH that has been installed 3 years ago by residence at 340 9 ave So Fargo, ND.

10 residents in this area are protesting this weed Patch.,

- 1. This property does not belong to resident at 340 9 ave so. Therefore they have no right to establish use of this land.**
- 2. This land is owned by City of Fargo or Dike Project.**
- 3. All 10 residents have lived in this area for 30 – 40 years and have always had a well maintained area and are demanding that this be continued.**
- 4. This weed patch was planted by non owners, to stop anyone from coming near their patio, which is their lot line.**
- 5. This weed patch is a safety hazard and a environmental tragedy . Noxious weeds are rampant and need immediate removal.**
- 6. This WEED Patch has devalued our property since prospective buyers are asking what type of ghetto this area has turned into.**
- 7. This WEED PATCH had a rope tied to City Property so people would stay OUT !!!**
- 8. This WEED PATCH approval was back dated!! This appears to be inside political favoritism.**
- 9. The Shack that resident at 340 9 ave So needs to be removed., No garage or shack of any sort can be installed in back of residence. All residents in area are upset that personal junk is visible. JUNK NEEDS To be installed inside owners property.**
- 10. Protesting also that other residents tax dollars are being spent to pay for WEED PATCH .**

- 11. 10 residents are demanding that WEED PATCH be removed immediately and trees trimmed to eliminate hiding spots for vagrants looking for a place to camp and expose their their body which is in full view of other members of community.**
- 12. Please ensure prompt and courteous removal of all of the above.**

Sincerely

10 community residents and TAX Payers

Please respond ASAP

Subject: weed patch on 9 ave so.Fargo

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

Scott ,

pLEASE add these items to my complaint letter.

This weed patch has not been maintained

1. weed patch is supposed be cut down in spring not done
2. weed patch is supposed to be sprayed not done until weeds were 6ft tall.
3. weed patch is supposed to be burned at end of growing season. not done plus better not start a fire

in a residential area.

Please add to my letter.

thank you,

marilyn seitz

|

Virus-free.www.avg.com

<image001.jpg>

image001.jpg
1K



Marilyn Seitz <mcseitz888@gmail.com>

Re: weed patch on 9 ave so.Fargo

1 message

Scott Liudahl <SLiudahl@fargond.gov>
To: Marilyn Seitz <mcseitz888@gmail.com>

Thu, Oct 19, 2023 at 11:13 AM

Completed.

I sent it to Kim.

Thanks Marilyn.
Scott

Sent from my iPhone

On Oct 19, 2023, at 9:20 AM, Marilyn Seitz <mcseitz888@gmail.com> wrote:

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

Scott, Thanks for your response, would you like a photo of what his weed patch looks like now? pERHAPS YOU OR SOMEONE WITH AUTHORITY should take your own photo (not the owner at 9th).
Thanks marilyn seitz

 Virus-free.www.avg.com

On Thu, Oct 19, 2023 at 7:31 AM Scott Liudahl <SLiudahl@fargond.gov> wrote:

Thanks Marilyn.

Scott

From: Marilyn Seitz <mcseitz888@gmail.com>
Sent: Wednesday, October 18, 2023 12:48 PM
To: Scott Liudahl <SLiudahl@FargoND.gov>



Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: planning@FargoND.gov
www.FargoND.gov

BOARD OF ADJUSTMENT
Tuesday, October 24, 2023 | 9:00AM
City Commission Chambers
AGENDA

1. Approve Minutes – September 26, 2023
2. New Business
 - a. CONTINUED - Appeal of Administrative Decision – 338 9th Avenue South
 - i. Appellant claims staff erred in its determination to approve a Land Management Plan / Permit issued at 338 9th Avenue South. Land Management Plan / Permits allow plantings to exceed the maximum 8 inch length as defined by the City of Fargo Municipal Code, Article 11-08.
3. 2024 Meeting Dates
4. Other Business
5. Adjourn – Next Meeting: November 28, 2023

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.



PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

To: Michael Love, Chair – Board of Adjustment
From: Scott Liudahl, City Forester
Re: Land Management Plan – 338 9th Ave S
Date: 9/26/23

Chapter 11 of the Fargo Municipal Code requires property owners to remove noxious or other weeds, and to maintain the growth of grass so it does not exceed 8" in length. However, these requirements do not apply to a property where the owner or person in control of the property has applied for and obtained a land management plan/permit (LMP) from the city allowing grass growth to exceed 8" in length. This allows property owners the opportunity to promote native and other plants and grasses in their landscape, including pollinator gardens/plants, vs. traditional Kentucky blue grass.

This permit process includes:

- Written plan, and map, identifying the areas on the property
- Description of the plants
- Management and maintenance techniques to be utilized
- 200' mailing to adjacent owners – opportunity to appeal
- Agreeing to mow or cut if ordered to do so

After reviewing the information provided by the applicants at 340 9th Ave S, Darrell Ross and Kimberly Wallen (the adjacent property owners), the plan/permit has been approved. Per the notification process, one appeal was received.

Three years ago, knowing it was not their property but also knowing nothing was going to be done with it, Darrell and Kimberly contracted with MN Native Landscapes, formerly Prairie Restorations Inc., to install the prairie landscape on this piece of city property. Three years later, it is well established. Prior to proceeding with the LMP, this was discussed with public works and environmental health staff.

The attached information includes: related ordinance, approved LMP, supporting information provided by the applicant, site location, photos, and the appeal.

In working with Nancy Morris, an agreement has been developed, allowing Darrell and Kimberly to use and maintain the property. This agreement is currently working its way through the Public Works Project Evaluation Committee, and will go to city commission for final approval.

Suggested motion:

Support the approved land management plan/permit as presented, and deny the appeal.

Thank you.

LMP 338 9th Ave S BOA (projects-areas).doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

11-0805. - Control of stagnant water, noxious or other weeds, tall grass.

No stagnant water shall be allowed to stand or remain, noxious or other weeds, or grass allowed to grow more than eight inches (8") in length upon or along the line of any railroad, street, highway, alley, public place, along or upon any vacant or other lot or real estate parcel, public or private, or other place within the city. For purposes of this article, "noxious weeds" shall mean any species of plant or vegetation recognized by the North Dakota State Weed Board as a noxious weed.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0806. - Duty of property owners to control stagnant water, fill excavations, remove dirt piles, noxious or other weeds, tall grasses.

It shall be the duty of all property owners, occupants, or persons having control over private property to remove or drain stagnant water, to fill excavations, to remove dirt piles, to remove noxious or other weeds, and to maintain the growth of grass on such property so that it does not exceed eight inches (8") in length. These requirements apply to areas along and upon any railroad, street, highway, alley, public place or along or upon any vacant or other lot or place within the city.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0807. - Failure to drain stagnant water, fill excavations, remove dirt piles, remove weeds, maintain grass.

Notice of a violation of this article shall be mailed to the record property owner as shown in the property tax records maintained in the city assessor's office, upon any agent of the property owner, and upon any occupant of the property when appropriate. The owner, agent, tenant or person in charge of the property shall take appropriate action to remove the stagnant water, fill excavations, remove dirt piles, fill holes or depressions, cut and/or keep down the growth of any noxious or other weeds, and maintain all grasses not to exceed eight inches (8") in height, as directed by the health department within the specified period of time. If the property owner, tenant, or agent fails to take such appropriate action within the time period as directed by the health department, the health department shall have authority to remove or drain off any stagnant water, fill all excavations, holes, or depressions, and cut or mow any noxious or other weeds and grasses.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0808. - Control of noxious and other weeds, grass—exceptions to general requirements.

The requirements in this article requiring control of noxious and other weeds and grasses do not apply to property where the owner or person in control of the property has applied for and obtained a land management plan permit from the city allowing grass growth to exceed eight inches (8") in length.



Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0809. - Land management plan permit—Issuance.

To obtain a land management plan permit, the applicant must submit a written plan identifying the specific area where the plantings or grass is planned to exceed eight inches (8") in length, a statement of intent and purpose for the area, a drawing, plot plan and/or survey showing the location of the planting on the applicant's property, a detailed description of the plant types and plant succession involved, and specific management and maintenance techniques to be employed. The land management plan must include provisions for maintaining plantings at a length not to exceed eight inches (8") in the area between the sidewalk and the street, or a strip not less than fifteen feet (15') adjacent to the street where there is no sidewalk, as well as a strip not less than four feet (4') adjacent to neighboring property lines unless waived in writing by the abutting property owner on the side so affected. Any such waiver of the requirements shall be affixed to the application and plan. No area of city owned property within any street right-of-way may be included within a land management plan. This shall include the property between the sidewalk and the street and not less than fifteen (15) feet adjacent to the street where there is no sidewalk. As a condition of receiving approval of a land management permit, the applicant agrees and understands to mow or cut any grass or plantings when ordered to do so by the health officer or any other city official or designee thereof.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0810. - Permit application—Review.

An application for a land management plan permit shall be on a form provided by the city shall be submitted to the forestry department. A copy of the application shall be mailed to each of the owners of record, as listed in the office of the City Assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of the properties affected. The application and any related information shall be considered by the city forester. The city forester shall have authority, after reviewing all appropriate materials and information, to approve or deny the application. An applicant who has had a permit denied or revoked, or an affected property owner in the event a permit is granted, may appeal the decision of the city forester to the board of adjustment. Such appeal must be made in writing within fifteen (15) days of the city forester's decision and shall be heard at a regular meeting of the board of adjustment.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0811. - Owner or occupant's responsibilities concerning land management plan.

An owner or occupant receiving a land management plan permit agrees to maintain any grass or plantings so as not to present hazards or to create a nuisance for adjoining properties, or to persons or vehicles traveling on the public ways. An owner or occupant receiving such permit also agrees to manage and maintain such grass or plantings such that they do not present a hazard to structures on affected land and to maintain such plantings as to enhance the appearance of the property on which they are located.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0812. - Authority of city to manage and control grass and plantings within an area included within a land management plan.

Notwithstanding issuance of a land management plan permit, the city may order the cutting of such grass or plantings included within a land management plan at any time the city determines that the growth may constitute a fire or safety hazard as to cause danger to the safety of the inhabitants of any residential structure on located on the premises or to the citizens and residents of the neighborhood. Any costs incurred by the city shall be charged to the owner, occupant, or person in control of the property as authorized under this article.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).



**PUBLIC WORKS
OPERATIONS**

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

Land Management Plan Application/Permit

Property owner, address(s), phone: Kimberly Wallin and Darrell Ross; 340 9th Ave S, Fargo, ND 58103; 541-231-9027 (Kimberly) and 541-231-9426 (Darrell)

Proposed location of landscape: 338 9th Ave S, Fargo, ND 58103

Date of application: 6/27/23

Intent and purpose of landscape: Restore native prairie vegetation by contract with Minnesota Native Landscapes (formerly Prairie Restoration Inc.) similar to the prairie along the bike path at intersection with 1st Ave N in downtown Fargo to provide habitat for birds, pollinators, and other

Types of plants/grasses to be used (Buffalo Grass, Blue Grama, etc). Include plant name and mature height: See attached plan prepared by Minnesota Native Landscapes.

Management and maintenance techniques to be utilized: In consultation with Minnesota Native Landscapes, we will do all activities that they recommend.

Attach diagram/plan:

Note: No area of city owned property within any street right-of-way may be included within a land management plan. This shall include the property between the sidewalk and the street and not less than fifteen (15) feet adjacent to the street where there is no sidewalk. As a condition of receiving approval of a land management permit, the applicant agrees and understands to mow or cut any grass or vegetation when ordered to do so by the health officer or any other city official or designee thereof.

A four (4) foot buffer adjacent to neighboring properties is required unless waived. Any writing by adjacent to neighboring property lines waiving the buffer zone must be attached to the application.

Approved / Denied - Inspector signature/date *Scott Stahl 7/17/23*

Applicant signature/date *Kimberly Wallin Darrell Ross 6/27/23*

Comments:
Owner at 340 9th Ave S shall be responsible for managing/ removing designated ND Dept. of Ag. noxious weeds.

LMPI.doc

- | | | | |
|--|---|--|---|
| Central Fueling
Fleet Purchase
And Vehicle Maintenance | Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance | Snow Removal
Street Maintenance
Street Name Sign Maintenance | Urban Forestry
Watermeters
Watermain Distribution |
|--|---|--|---|

Date: 10/13/2020

Proposal to Create a Native Landscape at the
Ross Residence
Fargo, ND

Prepared for:

Darrel & Kimberly Ross

340 9th Ave South

Fargo, ND 58103

541-231-9426

dross_55@yahoo.com

Prepared by:

Blaine Keller

Site Manager

218-498-0260

bkeller@prairieresto.com

Project Area:

± 2000 square feet

Prairie Restorations, Inc. 

P.O. Box 1027

Hawley, MN 56549

www.prairieresto.com

A. Bidder Qualifications:

1. At least 5 years of experience planting native landscapes of similar size and scope to this project.
2. That the contractor's business specializes in native plant community restoration and ecologically based land management practices.
3. Assignment of a Qualified Project Supervisor capable of being present full time during all installation and maintenance work. Qualifications will include:
 - A bachelor's degree in Natural Resources Management or related field.
 - Minimum of five years experience in landscape restoration and maintenance supervision, with experience or training in prairie and wetland management, entomology, pest control, soils, fertilizers and plant identification.
 - Current herbicide and pesticide applicators license.
4. Assignment of a Qualified Labor Force thoroughly familiar and trained in the work.

B. Company Background:

Prairie Restorations, Inc. (PRI) has been dedicated to the restoration and management of native plant communities for over 40 years. We are fortunate to have worked with thousands of clients on a wide variety of projects in both the public and private sectors throughout the Upper Midwest.

The PRI staff currently consists of 54 full-time professionals and about an equal number of seasonal employees which operate out of six Minnesota locations. Most of the staff has B.S. degrees in natural resource related fields such as biology, forestry, horticulture or wildlife. As a full service restoration company, PRI is able to provide our clients expertise and service in all facets of native landscape restoration. Along with consulting, design, installation and land management services, we also produce our own local ecotype seed and plant materials which are used on all of our projects.

The PRI Team is committed to and passionate about protecting and enhancing our valuable natural resources. It is this dedication that is brought to each and every one of our projects. We are proud to offer the best expertise, services and products available in the industry and appreciate the opportunity to provide you with this proposal.

C. Site preparation:

1. In areas with actively growing vegetation apply a glyphosate herbicide (Roundup® or equivalent) as per manufacturer's directions. Allow a minimum of 10 days before disturbing the vegetation with other procedures.
2. Mow the dead vegetation and remove excess thatch as needed.
3. Harley rake the soil to remove thatch and create a smooth seedbed.
4. Hand rake the soil to create a firm, smooth seedbed.
5. Respray with a glyphosate herbicide (Roundup® or equivalent) if regrowth of vegetation occurs and when it reaches approximately 8" to 12" in height.

D. Seed and Seeding:

1. Seeding dates will be in the spring or summer before August 10th or in the fall between September 20th and freeze-up.
2. All seed will be applied by broadcasting.
3. A harrowing or raking will follow all grass seeding.
4. The seed mixes will consist of the following species and amounts:

Grass Seed	lbs./project area
PRI Short Dry Grass Mix:	
45% Little bluestem, 31% Side oats grama,	
15% Blue grama, 6% Poverty oat grass,	
3% June grass, all by PLS weight.....	1
PRI Savanna Grass Mix:	
30% Little bluestem, 25% Side oats grama,	
12% Poverty oat grass, 8% Big bluestem,	
5% Canada wild rye, 4% Kalm's brome,	
4% Bottlebrush grass, 4% Silky wild rye,	
4% Indian grass, 2% Blue grama,	
2% Fringed brome, all by PLS weight.....	1

Note: A cover crop of oats will be sown along with the native grasses at a rate of approximately 25 lbs. per acre. Oats is an annual grass species that germinates quickly and will reduce the risk of soil erosion on the site.

Wildflower Seed

oz./project area

PRI Short Dry Wildflower Mix:

21% Purple prairie clover, 20% Hoary vervain, 18% Black-eyed Susan,
 16% Leadplant, 6% Golden Alexander, 4% Stiff goldenrod,
 3% Common milkweed, 3% White prairie clover, 3% Western spiderwort,
 2% Canada tick trefoil, 1% Yarrow, 1% Showy penstemon,
 1% Prairie rose, 1% Gray goldenrod, all by PLS weight..... 8

PRI Savanna Wildflower Mix:

20% Purple prairie clover, 19% Hoary vervain, 16% Black-eyed Susan,
 12% Leadplant, 8% Common ox-eye, 7% Golden Alexander,
 5% Stiff goldenrod, 4% Canada tick trefoil,
 2% Common milkweed, 2% Wild bergamot,
 2% Prairie rose, 1% Yarrow, 1% Gray goldenrod,
 1% Western spiderwort, all by PLS weight 8

E. Plants and Planting:

1. Optionally, the planting can be further diversified with wildflower and/or grass plants (plugs or 4 inch pots). These will be planted individually in appropriate microhabitats throughout, or in designated areas of the project. The plants used will consist primarily of species other than those previously seeded.
2. From the following list a minimum of 6 species will be used.
3. Plant a total of * seedlings, *% of which will be grasses, sedge or rushes (graminoids), and *% of which will be wildflowers (forbs). The plants will have an approximate spacing of * inches on center.
4. Plant a total of 90 plugs.

Wildflowers

Columbine (*Aquilegia canadensis*)
 Purple coneflower (*Echinacea purpurea*)
 Northern bedstraw (*Galium boreale*)
 Prairie smoke (*Geum triflorum*)
 Meadow blazing star (*Liatris ligulistylis*)
 Dotted blazing star (*Liatris punctata*)
 Pale lobelia (*Lobelia spicata*)

Wild lupine (*Lupinus perennis*)
 Meadow rose (*Rosa blanda*)
 Upland goldenrod (*Solidago ptarmicoides*)
 New England aster (*Symphotrichum novae-angliae*)
 Azure aster (*Symphotrichum oolentangiense*)
 Golden alexanders (*Zizia aurea*)

F. Management:

1. Management (maintenance) plays a vital role in the eventual success of any native landscape installation, especially during the establishment period. Active management of your native landscape is highly recommended to give the project the best opportunity for long term success.
2. Due to nature of this project, the maintenance requirements are somewhat different when compared to larger, seeded restorations. These “garden-like” sites are best maintained utilizing hand weeding techniques accomplished by personnel adept at identifying native and non-native plants.
3. As the project matures, some herbicide may be used as well to eradicate perennial invasive species such as Canada thistle or bird’s foot trefoil. The herbicide is typically applied via backpack sprayer or by “wicking” the herbicide onto the plant.
4. Hand weeding and spot herbicide treatments are billed on a per trip cost agreed upon prior to the growing season.
5. Prescribed burns are extremely helpful in that they stimulate native species to grow more robustly. The burning also helps to deter the presence non-native species.
6. In lieu of burning, or during years when the site is not burned, a Spring Dormant Mowing can be used to “clean up” the previous year’s growth and set the table for the new growing season. This mowing would occur early in the spring, as soon as conditions permit.

G. Anticipated Management:

The following table conveys the anticipated management procedures for your project during the first 3 growing seasons. Estimates for these procedures are provided in the cost section of this proposal.

Year	Projected Management Procedures
2021	Complete site mowings to control annual weed canopy (2 or 3 mowings as needed). Project monitoring
2022	Complete site mowing Integrated Plant Management (IPM) – includes spot spraying, spot mowing, wicking, hand weeding, and other techniques to control weeds and invasive species (3 to 4 visits are typical) Project monitoring
2023	Spring burn to encourage native plant growth and to help deter the presence of non-native and woody species. Integrated Plant Management (IPM) – 3 to 4 visits are typical Project monitoring

H. **Costs:**

Site preparation (includes spraying, tillage, respraying) \$ 1,500
 Seed, seeding and mulching as specified \$ 1,000
 Wildflower seedlings (90 installed) \$ 225
 Germination year management (includes 3 visits) \$ 300

I. **Contract:**

If you accept the proposal as written and want to proceed with the project, please sign the contract below.

Owner: _____ Date: _____

Signed: _____ Title: _____

Project: _____ Contract Value: \$ _____

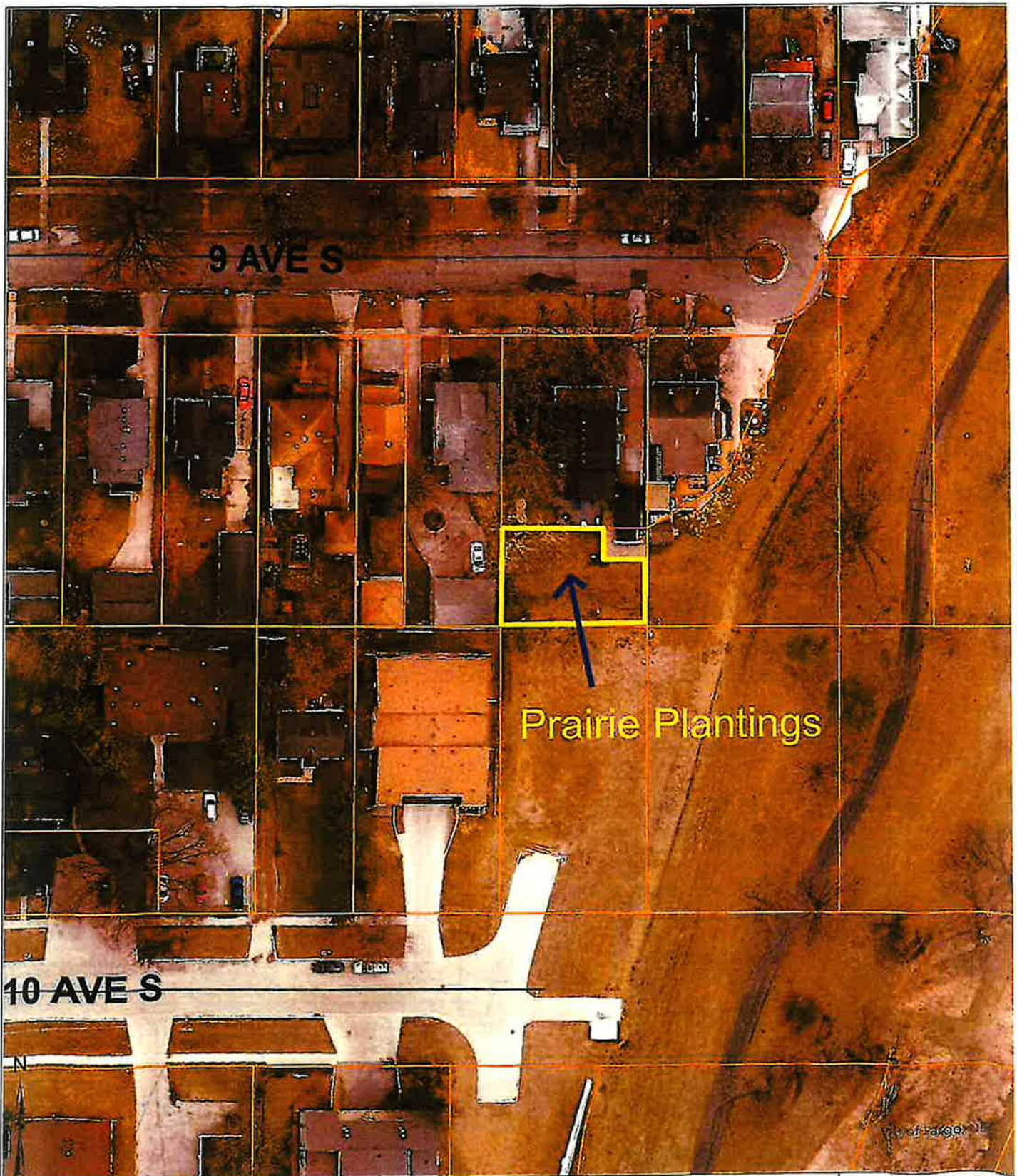
Contractor: *Prairie Restorations, Inc.*

Signed: *Blaine Keller* Date: 10/13/2020

Blaine Keller –Site Manager
Prairie Restorations, Inc.
P.O. Box 1027
Hawley, MN 56549

A 20% down payment is required at this time. Please return a copy of the signed contract, along with payment for 20% of the total project cost. The remainder of the contract will be billed upon completion.

J. **Notes:** Please note that this proposal is valid for 3 months (from the date on the proposal). If the proposal is accepted after the 3 month period, PRI reserves the right to modify the proposal based on cost fluctuations and material availability.



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

338 9th Ave S

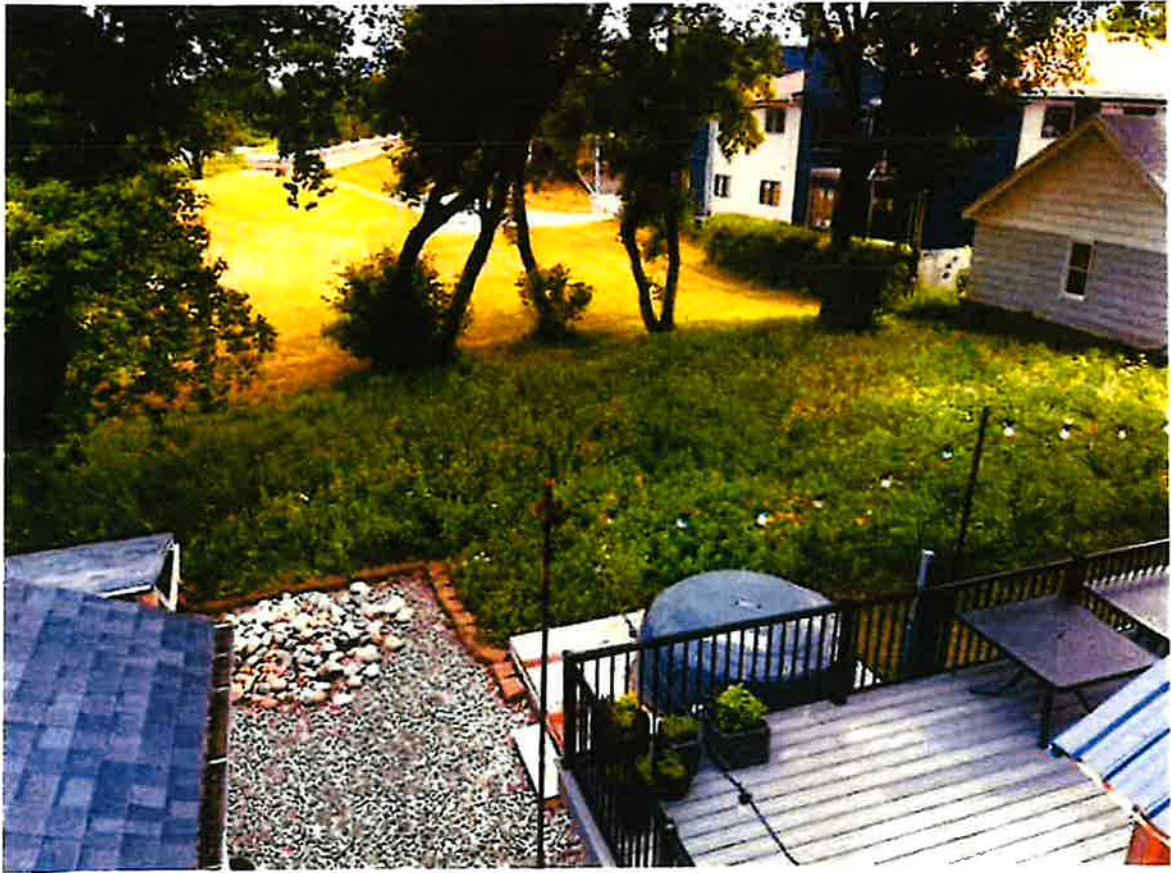
1:1,128

7/12/2023 11:46 AM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.









PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

July 17, 2023

Dear property owner,

Your neighbor at 340 9th Ave S has applied for a Land Management Permit (LMP). This permit has been approved.

The LMP and related city ordinance (11-0805 through 11-0812) is intended for property owners who choose to go with a "not so traditional" landscape. Tall grasses, wildflowers, mulch, and a variety of trees and shrubs can be included. There are rules and regulations in place to help monitor this type of landscaping.

The attached material and application outlines the intent, purpose, types of plants, and maintenance strategies. Please review and comment if you wish.

Affected property owners may appeal this decision. The appeal must be made in writing within 15 days of the date that the permit is approved. Mail (please notify me as well) any written appeal you wish to make to:

City of Fargo
Board of Adjustment
Attention: Kim Citrowske
225 4th St N
Fargo, ND 58102

Please feel free to contact me if you have any questions. Thank you.

Scott Liudahl
Fargo Forestry Department
402 23rd St N, Fargo, ND 58102
701-241-1466
sliudahl@fargond.gov

LMP approval 340 9th Ave S.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
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Watermain Distribution

SL received 8/11/23
email version on 8/8/23

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- 1. This property does not belong to resident at 340 9 ave so. Therefore they have no right to establish use of this land.**
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- 3. All 10 residents have lived in this area for 30 – 40 years and have always had a well maintained area and are demanding that this be continued.**
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- 12. Please ensure prompt and courteous removal of all of the above.**

Sincerely

10 community residents and TAX Payers

Please respond ASAP

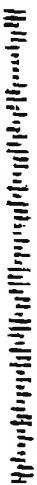
327 10 Ave SE
Jargy, MN 58103

FARGO, MD. 581
8 AUG 2023 PM 1 L



Scott Lindahl
Fruiting Street
402 23 St. NE
Jargy, MN 58102

58102-411402



Kim Citrowske

From: Scott Liudahl
Sent: Thursday, October 19, 2023 7:32 AM
To: 'Marilyn Seitz'
Cc: Kim Citrowske
Subject: RE: weed patch on 9 ave so.Fargo

Thanks Marilyn.

Scott

From: Marilyn Seitz
Sent: Wednesday, October 18, 2023 12:48 PM
To: Scott Liudahl <SLiudahl@FargoND.gov>
Subject: weed patch on 9 ave so.Fargo

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

Scott ,
pLEASE add these items to my complaint letter.
This weed patch has not been maintained
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marilyn seitz



Virus-free www.avg.com

Photo dated 10-19-2023. Most plants are beginning to go dormant now.



FARGO CITY COMMISSION Meeting, Monday, December 26,2023

Information in support of approval of Land Management Plan for 338 9Th Ave S, Fargo

Submitted by:

Darrell W. Ross

Dross_55@yahoo.com

Thank you for allowing us to provide our comments regarding the complaint filed by one neighbor. My name is Dr. Darrell Ross. I am the co-owner of 340 9th Ave S., Fargo, ND.

We take full responsibility for not obtaining a permit prior to installing an urban prairie garden in 2021. This comment is to provide context for this oversight. We contracted with Minnesota Native Landscapes Inc. (MNL) to install the prairie. They work with the city of Fargo to install urban prairies on city property along the Red River Trail. In doing so, we incorrectly assumed that they would have the permits either in place or would have gone through the process to obtain them to install an urban prairie. We are not blaming them, rather providing context for our actions and that we should have confirmed this assumption.

The plan to establish and maintain the urban prairie is included in the land management plan developed with the Fargo City Forester, Scott Liudahl, please see Appendix I.

This is not an environmental tragedy. The plants are not noxious weeds. They are intentionally selected plants that are native to this region of North Dakota. I won't go into all of the ecological benefits because you can see the letter to the editor of the Forum from Audubon Great Plains, see Appendix II, but will mention that the pocket prairie is approximately 50 feet from the floodwaters embankment. The City of Fargo has been working with Audubon Great Plains (formerly Audubon Dakota) through their Bird Friendly Communities/Community Conservation program to establish more native vegetation within Fargo city limits.

My name is Dr. Kimberly Wallin. I am the co-owner of 340 9th Ave S., Fargo, ND. Thank you for allowing us to provide additional information regarding the complaint filed by one neighbor.

The person filing the complaint and appealing the decision of the Board of Adjustments misled the city officials by stating they represented 10 neighbors. This is not true for two reasons: 1) There are not 10 adults, excluding myself and Dr. Ross, that live within 200 feet of the pocket prairie; 2) The neighbors to the east of us on 9th Ave S are neutral and the neighbors to the west of us support the pocket prairie, please see signatures of our neighbors in Appendix III. Also included are numerous emails from people who currently reside or previously resided in the Fargo area supportive of the pocket prairie.

The point about preventing people from walking through is misleading. There is nowhere for a person to go since 2 of the 4 sides are private property. Contrary, in collaboration with our neighbors we purchased stepping stones and placed them from their property to the west of us so that they could easily walk through the prairie. Anyone with permission of that neighbor can walk from his property through the prairie to the city owned turfgrass lot on 10th Ave S.

Thank you for your time.

APPENDIX I



**PUBLIC WORKS
OPERATIONS**

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
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Scott Liudahl
Fargo Forestry Department
402 23rd St N, Fargo, ND 58102
701-241-1466
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LMP approval 340 9th Ave S.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
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Street Name Sign Maintenance

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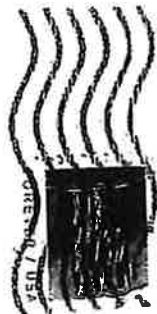
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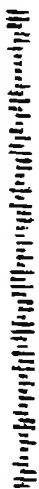
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Photo dated 10-19-2023. Most plants are beginning to go dormant now.





**PUBLIC WORKS
OPERATIONS**

**Fleet Management, Forestry,
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402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

November 27, 2023

Honorable Board of City Commissioners
City Hall
225 4th St N
Fargo, ND 58102

Commissioners:

At the November 13, 2023, commission meeting, a public hearing was held regarding the appeal of a Board of Adjustment decision regarding a Land Management Permit at 338 9th Ave S. Commissioners voted to continue this item until a license agreement was in place with the adjacent property owner at 340 9th Ave S.

Attached you will find:

- License agreement for the use and maintenance of the city owned lot at 338 9th Ave S.
- Certificate of Liability Insurance.
- Public Works Project Evaluation Committee report of action.
- Packet of information presented at the November 13, 2023 commission meeting.

Chapter 11-08 of the Fargo Municipal Code does allow vegetation to exceed 8" in height to allow property owners an opportunity to establish prairie wildflowers, grasses, and other pollinator plants as alternatives to traditional Kentucky bluegrass, as long as there is a Land Management Plan/Permit in place.

3 years ago, the owners at 340 9th Ave S, took it upon themselves and contracted PRI (now MN Native Landscapes) to establish wildflower and native grass plantings on this city owned lot. Currently, in lieu of burning, a mowing is scheduled for spring 2024.

Recommended motion:

After reviewing all of the information, uphold the Board of Adjustment decision reaffirming the Forestry Department's approval of the Land Management Plan/Permit at 338 9th Ave S and at the close of the public hearing, act to approve or deny the original application.

Your approval of this request is appreciated. Thank you.

Sincerely,

Scott Liudahl
City Forester

Cc: Ben Dow

LMP 338 9th Ave S – city commission 11.27.23.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

LICENSE AGREEMENT

THIS AGREEMENT is entered into by and between the City of Fargo, North Dakota, a municipal corporation, whose address is 225 4th Street North, Fargo, North Dakota, hereinafter referred to as “Licensor”, and Darrell Ross and/or Kimberly Wallen, owners of the property located at 340 9th Avenue South, Fargo, North Dakota, hereinafter referred to as “Licensee”, whether one or more.

WHEREAS, Licensee desires to secure access to the city of Fargo owned lot South of and adjacent to Licensee’s lot for the purpose of maintaining and managing the prairie planting; and

WHEREAS, City is willing to allow Licensee to secure a permit for the maintenance of the prairie planting on the lot adjacent to Licensee’s lot for this purpose.

NOW THEREFORE, for good and valuable consideration hereby acknowledged, the parties agree as follows:

1. Licensee is the owner of the adjacent property, legally described as follows:

The East Half (E ½) of Lot Six (6), all of Lot Seven (7), except the South 51' of said Lots, Block Four (4), Woodruff's Addition to the City of Fargo, Cass County, State of North Dakota.

2. The description of the premises for the purposes of this License is as follows:

Lot Six (6), Block Four (4), Woodruffs Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Property address: 338 9th Avenue South, Fargo, ND 58103

3. Use of Property and Prohibited Activities. Licensee is hereby granted access to, and use of, the Fargo owned lot for the sole purpose of maintaining the property, including but not limited to mowing, trimming, seeding, weed management, and watering in accordance with the terms of a Prairie Management Permit issued by the City of Fargo.

4. Insurance. Licensee agrees to carry general liability insurance in an amount not less than \$500,000, and shall provide Licensor a Certificate of Insurance naming the City of Fargo as an additional insured. Such insurance must be maintained during the term of this agreement and any extension agreed to thereafter. Failure to provide and maintain the necessary insurance shall result in an immediate termination of the access and use granted herein.

5. Non-reimbursement of Damages. Licensee acknowledges that they shall be responsible for all costs associated with repairing any damages to permissible improvements made to the property.

6. Term. The term of this license agreement shall be for a period of 3 years. This license agreement may be extended by the parties, in writing signed by the parties,

for additional 3-year terms, such extensions to be recorded in the County of Cass, State of North Dakota. City reserves the right to terminate this license agreement, with or without cause, at any time, without costs or payments to Licensee. City shall endeavor to provide Licensee at least 10 days' Notice of Intent to Terminate License Agreement, but shall have no obligation to provide such notice.

7. Non-transferability. This license agreement shall be personal to the Licensee, whether one or more, hereto so long as Licensee remains in possession and control of the adjacent lot. Any modifications, assignment or successors may request to enter into a new license agreement with the City for the purpose stated herein, such permission to not be unreasonably withheld. The parties agree and understand that this license agreement shall be recorded, at Licensee's cost and expense.

Dated this ___ day of _____, 2023.

LICENSOR:

City of Fargo, a North Dakota Municipal Corporation

Dr. Timothy J. Mahoney, M.D., Mayor

ATTEST:

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ___ day of _____, 2023, before me a Notary Public in and for said county and state, personally appeared Dr. Timothy J. Mahoney and Steven Sprague, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, NORTH DAKOTA, the municipal corporation described in and who executed the within

and foregoing instrument and acknowledged to me that said municipal corporation executed the same.

Notary Public
Cass County, North Dakota
My Commission Expires:

Dated this 21 day of November 2023.

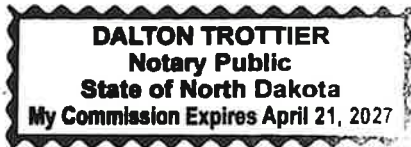
LICENSEE:

By: Darrell J Ross

By: Kimberly Wallen

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this 21st day of November, 2023, before me a Notary Public in and for said county and state, personally appeared Darrell Ross and Kimberly Wallen to me known to be the persons described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same.



Dalton Trottier
Notary Public
Cass County, North Dakota
My Commission Expires:



Policy Number: HO00002700

Date Entered: 11/20/2023

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/20/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Shane Lebahn or Justin Heisler 623 Main Ave E #106 West Fargo, ND 58078	CONTACT NAME: Shane Lebahn	FAX (A/C, No): () -
	PHONE (A/C, No, Ext): (701) 282-9402	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Farmers Union Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	


COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			HO00002700	02/20/2023	02/20/2024	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Liability is extended off homeowners policy for "338 9th Ave S Fargo ND 58103." City of Fargo is also additional insured.

CERTIFICATE HOLDER City of Fargo 225 4th St N Fargo, ND 58102	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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REPORT OF ACTION

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: Use and Maintenance Agreement

Location: 338 9th Avenue South

Date of Hearing: 9/25/2023

<u>Routing</u>	<u>Date</u>
City Commission	
PWPEC File	X
Project File	Scott Liudahl

The Committee reviewed the attached correspondence from City Forester, Scott Liudahl, regarding a proposed License Agreement for the City owned lot at 338 9th Avenue South.

Three years ago, property owners at 340 9th Avenue South, Darrell Ross and Kimberly Wallen, contracted with MN Native Landscapes to install a prairie landscape/pollinator garden on the City owned vacant lot located at 338 9th Avenue South. Three years later, it is well established and being actively managed, and in good condition.

Per ordinance, anything growing over 8" in height is not allowed unless there is a Land Management Permit (LMP) in place. Environmental Health received a complaint regarding the un-mowed lot. After consulting with Public Works and Environmental Health staff, we felt it was appropriate to pursue the LMP after the fact. One appeal was received and will be heard at the next Board of Adjustment meeting.

With guidance from Nancy Morris, a proposed License Agreement has been established. Darrell has agreed to maintain the City owner property per the LMP guidelines and License Agreement.

The Committee discussed their support of agreements such as this that allow, under certain conditions, neighboring property owners to maintain City owned land. The Committee further discussed current and missing language in the proposed License Agreement. The Committee felt that the insurance requirements (\$1 million general liability) was likely in excess and could be a deterrent to this and potentially future property owners. The Committee also discussed the need to include language pertaining to non-reimbursement of damages.

On a motion by Ben Dow, seconded by Brenda Derrig, the Committee voted to approve the proposed License Agreement for the City owned lot at 338 9th Avenue South with the condition that Scott Liudahl work with the City Attorney to include non-reimbursement of damages language and to consider reducing insurance requirements.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the License Agreement for the City owned lot at 338 9th Avenue South.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: N/A

Developer meets City policy for payment of delinquent specials Agreement for payment of specials required of developer Letter of Credit required (per policy approved 5-28-13)

Yes	No
	N/A
	N/A
	N/A

COMMITTEE

- Tim Mahoney, Mayor
- Nicole Crutchfield, Director of Planning
- Steve Dirksen, Fire Chief
- Brenda Derrig, Assistant City Administrator
- Ben Dow, Director of Operations
- Steve Sprague, City Auditor
- Tom Knakmuhs, City Engineer
- Susan Thompson, Finance Director

Present	Yes	No	Unanimous
			<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

C: Kristi Olson


 Tom Knakmuhs, P.E.
 City Engineer



PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

To: Tom Knakmuhs, City Engineer; PWPEC
From: Scott Liudahl, City Forester
Re: Use and Maintenance Agreement – 338 9th Ave S
Date: 9/25/23

Part 1

I am working with the property owners at 340 9th Ave S – Darrell Ross, and Kimberly Wallen. Three years ago, knowing it was not their property (338 9th Ave S – city owned vacant lot) but also knowing nothing was going to be done with it, they contracted with MN Native Landscapes, formerly Prairie Restorations Inc., to install a prairie landscape/pollinator garden on this piece of city property. Three years later, it is well established, being actively managed, and in good condition.

Per ordinance, anything growing over 8” in height is not allowed unless there is a Land Management Permit (LMP) in place. After review of the property owner’s application and supporting documentation, the city forester then issues the LMP. This is the normal process. Darrell claims he was unaware to the LMP requirement, and Environmental Health received a complaint regarding the un-mowed lot. After consulting with Public Works and Environmental Health staff, we felt it was appropriate to pursue the LMP after the fact. The LMP was approved. One appeal was received via the neighborhood notification process, and will be heard at the next Board of Adjustment meeting.

Part 2

With guidance from Nancy Morris, a proposed license agreement is attached. Darrell wants, and has agreed, to maintain the city owned property per the LMP guidelines and a license agreement.

Suggested motion:

Support the proposed license agreement for the city owned lot at 338 9th Ave S.

Thank you.

PWPEC license agreement 338 9th Ave S (projects-areas).doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: SCOTT LIUDAHL, CITY FORESTER

DATE: NOVEMBER 9, 2023

RE: APPEAL OF BOARD OF ADJUSTMENT DECISION REGARDING A LAND MANAGEMENT PERMIT AT 338 9 AVE S, UPHOLDING AN ADMINISTRATIVE DECISION ON PERMIT

In front of the City Commission on November 13th is a public hearing to appeal the Board of Adjustment's decision to uphold an administrative decision on a Land Management Permit. The Board of Adjustment considered an appeal of an administrative decision on October 24, 2023 and unanimously approved to uphold the decision of the City Forester.

Here is a summary of exhibits for reference:

- 1) Board of Adjustment – Finding of Fact
- 2) Application for an Appeal of a Board of Adjustment Decision, dated October 25, 2023
- 3) Board of Adjustment Appeal of an Administration Decision, staff report and supporting documentation dated October 24, 2023.

The appellant and staff will both be present as part of the public hearing for this item to provide the background for your review and ruling of this appeal.

Suggested Motion:

The Board of City Commissioners has reviewed the application and supporting documentation for a Land Management Plan / Permit at 338 9th Avenue South and find the proposed application meets the purpose and intent of Fargo Municipal Code 11-08. Upholding the Board of Adjustment decision reaffirming the Forestry Department's approval of the Land Management Plan / Permit at 338 9th Avenue South.

CITY OF FARGO
Appeal of a Board of Adjustment Decision

Item: Appeal of Board of Adjustment Decision

Date: November 6, 2023

Appellant: Marilyn Seitz

Appeal of BOA Decision to City Commission – November 13, 2023

Summary of Record

Background:

The Board of Adjustment considered an Appeal of an Administrative Decision at the October 24, 2023 regular meeting.

Exhibits:

The following exhibits are admitted as part of this staff report and are attached:

- Appeal of a Board of Adjustment Decision application from the appellant, dated October 25, 2023.
- Board of Adjustment packet excerpt from the October 24, 2023 which includes the permit application and Fargo Municipal Code, Article 11-08.

October 24, 2023 Board of Adjustment - Findings of Fact

A full and complete application was filed by K. Wallin and D. Ross on June 27, 2023 seeking a Land Management Permit at 338 9th Avenue South to allow plantings to exceed the maximum 8-inch height of grasses as required in 11-0809 of the Fargo Municipal Code.

The Land Management Plan / Permits are intended to promote native and other plants and grasses in their landscape, including pollinator gardens/plants, vs traditional Kentucky blue grass.

As outlined in the Fargo Municipal Code 11-0810, the City Forester reviewed and approved the application and mailed notification of the approval to property owners within 200 feet of the subject property. Neighboring property owners were provided the option to appeal the City Forester decision to the Board of Adjustment as outlined in a letter dated July 17, 2023.

A written letter of protest was submitted via email to the City Forester on August 8, 2023 by M. Sietz.

The Board of Adjustment considered the Appeal of an Administration Decision at the October 24, 2023 meeting. The Land Development Code, as outlined in the §20-0916, outlines how the Board of Adjustment is to consider an Appeal of an Administrative Decision:

Appeals of Administrative Decisions shall be taken to the Board of Adjustment. The Board of Adjustment shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Adjustment shall have all the powers of the official from whom the appeal is taken, and the Board of Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. A concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

The Board of Adjustment at the regular meeting on October 24, 2023 voted 5-0, unanimously to Affirm staff's decision to Approve the Land Management Permit / Plan application for 338 9th Avenue South.

Appeals from the action of the Board of Adjustment may be taken to the Board of City Commissioners by filing an appeal with the Zoning Administrator.

On October 25, 2023, an application to Appeal a Board of Adjustment was submitted to the Zoning Administrator Decision by M. Seitz.

Appeal of a Board of Adjustment Decision

The Board of City Commissioners shall consider the application for a Land Management Permit / Plan as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application.



PLANNING AND DEVELOPMENT

200 Third Street North
Fargo, North Dakota 58102

Phone: (701) 241-1474

Fax: (701) 241-1526

E-Mail: planning@cityoffargo.com

www.cityoffargo.com

APPEAL OF A BOARD OF ADJUSTMENT DECISION

We, the undersigned, do hereby petition the Board of City Commissioners of the City of Fargo, North Dakota, to hear and decide an appeal of a decision or determination made by the Board of Adjustment of the City of Fargo.

Property Owner Information

Name (printed): MARILYN Seitz
 Address: 327 10 AVE N.E.S.
 Primary Phone: 701-293-0023 Notat
 Alternative Phone: —
 Fax: —
 Email: McSeitz888@gmail.com

Representation Information (if applicable)

Name (printed): _____
 Address: _____
 Primary Phone: _____
 Alternative Phone: _____
 Fax: _____
 Email: _____

Location of property involved in the appealed decision (if applicable)

Address: 338 9 AVE. SOUTH - FARGO, N.D. (City Owned)
 Legal Description (attach separate sheet if more space is needed): _____

Reason for Appeal (attach separate sheet if more space is needed)

Political favoritism on rejection !!
Discrimination toward me
Harassment toward me after rejection.
See attached list of Complaints (please)

Acknowledgement – We hereby acknowledge that we have familiarized ourselves with the rules and regulations to the preparation of this submittal and that the foregoing information is true and complete to the best of our knowledge.

Owner (Signature): Marilyn Seitz Date: 10/25/2023
 Representative (Signature): _____ Date: _____

Office Use Only

Date Filed: _____ Pre-Application Meeting Date: _____
 Application Complete: Yes No Reviewed By: _____

RECEIVED
10/25/2023

City of Fargo
Board of Adjustment
225 N 4 Street
Attn: Kim Citrowske
Fargo, ND 58102

Cc: Scott Luidahl
Fargo Forestry Dept
402 23 st N
Fargo, ND 58102 sliudahl@fargond.gov

This is In PROTEST and response to WEED PATCH that has been installed 3 years ago by residence at
340 9 ave So Fargo, ND.

10 residents in this area are protesting this weed Patch.,

1. This property does not belong to resident at 340 9 ave so. Therefore they have no right to establish use of this land.
2. This land is owned by City of Fargo or Dike Project.
3. All 10 residents have lived in this area for 30 – 40 years and have always had a well maintained area and are demanding that this be continued.
4. This weed patch was planted by non owners, to stop anyone from coming near their patio, which is their lot line.
5. This weed patch is a safety hazard and a environmental tragedy . Noxious weeds are rampant and need immediate removal.
6. This WEED Patch has devalued our property since prospective buyers are asking what type of ghetto this area has turned into.
7. This WEED PATCH had a rope tied to City Property so people would stay OUT !!!
8. This WEED PATCH approval was back dated!! This appears to be inside political favoritism.
9. The Shack that resident at 340 9 ave So needs to be removed., No garage or shack of any sort can be installed in back of residence. All residents in area are upset that personal junk is visible. JUNK NEEDS To be installed inside owners property.
10. Protesting also that other residents tax dollars are being spent to pay for WEED PATCH .

- 11. 10 residents are demanding that WEED PATCH be removed immediately and trees trimmed to eliminate hiding spots for vagrants looking for a place to camp and expose their their body which is in full view of other members of community.**
- 12. Please ensure prompt and courteous removal of all of the above.**

Sincerely

10 community residents and TAX Payers

Please resond ASAP

Subject: weed patch on 9 ave so.Fargo

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

Scott ,

pLEASE add these items to my complaint letter.

This weed patch has not been maintained

- 1. weed patch is supposed be cut down in spring not done**
- 2. weed patch is supposed to be sprayed not done until weeds were 6ft tall.**
- 3. weed patch is supposed to be burned at end of growing season. not done plus better not start a fire**

in a residential area.

Please add to my letter.

thank you,

marilyn seitz

|

Virus-free.www.avg.com

<image001.jpg>

image001.jpg
1K



Marilyn Seitz <mcseitz888@gmail.com>

Re: weed patch on 9 ave so.Fargo

1 message

Scott Liudahl <SLiudahl@fargond.gov>
To: Marilyn Seitz <mcseitz888@gmail.com>

Thu, Oct 19, 2023 at 11:13 AM

Completed.

I sent it to Kim.

Thanks Marilyn.
Scott

Sent from my iPhone

On Oct 19, 2023, at 9:20 AM, Marilyn Seitz <mcseitz888@gmail.com> wrote:

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

Scott, Thanks for your response, would you like a photo of what his weed patch looks like now? pERHAPS YOU OR SOMEONE WITH AUTHORITY should take your own photo (not the owner at 9th).
Thanks marilyn seitz

 Virus-free.www.avg.com

On Thu, Oct 19, 2023 at 7:31 AM Scott Liudahl <SLiudahl@fargond.gov> wrote:

Thanks Marilyn.

Scott

From: Marilyn Seitz <mcseitz888@gmail.com>
Sent: Wednesday, October 18, 2023 12:48 PM
To: Scott Liudahl <SLiudahl@FargoND.gov>



Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: planning@FargoND.gov
www.FargoND.gov

BOARD OF ADJUSTMENT
Tuesday, October 24, 2023 | 9:00AM
City Commission Chambers
AGENDA

1. Approve Minutes – September 26, 2023
2. New Business
 - a. CONTINUED - Appeal of Administrative Decision – 338 9th Avenue South
 - i. Appellant claims staff erred in its determination to approve a Land Management Plan / Permit issued at 338 9th Avenue South. Land Management Plan / Permits allow plantings to exceed the maximum 8 inch length as defined by the City of Fargo Municipal Code, Article 11-08.
3. 2024 Meeting Dates
4. Other Business
5. Adjourn – Next Meeting: November 28, 2023

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.



PUBLIC WORKS OPERATIONS

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1465
FAX: (701) 241-8100

To: Michael Love, Chair – Board of Adjustment
From: Scott Liudahl, City Forester
Re: Land Management Plan – 338 9th Ave S
Date: 9/26/23

Chapter 11 of the Fargo Municipal Code requires property owners to remove noxious or other weeds, and to maintain the growth of grass so it does not exceed 8" in length. However, these requirements do not apply to a property where the owner or person in control of the property has applied for and obtained a land management plan/permit (LMP) from the city allowing grass growth to exceed 8" in length. This allows property owners the opportunity to promote native and other plants and grasses in their landscape, including pollinator gardens/plants, vs. traditional Kentucky blue grass.

This permit process includes:

- Written plan, and map, identifying the areas on the property
- Description of the plants
- Management and maintenance techniques to be utilized
- 200' mailing to adjacent owners – opportunity to appeal
- Agreeing to mow or cut if ordered to do so

After reviewing the information provided by the applicants at 340 9th Ave S, Darrell Ross and Kimberly Wallen (the adjacent property owners), the plan/permit has been approved. Per the notification process, one appeal was received.

Three years ago, knowing it was not their property but also knowing nothing was going to be done with it, Darrell and Kimberly contracted with MN Native Landscapes, formerly Prairie Restorations Inc., to install the prairie landscape on this piece of city property. Three years later, it is well established. Prior to proceeding with the LMP, this was discussed with public works and environmental health staff.

The attached information includes: related ordinance, approved LMP, supporting information provided by the applicant, site location, photos, and the appeal.

In working with Nancy Morris, an agreement has been developed, allowing Darrell and Kimberly to use and maintain the property. This agreement is currently working its way through the Public Works Project Evaluation Committee, and will go to city commission for final approval.

Suggested motion:

Support the approved land management plan/permit as presented, and deny the appeal.

Thank you.

LMP 338 9th Ave S BOA (projects-areas).doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

11-0805. - Control of stagnant water, noxious or other weeds, tall grass.

No stagnant water shall be allowed to stand or remain, noxious or other weeds, or grass allowed to grow more than eight inches (8") in length upon or along the line of any railroad, street, highway, alley, public place, along or upon any vacant or other lot or real estate parcel, public or private, or other place within the city. For purposes of this article, "noxious weeds" shall mean any species of plant or vegetation recognized by the North Dakota State Weed Board as a noxious weed.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0806. - Duty of property owners to control stagnant water, fill excavations, remove dirt piles, noxious or other weeds, tall grasses.

It shall be the duty of all property owners, occupants, or persons having control over private property to remove or drain stagnant water, to fill excavations, to remove dirt piles, to remove noxious or other weeds, and to maintain the growth of grass on such property so that it does not exceed eight inches (8") in length. These requirements apply to areas along and upon any railroad, street, highway, alley, public place or along or upon any vacant or other lot or place within the city.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0807. - Failure to drain stagnant water, fill excavations, remove dirt piles, remove weeds, maintain grass.

Notice of a violation of this article shall be mailed to the record property owner as shown in the property tax records maintained in the city assessor's office, upon any agent of the property owner, and upon any occupant of the property when appropriate. The owner, agent, tenant or person in charge of the property shall take appropriate action to remove the stagnant water, fill excavations, remove dirt piles, fill holes or depressions, cut and/or keep down the growth of any noxious or other weeds, and maintain all grasses not to exceed eight inches (8") in height, as directed by the health department within the specified period of time. If the property owner, tenant, or agent fails to take such appropriate action within the time period as directed by the health department, the health department shall have authority to remove or drain off any stagnant water, fill all excavations, holes, or depressions, and cut or mow any noxious or other weeds and grasses.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006), 5143 (2018).

11-0808. - Control of noxious and other weeds, grass—exceptions to general requirements.

The requirements in this article requiring control of noxious and other weeds and grasses do not apply to property where the owner or person in control of the property has applied for and obtained a land management plan permit from the city allowing grass growth to exceed eight inches (8") in length.



Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0809. - Land management plan permit—Issuance.

To obtain a land management plan permit, the applicant must submit a written plan identifying the specific area where the plantings or grass is planned to exceed eight inches (8") in length, a statement of intent and purpose for the area, a drawing, plot plan and/or survey showing the location of the planting on the applicant's property, a detailed description of the plant types and plant succession involved, and specific management and maintenance techniques to be employed. The land management plan must include provisions for maintaining plantings at a length not to exceed eight inches (8") in the area between the sidewalk and the street, or a strip not less than fifteen feet (15') adjacent to the street where there is no sidewalk, as well as a strip not less than four feet (4') adjacent to neighboring property lines unless waived in writing by the abutting property owner on the side so affected. Any such waiver of the requirements shall be affixed to the application and plan. No area of city owned property within any street right-of-way may be included within a land management plan. This shall include the property between the sidewalk and the street and not less than fifteen (15) feet adjacent to the street where there is no sidewalk. As a condition of receiving approval of a land management permit, the applicant agrees and understands to mow or cut any grass or plantings when ordered to do so by the health officer or any other city official or designee thereof.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0810. - Permit application—Review.

An application for a land management plan permit shall be on a form provided by the city shall be submitted to the forestry department. A copy of the application shall be mailed to each of the owners of record, as listed in the office of the City Assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of the properties affected. The application and any related information shall be considered by the city forester. The city forester shall have authority, after reviewing all appropriate materials and information, to approve or deny the application. An applicant who has had a permit denied or revoked, or an affected property owner in the event a permit is granted, may appeal the decision of the city forester to the board of adjustment. Such appeal must be made in writing within fifteen (15) days of the city forester's decision and shall be heard at a regular meeting of the board of adjustment.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0811. - Owner or occupant's responsibilities concerning land management plan.

An owner or occupant receiving a land management plan permit agrees to maintain any grass or plantings so as not to present hazards or to create a nuisance for adjoining properties, or to persons or vehicles traveling on the public ways. An owner or occupant receiving such permit also agrees to manage and maintain such grass or plantings such that they do not present a hazard to structures on affected land and to maintain such plantings as to enhance the appearance of the property on which they are located.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).

11-0812. - Authority of city to manage and control grass and plantings within an area included within a land management plan.

Notwithstanding issuance of a land management pan permit, the city may order the cutting of such grass or plantings included within a land management plan at any time the city determines that the growth may constitute a fire or safety hazard as to cause danger to the safety of the inhabitants of any residential structure on located on the premises or to the citizens and residents of the neighborhood. Any costs incurred by the city shall be charged to the owner, occupant, or person in control of the property as authorized under this article.

Source: 1952 Rev. Ord. 11-0801, 2512 (1990), 4533 (2006).



**PUBLIC WORKS
OPERATIONS**

Fleet Management, Forestry,
Streets & Sewers, Watermeters,
Watermains & Hydrants
402 23rd STREET NORTH
FARGO, NORTH DAKOTA 58102
PHONE: (701) 241-1453
FAX: (701) 241-8100

Land Management Plan Application/Permit

Property owner, address(s), phone: Kimberly Wallin and Darrell Ross; 340 9th Ave S, Fargo, ND 58103; 541-231-9027 (Kimberly) and 541-231-9426 (Darrell)

Proposed location of landscape: 338 9th Ave S, Fargo, ND 58103

Date of application: 6/27/23

Intent and purpose of landscape: Restore native prairie vegetation by contract with Minnesota Native Landscapes (formerly Prairie Restoration Inc.) similar to the prairie along the bike path at intersection with 1st Ave N in downtown Fargo to provide habitat for birds, pollinators, and other

Types of plants/grasses to be used (Buffalo Grass, Blue Grama, etc). Include plant name and mature height: See attached plan prepared by Minnesota Native Landscapes.

Management and maintenance techniques to be utilized: In consultation with Minnesota Native Landscapes, we will do all activities that they recommend.

Attach diagram/plan:

Note: No area of city owned property within any street right-of-way may be included within a land management plan. This shall include the property between the sidewalk and the street and not less than fifteen (15) feet adjacent to the street where there is no sidewalk. As a condition of receiving approval of a land management permit, the applicant agrees and understands to mow or cut any grass or vegetation when ordered to do so by the health officer or any other city official or designee thereof.

A four (4) foot buffer adjacent to neighboring properties is required unless waived. Any writing by adjacent to neighboring property lines waiving the buffer zone must be attached to the application.

Approved/ Denied - Inspector signature/date *[Signature]* 7/17/23

Applicant signature/date *Kimberly Wallin Darrell Ross* 6/27/23

Comments:

Owner at 340 9th Ave S shall be responsible for managing/ removing designated ND Dept. of Ag. noxious weeds.

LMP1.doc

Central Fueling
Fleet Purchase
And Vehicle Maintenance

Right of Way Maintenance
Sanitary & Storm
Sewer Maintenance

Snow Removal
Street Maintenance
Street Name Sign Maintenance

Urban Forestry
Watermeters
Watermain Distribution

Date: 10/13/2020

Proposal to Create a Native Landscape at the
Ross Residence
Fargo, ND

Prepared for:
Darrel & Kimberly Ross
340 9th Ave South
Fargo, ND 58103
541-231-9426
dross_55@yahoo.com

Prepared by:
Blaine Keller
Site Manager
218-498-0260
bkeller@prairieresto.com

Project Area:
± 2000 square feet

Prairie Restorations, Inc. 

P.O. Box 1027
Hawley, MN 56549
www.prairieresto.com

A. Bidder Qualifications:

1. At least 5 years of experience planting native landscapes of similar size and scope to this project.
2. That the contractor's business specializes in native plant community restoration and ecologically based land management practices.
3. Assignment of a Qualified Project Supervisor capable of being present full time during all installation and maintenance work. Qualifications will include:
 - A bachelor's degree in Natural Resources Management or related field.
 - Minimum of five years experience in landscape restoration and maintenance supervision, with experience or training in prairie and wetland management, entomology, pest control, soils, fertilizers and plant identification.
 - Current herbicide and pesticide applicators license.
4. Assignment of a Qualified Labor Force thoroughly familiar and trained in the work.

B. Company Background:

Prairie Restorations, Inc. (PRI) has been dedicated to the restoration and management of native plant communities for over 40 years. We are fortunate to have worked with thousands of clients on a wide variety of projects in both the public and private sectors throughout the Upper Midwest.

The PRI staff currently consists of 54 full-time professionals and about an equal number of seasonal employees which operate out of six Minnesota locations. Most of the staff has B.S. degrees in natural resource related fields such as biology, forestry, horticulture or wildlife. As a full service restoration company, PRI is able to provide our clients expertise and service in all facets of native landscape restoration. Along with consulting, design, installation and land management services, we also produce our own local ecotype seed and plant materials which are used on all of our projects.

The PRI Team is committed to and passionate about protecting and enhancing our valuable natural resources. It is this dedication that is brought to each and every one of our projects. We are proud to offer the best expertise, services and products available in the industry and appreciate the opportunity to provide you with this proposal.

C. Site preparation:

1. In areas with actively growing vegetation apply a glyphosate herbicide (Roundup® or equivalent) as per manufacturer's directions. Allow a minimum of 10 days before disturbing the vegetation with other procedures.
2. Mow the dead vegetation and remove excess thatch as needed.
3. Harley rake the soil to remove thatch and create a smooth seedbed.
4. Hand rake the soil to create a firm, smooth seedbed.
5. Respray with a glyphosate herbicide (Roundup® or equivalent) if regrowth of vegetation occurs and when it reaches approximately 8" to 12" in height.

D. Seed and Seeding:

1. Seeding dates will be in the spring or summer before August 10th or in the fall between September 20th and freeze-up.
2. All seed will be applied by broadcasting.
3. A harrowing or raking will follow all grass seeding.
4. The seed mixes will consist of the following species and amounts:

Grass Seed	lbs./project area
PRI Short Dry Grass Mix:	
45% Little bluestem, 31% Side oats grama, 15% Blue grama, 6% Poverty oat grass, 3% June grass, all by PLS weight.....	1
PRI Savanna Grass Mix:	
30% Little bluestem, 25% Side oats grama, 12% Poverty oat grass, 8% Big bluestem, 5% Canada wild rye, 4% Kalm's brome, 4% Bottlebrush grass, 4% Silky wild rye, 4% Indian grass, 2% Blue grama, 2% Fringed brome, all by PLS weight.....	1

Note: A cover crop of oats will be sown along with the native grasses at a rate of approximately 25 lbs. per acre. Oats is an annual grass species that germinates quickly and will reduce the risk of soil erosion on the site.

Wildflower Seed

oz./project area

PRI Short Dry Wildflower Mix:

21% Purple prairie clover, 20% Hoary vervain, 18% Black-eyed Susan,
 16% Leadplant, 6% Golden Alexander, 4% Stiff goldenrod,
 3% Common milkweed, 3% White prairie clover, 3% Western spiderwort,
 2% Canada tick trefoil, 1% Yarrow, 1% Showy penstemon,
 1% Prairie rose, 1% Gray goldenrod, all by PLS weight.....8

PRI Savanna Wildflower Mix:

20% Purple prairie clover, 19% Hoary vervain, 16% Black-eyed Susan,
 12% Leadplant, 8% Common ox-eye, 7% Golden Alexander,
 5% Stiff goldenrod, 4% Canada tick trefoil,
 2% Common milkweed, 2% Wild bergamot,
 2% Prairie rose, 1% Yarrow, 1% Gray goldenrod,
 1% Western spiderwort, all by PLS weight8

E. Plants and Planting:

1. Optionally, the planting can be further diversified with wildflower and/or grass plants (plugs or 4 inch pots). These will be planted individually in appropriate microhabitats throughout, or in designated areas of the project. The plants used will consist primarily of species other than those previously seeded.
2. From the following list a minimum of 6 species will be used.
3. Plant a total of * seedlings, *% of which will be grasses, sedge or rushes (graminoids), and *% of which will be wildflowers (forbs). The plants will have an approximate spacing of * inches on center.
4. Plant a total of 90 plugs.

Wildflowers

Columbine (*Aquilegia canadensis*)
 Purple coneflower (*Echinacea purpurea*)
 Northern bedstraw (*Galium boreale*)
 Prairie smoke (*Geum triflorum*)
 Meadow blazing star (*Liatris ligulistylis*)
 Dotted blazing star (*Liatris punctata*)
 Pale lobelia (*Lobelia spicata*)

Wild lupine (*Lupinus perennis*)
 Meadow rose (*Rosa blanda*)
 Upland goldenrod (*Solidago ptarmicoides*)
 New England aster (*Symphotrichum novae-angliae*)
 Azure aster (*Symphotrichum oolentangiense*)
 Golden alexanders (*Zizia aurea*)

F. Management:

1. Management (maintenance) plays a vital role in the eventual success of any native landscape installation, especially during the establishment period. Active management of your native landscape is highly recommended to give the project the best opportunity for long term success.
2. Due to nature of this project, the maintenance requirements are somewhat different when compared to larger, seeded restorations. These “garden-like” sites are best maintained utilizing hand weeding techniques accomplished by personnel adept at identifying native and non-native plants.
3. As the project matures, some herbicide may be used as well to eradicate perennial invasive species such as Canada thistle or bird’s foot trefoil. The herbicide is typically applied via backpack sprayer or by “wicking” the herbicide onto the plant.
4. Hand weeding and spot herbicide treatments are billed on a per trip cost agreed upon prior to the growing season.
5. Prescribed burns are extremely helpful in that they stimulate native species to grow more robustly. The burning also helps to deter the presence non-native species.
6. In lieu of burning, or during years when the site is not burned, a Spring Dormant Mowing can be used to “clean up” the previous year’s growth and set the table for the new growing season. This mowing would occur early in the spring, as soon as conditions permit.

G. Anticipated Management:

The following table conveys the anticipated management procedures for your project during the first 3 growing seasons. Estimates for these procedures are provided in the cost section of this proposal.

Year	Projected Management Procedures
2021	Complete site mowings to control annual weed canopy (2 or 3 mowings as needed). Project monitoring
2022	Complete site mowing Integrated Plant Management (IPM) – includes spot spraying, spot mowing, wicking, hand weeding, and other techniques to control weeds and invasive species (3 to 4 visits are typical) Project monitoring
2023	Spring burn to encourage native plant growth and to help deter the presence of non-native and woody species. Integrated Plant Management (IPM) – 3 to 4 visits are typical Project monitoring

H. **Costs:**

Site preparation (includes spraying, tillage, respraying) \$ 1,500
 Seed, seeding and mulching as specified \$ 1,000
 Wildflower seedlings (90 installed) \$ 225
 Germination year management (includes 3 visits) \$ 300

I. **Contract:**

If you accept the proposal as written and want to proceed with the project, please sign the contract below.

Owner: _____ Date: _____

Signed: _____ Title: _____

Project: _____ Contract Value: \$ _____

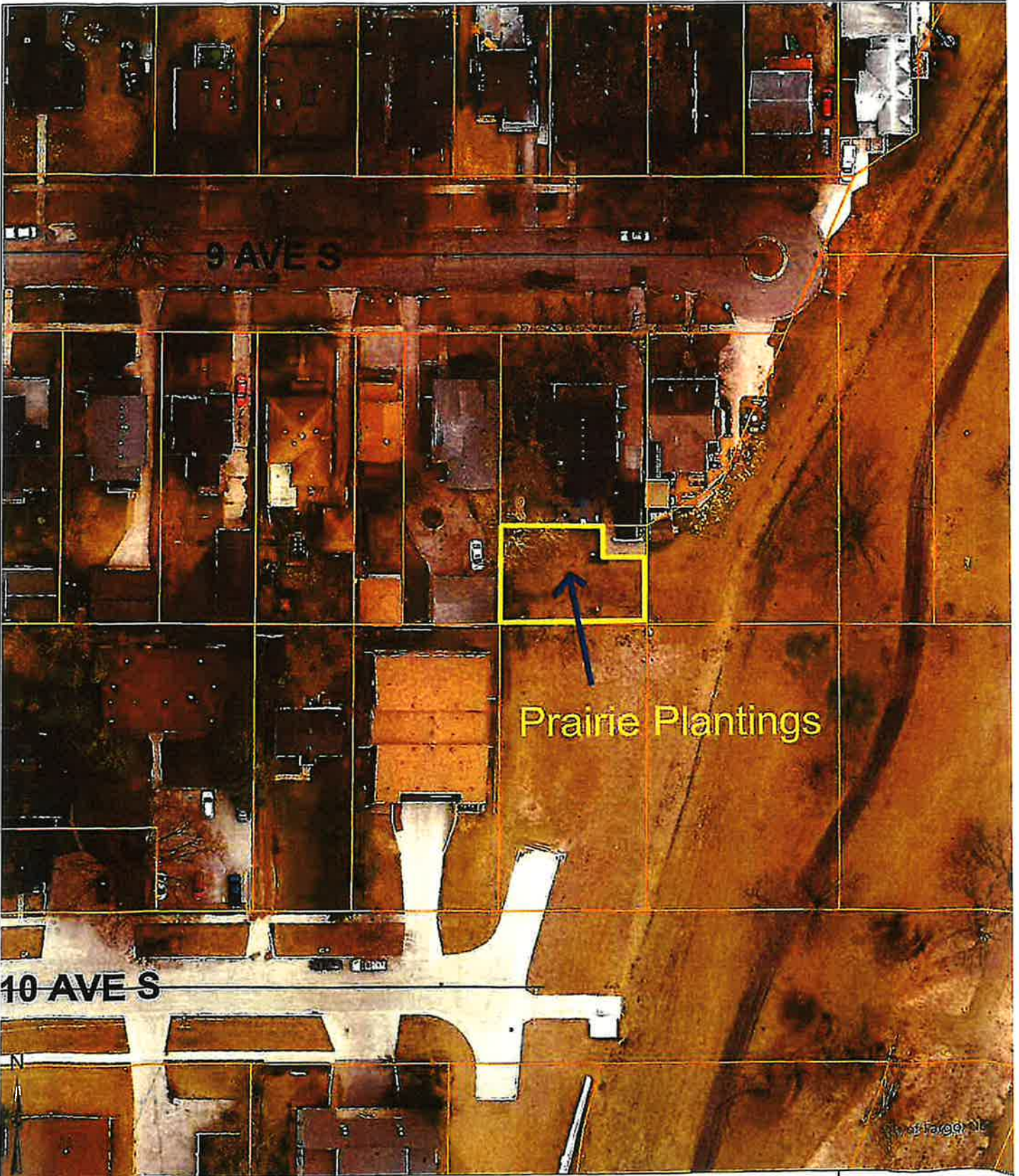
Contractor: *Prairie Restorations, Inc.*

Signed: *Blaine Keller* Date: 10/13/2020

Blaine Keller –Site Manager
 Prairie Restorations, Inc.
 P.O. Box 1027
 Hawley, MN 56549

A 20% down payment is required at this time. Please return a copy of the signed contract, along with payment for 20% of the total project cost. The remainder of the contract will be billed upon completion.

J. **Notes:** Please note that this proposal is valid for 3 months (from the date on the proposal). If the proposal is accepted after the 3 month period, PRI reserves the right to modify the proposal based on cost fluctuations and material availability.



Prairie Plantings

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

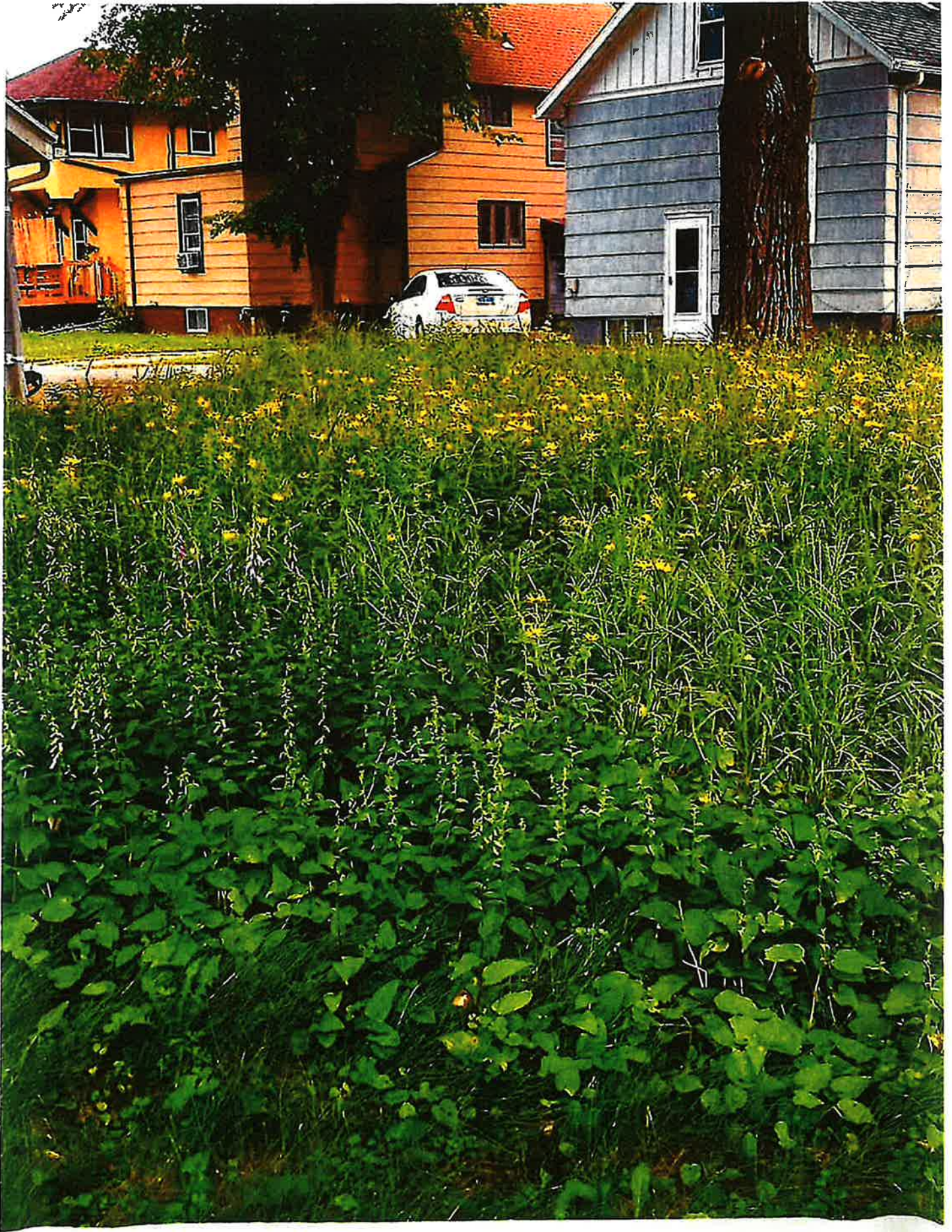
338 9th Ave S

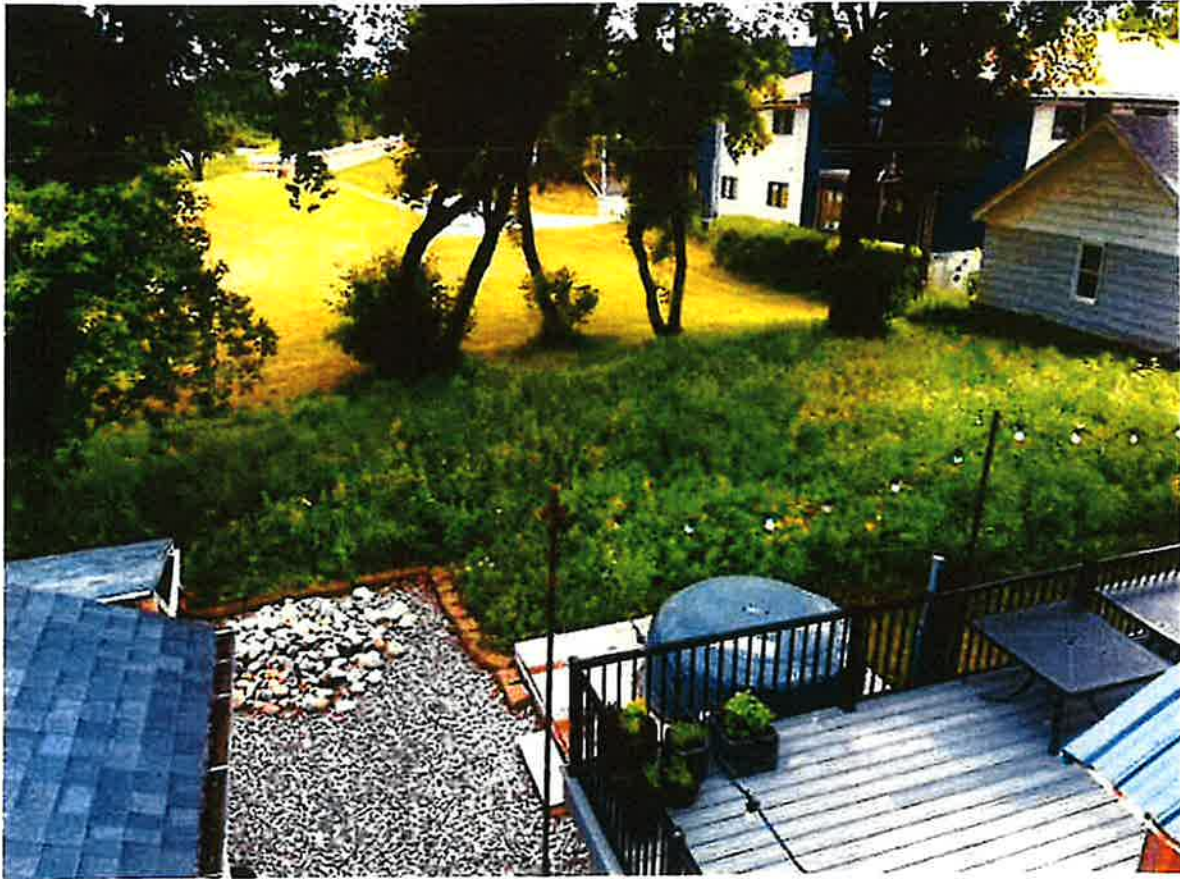
1:1,128

7/12/2023 11:46 AM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

THE CITY OF
Fargo
FAR MORE





APPENDIX II

Ross, Darrell

From: Booher, Amanda <amanda.booher@audubon.org>
Sent: Tuesday, December 5, 2023 10:00 AM
To: letters@forumcomm.com
Subject: Urgent Appeal to Reconsider Decision on Native Planting Permit
Attachments: LetterToEditor-FargoPrairieGarden.docx; image000000 (3).jpg; IMG_7651.jpg

Subject: Urgent Appeal to Reconsider Decision on Native Planting Permit

Dear Editor,

Regarding the recent article titled "[Fargo to cut down prairie garden maintained by NDSU professor after neighbor's complaint](#)" from Monday, December 4th, I am writing to express my disappointment regarding the recent decision by the Fargo City Commissioners on November 27, where a 3-2 vote denied a permit for the native planting to continue in a vacant lot off 9th St. This decision has far-reaching consequences, particularly in the context of promoting pollinator habitat, preserving biodiversity in our community, and supporting natural solutions for flood prevention.

As a regional Communications Manager for the National Audubon Society, I eagerly look at this as an opportunity to educate our community and Fargo City Commission, on opportunities found in native prairie plantings. The significance of native plantings in urban spaces cannot be overstated. As a National non-profit conservation organization, we have seen the beneficial impact from people like Dr. Ross, who support native habitats in their neighborhood and this type of work serves as an important pillar of community conservation and needs to be given the respect that it deserves.

Supporting pollinator habitats preserves biodiversity in our community and benefit insects, birds, and wildlife while also providing benefits for local gardens by ensuring the reproduction of flowering plants. According to the USDA, pollinators help about 80% of the world's flowering plants reproduce. In a world where devastating news greets us every day, why would we pull down a leader that is restoring life? A restored prairie or a pollinator garden could look messy if you haven't seen one before, but they are full of life and beauty, we should be celebrating his work, not mowing it down. We should all be so lucky to have someone with Dr. Ross' expertise and ability to maintain and protect a native pollinator habitat in our neighborhoods!

With the location of the Dr. Ross' prairie garden, it's important to highlight the benefit of tall grass prairie on flood prevention. The native plants' root systems run deeper than traditional turf grass, protects against erosion, and absorbs water that would otherwise quickly run off and contribute to potential flooding.

It is disheartening to note that the decision made by the City Commissioners may have been influenced by misinformation from one neighbor who doesn't appreciate the value of what they have in their neighborhood.

This past summer our office and partners successfully restored 81 acres into pollinator habitat at six Urban Woods and Prairie Sites. We had the help of over 140 volunteers and planted over 2,000 native plants into the ground to enhance our biodiversity. Our city has the potential to lead by example in sustainable urban development, and I hope the City Commissioners will seize this opportunity to make a positive impact on our environment and overturn this decision.

Photo Image000000(3).jpg: Amanda Booher at Forest River Nature Park with forest and native prairie in background
Photo Img_7651.jpg: Amanda Booher at Orchard Glen Nature Park

Sincerely,
Amanda Booher, Audubon Great Plains Communications Manager

Fargo, ND
Amanda.boohar@audubon.org
937-474-7509


—
Amanda Boohar
Communications Manager
c: 937.474.7509

Audubon Great Plains
3002 Fiechtner Dr S
Ste A
Fargo, ND 58103
greatplains.audubon.org

APPENDIX III

Statement of Support for Restored Native Prairie at 338 9th Ave S, Fargo

We are neighbors living within 200 feet of 338 9th Ave S. We are either ~~interested~~ supportive of the urban prairie that has been restored on this parcel of land.

Name/Signature	Address	Date
Peder Hinderlie	344 9 th Ave S, Fargo, ND 58103	12/10/23
Shari Bjorland	346 9 th Ave S Fargo, ND 58103	12/10/23
 Craig Bjorland	344 9 th Ave S Fargo, ND 58103	12/10/23

*PLEASE SEE EMAIL ON NEXT PAGE FROM CO-OWNER
MS REAS

Statement of Support for Restored Native Prairie at 338 9th Ave S Fargo

From: Tibby Reas (elizabethreas@gmail.com)

To: dross_55@yahoo.com

Date: Sunday, December 10, 2023 at 08:44 PM CST

Hello,

My name is Elizabeth (Tibby) Reas and I am the co-owner of the house at 344 9th Ave S, Fargo, ND 58103, the property directly adjacent to 338 9th Ave S, Fargo, ND.

I am in support of the urban prairie that has been restored on the parcel of land by 338 9th Ave S, and I believe the prairie restoration benefits and beautifies our community.

Thank you,

Elizabeth (Tibby) Reas

--

Tibby Reas
she/her/hers
elizabethreas@gmail.com
(415) 250-6943

Ross, Darrell

From: rbennek.rb@gmail.com
Sent: Tuesday, December 5, 2023 10:31 AM
To: Ross, Darrell
Subject: Prairie Garden - Forum Article

Dr. Ross,

I stumbled across the article in the Forum today regarding your Prairie Garden - a shame that something good for the ecosystem is put behind the need to allegedly increase property value. The garden looks to be a beautiful spot, and I'm sure it was busy with Bumblebees and Butterflies in the summer.

I felt the need to reach out to a neighbor in support - you don't know me or my family, but I hope you find a small comfort in knowing that at least someone in the community supports the work that you put into that lot. My partner and I are working on cultivating our own small pollinator garden in our front yard.

I'm sure you haven't considered what's next for the plot, but if you need support, feel free to connect with me and I would be happy to lend a hand where I can.

Take care, and thanks much for trying to make our community (and the world) a better place.

-Ryan

Sent with [Spark](#)

Ross, Darrell

From: Brandyn Ehlis <behlis@northlandenviro.com>
Sent: Tuesday, December 5, 2023 11:39 AM
To: Ross, Darrell
Subject: Re: Urban prairie garden

Good morning Dr. Ross,
I'm glad to hear that you're still moving forward with your advocacy on this matter as I think it's a worthy endeavor. I will certainly look into the Audubon Great Plains group as I suspect they may have some views that align with mine (e.g., reasonable conservation, city beautification, stormwater retention, habitat preservation and creation). There's no reason to look at an aerial photograph of much of Fargo and see nothing but concrete with scattered trees in parking lots, and organizations such as Audubon Great Plains can be fantastic conduits for progress on that.

Please feel free to reach out if you should need anything - as I previously noted and you identified, I am quite busy, but I'll do what I can to help out!

Keep fighting the good fight! Have a great day!

Brandyn J. Ehlis, PE (ND, MN)

Project Engineer



behlis@northlandenviro.com | 701.471.0593
1212 55th Street North, Unit 17 | Fargo, ND 58102
www.northlandenviro.com

On Tue, Dec 5, 2023 at 11:33 AM Ross, Darrell <darrell.ross@ndsu.edu> wrote:

Brandyn,

Thank you for your support. I'm afraid that the city commissioners fell for some misleading information and outright lies. There are not 10 upset neighbors, just one misinformed person who is willing to lie in written and oral comments to the city. I have heard nothing but positive comments from neighbors in the area. I have sent an email to Mayor Mahoney and the city commissioners to correct all of the inaccurate information that they were previously given. Mayor Mahoney and Commissioner Preston who both voted in support of our LMP expressed their gratitude that I provided the information to them. I'm hopeful that one of the commissioners who voted against approving the LMP will have a change of heart and bring the matter up for reconsideration. I was told by Commissioner Preston that that is the only way they can reconsider the LMP. I have been getting a number of supportive comments like yours. I also have contacts with Audubon Great Plains who have been working with the city for years to establish urban prairies and woodlands especially along the Red River. To say that they are outraged is probably an understatement. They are not happy at all and I'm sure they will be sharing their thoughts with the city commissioners. I would encourage you to share your thoughts with them also. Their contact information is on the City's website.

You mention starting a non-profit. The ironic thing is that such a group exists, Audubon Great Plains, and they have been working with the city and Fargo Parks to establish prairies and woodlands throughout Fargo. You sound like a busy person at this point in your life. I remember those years when I had two young boys at home and was trying to launch my career. Not much time for volunteering! If you ever want to get involved with local efforts to do just what we did, I encourage you to contact the local office of Audubon Great Plains. They are a great group of committed people and they are always looking for volunteers to further their work.

I'll be compiling all of the positive comments like yours that I get to share with the city commissioners at the appropriate time if necessary.

Thanks again,

Darrell

From: Brandyn Ehlis <behlis@northlandenviro.com>
Sent: Tuesday, December 5, 2023 7:46 AM
To: Ross, Darrell <darrell.ross@ndsu.edu>
Subject: Urban prairie garden

Good morning Dr. Ross,

I saw the article regarding your urban prairie garden, and I'm sorry to see that one of your neighbors was able to persuade the city council to rescind the LMP that was granted to your project. I'll leave my condolences on that matter there, because if I try to dive any deeper into the complaints of somebody who claims that a "patch of weeds" in her "front yard" is opposed by "ten people", my faith in humanity is only going to deteriorate.

I am personally on the other side of the fence as your neighbor, and think that what you did isn't just a wonderful project, but it's something that has enough merit that it should be done all over the place, if it's done right. Have you ever considered starting some kind of a community-wide nonprofit organization that would work with the city to turn unused city-owned land into native prairie? I think that such an organization, if properly run, would be fantastic to engage students, and could expand the impact of your contributions exponentially.

While I'm already spread pretty thin between running my own business, my involvement as a Lion, coaching youth sports, and the all the other trappings that come with being a 40-something father of two, I'd love to assist on such an endeavor when and where I could, if you were interested in such a thing.

Regardless, I wanted to reach out and extend my support to you - while I only know what was written in the Forum on this matter, you appear to be on the right side here, and don't let some nay-sayers throw shade on your efforts!

Please feel free to reach out and, while I promise nothing, I'll do what I can!

Have a great day!

Brandyn J. Ehlis, PE (ND, MN)

Project Engineer



behlis@northlandenviro.com | 701.471.0593
1212 55th Street North, Unit 17 | Fargo, ND 58102
www.northlandenviro.com

Ross, Darrell

From: Bonnie Vastag <bonnievastag@gmail.com>
Sent: Tuesday, December 5, 2023 12:29 PM
To: Ross, Darrell
Subject: YOUR WONDERFUL PRAIRIE GARDEN

Hello, I sure hope you can save your garden! Are you aware of the national organization Wild Ones, Native Plans, Natural Landscapes? I believe if you contact them, they can direct you to an attorney familiar with this stupid battle. The landscape is almost always saved. Their contact info is below.

Wild Ones is where I learned to create a haven for birds, butterflies, pollinators, etc. My roots are in Detroit Lakes and Concordia, while my husband grew up in Hebron, ND and he's a 1969 Bison graduate. We wish you the very best in this battle. Please don't give up. Bonnie Vastag

Wild Ones
2285 Butte des Morts Beach Road
Neenah, WI 54956
920-730-3986
support@wildones.org

Ross, Darrell

From: Vickerman, Brittney
Sent: Thursday, December 7, 2023 1:19 AM
To: Ross, Darrell
Subject: Prairie Garden Article

Hey there Dr. Ross!

I'm a horticulture student in the plant sciences department and I just read the inform article about the city voting to remove your urban prairie. Maintaining native landscapes especially in urban environments is something I think is really important, so I was disappointed to hear they are making you remove it. If you do end up remaking it and need anyone to help maintaining or planting or literally anything, I would love to volunteer my time and efforts! Have a wonderful day!

Brittney Vickerman

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CITY OF Fargo Fire Department

50

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: FIRE CHIEF STEVE DIRKSEN

DATE: NOVEMBER 30, 2023

SUBJECT: FARGO FIRE DEPARTMENT STRATEGIC PLAN PRESENTATION

On May 8, 2023 the Fargo Fire Department embarked on four days of engagement with internal and external stakeholders. The process was facilitated by members of the Center for Public Safety Excellence's Technical Advisor Program. The first day involved a working lunch with stakeholder from the community as well as members from other City of Fargo Departments. The questions asked of the external stakeholders were:

1. What are your expectations of the Fargo Fire Department?
2. What areas of concern to you have about the Fargo Fire Department?
3. What do you feel the Fargo Fire Department does well?
4. What do you feel the Fargo Fire Department should change?
5. What do you feel the Fargo Fire Department should not change?

Finally, the external stakeholders were asked to prioritize the programs and services the Fargo Fire Department provides. This group indicated the following prioritization of programs and services:

1. Fire Suppression
2. Emergency Medical Services
3. Technical Rescue
4. Hazardous Materials Mitigation
5. Fire Prevention Programs
6. Emergency Management
7. Fire Investigations
8. Public Fire and Life Safety Education
9. Unmanned Aircraft System (Drones)
10. Wildland Fire Services

The next three days a group of Fargo Fire Department members representing the three divisions of the department met to review the community expectations, develop or revise the mission, vision, and values. The process involved conducting an analysis of the agency's strengths, opportunities, aspirations, and results (SOAR). This process provided an environmental scanning for strategic direction, associated plans through the application of innovative ideas, and a positive

strategic framework that brings clarity to the agency's vision for leadership in day-to-day functions.

Through that analysis five goals were formed:

1. Safeguard the community through proactive prevention, preparedness, and public education programs.
2. Ensure systems and processes are in place to minimize the impact on life and property from medicals, fires, disasters, and other emergencies.
3. Recruit, develop, and retain the highest quality team members and implement a comprehensive training program that provides for continuous education and career preparation opportunities to all personnel.
4. Maintain an organization that effectively administers, plans, and manages the physical resources of the department.
5. The fire department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations, and changes occurring in the community.

Along with the goals, a number of strategic objectives and tasks were developed. Measured outcomes were developed for all objectives to provide a tool to report on the progress of meeting the goals and objectives.

RECOMMENDED MOTION: Adopt the 2024 – 2029 Fargo Fire Department Strategic Plan along with the Mission, Vision and Values.



FARGO FIRE DEPARTMENT

2024-2029

STRATEGIC PLAN



Facilitated by



Center for
Public Safety
Excellence®

The Center for Public Safety Excellence® (CPSE®) acknowledges and thanks the community and Fargo Fire Department (FFD) stakeholders for their participation and input into this community-driven strategic planning process. The CPSE also recognizes Fire Chief Steven Dirksen, CFO, and all who participated for their commitment to this process.

This community-driven strategic plan was developed in May 2023, beginning with a meeting facilitated by representatives from the CPSE for community members, as named below. The community stakeholders’ feedback considered by agency stakeholders in developing this strategic plan can be found in [Appendix A](#).

Community Stakeholders

Michael Bernier	Ben Hansin	Kevin Mehrer	Brady Scribner
Josh Boschee	Chris Heaton	Tim Meyer	Ahmed Shiil
Joe Burgum	Spencer Hilde	Chad Noyes	John Simonson
David Bush	Jennifer Illich	Denis Otterness	Travis Stefonowicz
Jill Christopher	Ben Jacobson	Mary Phillippi	Rob Swiers
David Cook	Jesse Jahner	Dan Portlock	Abran Tamayo
Ben Dow	Kerstin Kealy	Jim Prochniak	Harold Thompsen
Desi Fleming	Troy Knutson	Michael Redlinger	Jeff Wallin
Kendel Frost	Denise Kolpack	Kristin Roers	Wade Webb
Clint Gilbertson	Andrew Lynch	Taylor Savageau	Mark Williams

The agency stakeholder work sessions, conducted over three days, involved a group representing a broad cross-section of the FFD, as named below.

Agency Stakeholders

Pete Amstrup	Steve Dirksen, CFO	Adam Kankelfritz	Kirk Peterson
Brad Besette	Eric Eisenlohr	Collin Kelly	Lance Rognlin
Tim Binfet	Ryan Erickson, FM	Brandon Mallea	Dawn Stollenwerk, FM
Troy Borowicz	Zach Gappa	Joe Mangin	Jason Underdahl
Matt Brand	Tylor Garding	Nick Mitchell	Ryan Viergutz
Joe Burchill	Jamie Garvey	Craig Nelson	Rod Weigel
Josh Christofferson	Ron Guggisberg	Jason Ness	Ben Willey
Robert Darrah	Dan Johnson	Kent Orvik	Patrick Williams
Andy Dingemann			

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Message from the Fire Chief

I am honored to present the 2024 - 2029 Fargo Fire Department (FFD) Strategic Plan. The planning process featured an ambitious, inclusive strategy designed to tap into the broad experiences and insights from a diverse cadre of employees. It also engaged nearly 40 community members in driving the future of the FFD.

On May 9, 2023, a group representing the senior leadership team, representatives from all three shifts, the community risk reduction division, and the training division convened for the first of three strategic planning sessions. The group was ready to assess the plethora of issues facing the department and our community.

The following pages are a result of their challenging and collective work. The group was challenged to look into the future and work toward a plan to ensure the FFD delivers the best product possible to the citizens and visitors of Fargo. All involved understood the need for a plan to give direction as well as the need to be versatile with the ability to change focus when confronted with a changing environment.

The 2024 – 2029 FFD Strategic Plan clearly sets a community-driven roadmap built by internal and external stakeholders who have a desire for the FFD to address the increasing demands from our residents and visitors.

The plan includes five specific goals and 19 objectives to ensure the FFD meets or exceeds what is needed from us by our community over the next five years. The FFD is committed to being an agile organization that can respond effectively and efficiently when emergencies arise.

It will take considerable effort to make this plan a reality. As the fire chief, I cannot thank our community, the FFD command staff, the men and women in the stations, community risk reduction, and training divisions enough for their efforts in continuous quality improvement in developing this plan. Ultimately, the Fargo community supports this department, and it is for the community that we continue our efforts to constantly evolve and improve to better serve you.

Sincerely,

Steven J. Dirksen
Fire Chief

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Introduction

The community serviced by the Fargo Fire Department (FFD) receives high levels of professionalism and efficiency from the agency's proactive approach to risk reduction and emergency mitigation. As such, the FFD contracted with the CPSE to facilitate a community-driven strategic plan. The process utilized by the CPSE aligns with the Commission on Fire Accreditation International® (CFAI®) fire and emergency services accreditation model but also considers all parameters prescribed by the authority having jurisdiction.

The CPSE's approach to community-driven strategic planning gathers feedback and input from community and agency stakeholders while focusing on future change beyond the status quo. Beliefs, concepts, current processes, and values were among the many pieces considered and questioned to bring this planning document to reality. The FFD exhibited a commitment to the implementation and execution of this plan to become more efficient and effective in alignment with its community.

Process

Understanding what the customer desires is vital to the success of any organization. In this case, the customer is the community that the Fargo Fire Department serves. This applies even if the service organization is a governmental entity. Community-driven strategic planning ensures the community remains a focus of the organization's direction and community feedback is at the heart of all deliberations and development of this strategic plan.

The process of community-driven strategic planning and the plan itself represents the embrace of transition away from how an organization has always done things, seeking to find efficacies and outcomes based on change. The community-driven strategic plan provides a management roadmap built on a shared vision and structured for measurable results. With the involvement of a diverse group of agency stakeholders, the Fargo Fire Department's community-driven strategic plan encompasses various experiences, perceptions, and perspectives that can also work to build more internal organizational symbiosis. For the desired, measurable results to be realized, the process and the strategic plan must focus on substance, not form. Only then can the FFD truly benefit from the process and realize its ultimate vision.

FARGO FIRE DEPARTMENT

Community Stakeholder Findings

- ✓ Identify, from the community perspective, things the agency should and should not change.
- ✓ Identify the community's expectations for the agency, concerns about or for the agency, and aspects the community views as strengths or positives.
- ✓ Define the programs provided to the community.
- ✓ Establish the community's prioritized view of the programs and services provided by the agency.



Agency Stakeholder Work

- ✓ Identify the agency's strengths, opportunities, aspirations, and results.
- ✓ Revisit the mission statement, giving careful attention to the services and programs currently provided and which logically can be provided in the future.
- ✓ Revisit the values of the agency's membership.
- ✓ Determine the agency's current vision considering the consensus built from the strengths, opportunities, aspirations, and desired results.
- ✓ Identify the agency's challenges, service gaps, and causal effects through a thematic sifting process.
- ✓ Determine, by consensus, strategic initiatives for outcome-based organizational improvement.
- ✓ Develop strategic goals, SMART objectives with relative timelines, and comprehensive critical task concepts focusing on outcomes.

Agency Background

The City of Fargo was founded in 1871, encompassing an area that was historically part of the Sioux territory and was an early stopping point for steamboats traversing the Red River



While the city was originally named Centralia, the name was changed to Fargo after William Fargo, the founder of Wells Fargo Express Company.

Throughout the city's history, Fargo has continued to grow and evolve, starting with the arrival of the Northern Pacific Railroad. By virtue of the railroad, Fargo became known as the "Gateway to the West."

Today, the City of Fargo is a thriving cultural, retail, healthcare, educational, and industrial center for southeastern North Dakota. With a population of over 127,000, Fargo is the home of North Dakota State University and several larger corporations. However, Fargo is also known for being a great place to have a smaller business or start a career.

The genesis of the Fargo Fire Department (FFD) dates back to 1875 in the form of two fire wardens who would patrol the city, watching for fires and protecting the population of 600 residents. The city and the department dealt with a number of conflagrations, the largest in 1893 when 31 blocks of downtown Fargo were destroyed by fire. However,

resiliency is indicative of the area. Within one year, 246 new brick buildings were built, along with new streets and a water system.

In 1903, the Fargo Fire Department transitioned from a volunteer department to a career organization. The FFD has also continued to grow and evolve along with the city as risks changed, partially due to the population and economic growth.

Today, the Fargo Fire Department protects the city's residents, businesses, and visitors from seven strategically deployed fire stations. In total, the FFD is comprised of 125 members who strive daily to fulfill their duties in a professional and courteous manner. Their commitment to their community through the provision of emergency and risk-reducing services is evident in all that they do. The FFD continues its endeavor to catch excellence for the good of all who live, work, and play in the City of Fargo.

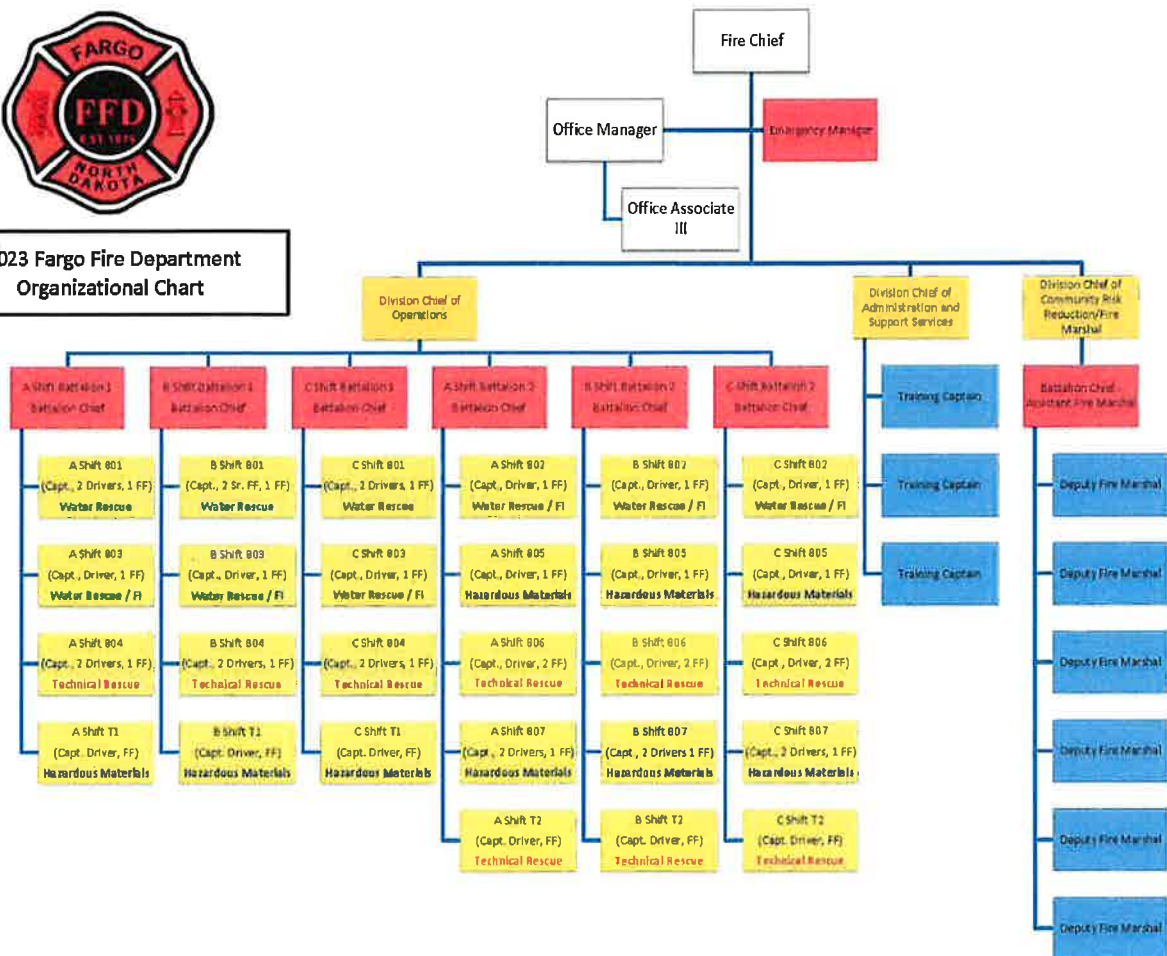


FARGO FIRE DEPARTMENT

Organizational Chart



2023 Fargo Fire Department Organizational Chart



Agency Stakeholder Work Session Participants

Mission

The mission provides an internal aspect of the existence of an organization and, to a degree, an empowering consideration for all FFD members. The purpose of the mission is to answer the questions:

- Who are we?
- Why do we exist?
- What do we do?
- Why do we do it?
- For whom?

A workgroup met to revisit their existing mission and after ensuring it answered the questions, the following existing mission statement was discussed and accepted by all:




The Fargo Fire Department mission is to reduce the rate of emergencies through public education and code enforcement; protect lives and property from fire and other emergencies; and respond to emergencies in a professional and courteous manner.

FARGO FIRE DEPARTMENT


Values

Values embraced by all members of an organization are extremely important, as they recognize the features that make up the personality and culture of the organization. A workgroup met to revisit the existing values agreed upon by the entire group.

The mission and values are the foundation of this agency. Thus, every effort will be made to keep these current and meaningful to guide the individuals who make up the Fargo Fire Department to accomplish their goals, objectives, and day-to-day tasks.



**The Fargo Fire Department
values are
Professionalism, Responsibility,
Integrity, Dependability,
and Empathy.**



**The vision of
the Fargo Fire Department
is utilizing a diverse workforce
to be an industry leader in fire
and life safety through
collaboration and
continuous improvement.**

Vision

An organizational vision exists to keep all agency members focused on the successful future of the Fargo Fire Department and to guide quality change and improvement in alignment with the community. In support of the futurity created within the community-driven strategic planning process, the CPSE facilitated the development of the FFD's vision for the future. The agency will support the reality of this vision through successful plan implementation and goal achievement.

Goals

Community feedback and the SOAR process led to the determination of strategic initiatives representing the high-level issues the agency stakeholders developed into goals. The FFD must now make these goals a focus of efforts that will direct the agency to its desired future. Goals with complete objectives, tasks, timelines, and assignments are included in a separate **Management and Implementation Guide**.



Goal 1: Safeguard the community through proactive prevention, preparedness, and public education programs.

Self Assessment
Categories 2, 5,
&10



Goal 2: Ensure systems and processes are in place to minimize the impact on life and property from medicals, fires, disasters, and other emergencies.

Self Assessment
Categories 2, 3, 4,
5, & 10



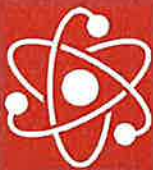
Goal 3: Recruit, develop, and retain the highest quality team members and implement a comprehensive training program that provides for continuous education and career preparation opportunities to all personnel.

Self Assessment
Categories 2, 3, 7,
8, & 11



Goal 4: Maintain an organization that effectively administers, plans, and manages the physical resources of the department.

Self Assessment
Categories 2, 3, 6,
& 10



Goal 5: The fire department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations, and changes occurring in the community.

Self Assessment
Categories 1, 2, 3,
4, 5, 7, 8, 9, & 11

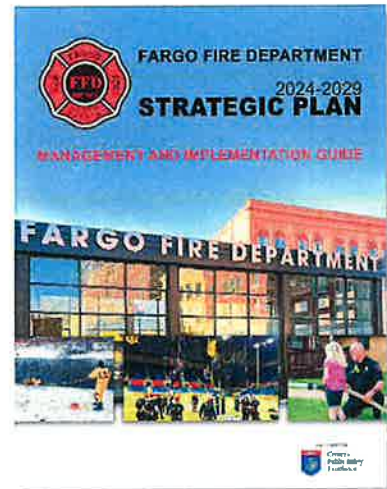
Conclusion

Working with community and department members from all levels, this strategic plan was developed...but the work is truly just beginning. Agency stakeholders must now execute and institutionalize the plan to ensure the community's expectations and the Fargo Fire Department's vision remain congruent. The accompanying **Management and Implementation Guide** will assist the FFD in the mechanics of implementation. The guide is not intended to be all-inclusive; rather, it provides flexibility to ensure future success.

It must be remembered that during this journey of regeneration through change and improvement, recalculation may need to occur to find the success

“...we will chase perfection, and we will chase it relentlessly, knowing all the while we can never attain it. But along the way, we shall catch excellence.”
Vince Lombardi

desired. This strategic plan is a roadmap to help the Fargo Fire Department navigate that change and the department's future. The ability to pivot to meet the current environment as institutionalization and implementation occur provides a greater likelihood that the desired outcomes and efficacies will be realized as envisioned.

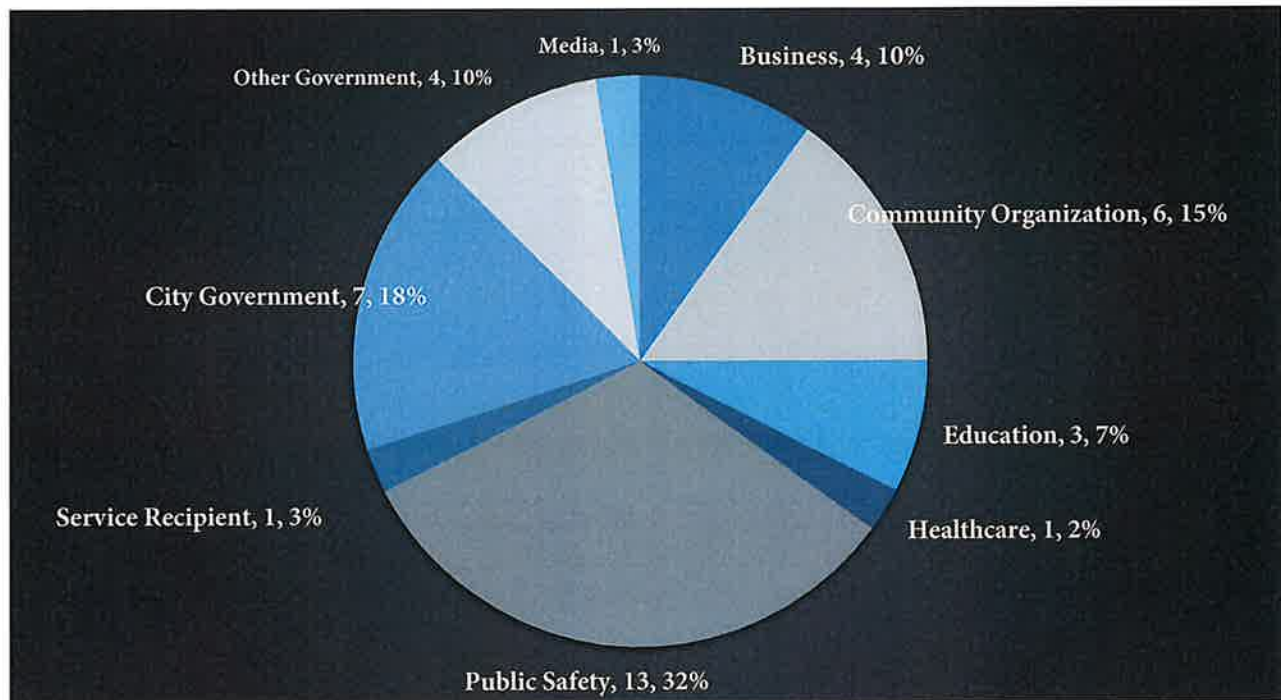


Appendices

A. Community Stakeholder Findings

The Fargo Fire Department demonstrates a commitment to its community via a focus on community input and satisfaction. A community stakeholder session was held to gather feedback from the respondents on the agency and its various services delivered. The information gathered from the community stakeholder feedback provided understanding to the agency stakeholders of any misalignment with its organizational foundation and performance or values-based expectations or concerns from which new improvement strategies and processes may be created.

Community stakeholders were identified by the agency to ensure broad representation. The breakdown of groups represented is presented here:



Respondents were asked to list, in priority order, up to three subjects relative to expectations, concerns, and strengths or positives for the FFD. Expectations and concerns were then analyzed for themes and weighted. The numbers in the parentheses are the cumulative weighted value that correlate with the themes identified. While the themes are listed in prioritized, weighted order, all responses were important in the planning process. Strengths or positives are listed verbatim and may be repeated based on different respondents. The specific data and findings from the community stakeholder respondents are provided to follow.

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Community Expectations of the Fargo Fire Department (in priority order)

1. Deliver a high level of public service. High level of service-what you do. Show up at the time of need-answer the call. That the department will show up when help is needed. Effective response. Quality delivery of services that are delivered consistently with a high level of standards. Effective response. Excellent response to calls for service. (63)
2. Timely response. Rapid response time. Quick fire response, fire suppression. To respond to all hazards in a timely and effective manner. Show up in an emergency within metric/time no matter where you are in Fargo. (59)
3. Maintain a high level of knowledge and training to serve the community. To be knowledgeable, professional, and well-trained using up-to-date technology. Well trained. Well-trained team. Safety training and equipment for firefighters. (41)
4. Maintain and represent the community professionally. Professionalism. Professional and respectful. Professional and empathetic with the public. (33)
5. Support education for fire safety. That the department will help us think through how to keep our people safe. Education efforts in schools, through media, social media. Public training opportunities in fire prevention, life safety, and first aid. Educate the public on fire safety, injury prevention, etc. Strong community education programs. CPR and first aid training. (22)
6. Effective communication and inspection between the FFD and our business. Fire prevention. Visibility in community fire prevention efforts. Prevent or reduce the impact of fires and medical situations. Code enforcement. Engage with the public with actions and programs that prevent fires. Available for questions and inspections. (22)
7. Fire suppression. Extinguish fires as quickly and effectively as possible. Fire suppression to lessen property loss. Minimize property damage with great fire responses. (18)
8. That the FFD would work to be collaborative with other departments, agencies, and citizens. Collaborate with community partners to address other quality-of-life issues. That the FFD and police/sheriff are always on the same team. Proactive relationship building to set clear expectations before a problem exists. Collaboration with community stakeholders (schools, businesses). (13)
9. That FFD would strive to be a reflection of our community, so can see themselves in the work and people of FFD. Hire diverse applicants, reflecting the community. Representative of our diverse community. (10)
10. Emergency medical services. Treat injuries and rescue living beings. Lifesaving services (EMS) that are timely and appropriate. (9)
11. Provide public outreach or community involvement to reduce hazards overall. Continue public relations-related activities. Strong visibility in community. (9)
12. Visioning for the future, trends, and change. Commitment to continuous improvement. Preparedness. (5)
13. They will charge me my fair share for the service for me and all our residents. Maintain resources (human and physical) to be able to respond to calls for service. Stewardship. (5)
14. Courtesy. Treat everyone with respect/compassion. Empathy. (5)
15. Capable, honest reports/testimony. Open clear communication (4)
16. When they arrive, they have the personnel, equipment, and water to put it out. Maintain adequate staffing levels as the city continues to experience rapid growth. (4)
17. To be prepared to respond quickly and effectively to active shooter or other terrorist events. Emergency management. (4)

18. Fire investigation. (3)
19. Continue to be topic leaders. Leaders in the community. (2)
20. Safety/risk mitigation. (1)
21. Hazardous materials response. (1)
22. Stations continue to have the best equipment/training. (1)

Areas of Community Concern about the Fargo Fire Department (verbatim, in priority order)

1. Being able to maintain growth along with city growth. City growth - timely response/service. As Fargo continues to grow, ensuring keeping up with staffing in order to minimize burnout and ensure proper coverage. The department grows proportionally with our community. Growth that would lead to a lower level of service. Run times to calls with a growing city. Growth of the department to meet the growing needs of the city. Locations and number of fire stations for our expanding community. Service area growth. (56)
2. Being able to hire and maintain employees. Recruitment and retention of FFD staff. That is to continue to recruit and train qualified applicants. Being able to recruit enough firefighters to staff a growing community. Ability to recruit and retain a quality workforce. few applicants. Are we able to hire and retain skilled team members? What do we need to do to be more competitive? (44)
3. Being able to maintain a high level of response capabilities based on budget restrictions. Static delivery model - suppression. Best utilization of staff when in "on call" response mode. Locations of fire stations affecting response times. EMS response with an engine versus a squad or SUV. Response times. (29)
4. In a day when staff is such an issue, a concern I have is whether enough new people are joining the force. Staffing levels have been difficult to maintain in many industries. Does staffing allow timely response to emergencies? Staffing. (25)
5. Our ability to fulfill the long-term pension commitment to public servants based on current pension method (defined benefit versus defined contribution). Budget has become an issue of late due to the rising costs of wages, equipment, and supplies. Funding for training and facilities. Demonstrate fiscal responsibility through long-term planning. Ensure continued funding to operate at the highest level. Flexible budget to grow and strengthen the department. Funding. (22)
6. Lack of large-scale training facility for region/local fire academy. Being trained to work around electrical equipment including inside electrical substations. Knowledgeable/experienced. I would like to see more inter-department training with the police. Training with other agencies/departments. (21)
7. Health and safety of firefighters during emergencies as well as decontamination efforts to prevent problems later, also mental health of firefighters who have seen difficult times. Safety for all involved in response. Firefighter safety. Health (mental) of firefighters, need to keep them healthy for response. (16)
8. Future tasks-mission creep/expansion of non-traditional areas/service. Preparing for aging population/demographics. Economic planning for the future coverage needs of Fargo. Proactive vs. reactive. Explore new technologies for emergency response, i.e., different vehicles, etc. (15)
9. Lack of diversity. Few women firefighters. Diverse recruitment. (13)
10. Communication between our fire alarm system (Johnson Controls) and FFD. Engagement with our growing diverse populations with education initiatives and communicating in various languages and methods. (10)
11. Resourcing the emergency management service in the same way as the other nine services have been. Emergency management should not be under fire department or any other department - too self-serving. (10)

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12. We have a lot of hazards in our business, i.e., electrical, combustibles, and housekeeping, that we could use training and inspection in an enforcement setting. Evolving emergency management for the betterment of the community. (7)
13. Structuring emergency management to directly connect, influence, and support city departments. Maintaining working relationships with local/regional partners. How the FFD works/interacts with the other Greater Metro FDs. Ability to mesh with mutual aid partners. (6)
14. Medical response coordination with ambulances. (3)
15. I am worried about if/when/who someone decides to pull the meter on a fire site or when we get contacted to do so. (3)
16. Volume of mental health-related issues in the community along with the rise of violent crime. (3)
17. Department communication. (3)
18. Members are kind/sensitive. (3)
19. That they expand their annual inspection program to include single-family rentals. (1)
20. Public policy and department needs not aligning. (1)
21. Members know that the community appreciates them. (1)

Positive Community Comments about the Fargo Fire Department (verbatim, in no order)

- Great collaboration with other agencies.
- Always looking for ways to get better.
- Willing to help whenever and however they can.
- Workforce quality.
- Equipment and capital.
- Facility planning.
- Approachable – very willing to support/educate the community.
- We are inspected annually and have never once had an inspector be anything but helpful. We've certainly had to change some things, but even those instances have been done in an encouraging manner.
- They are a great partner in caring for our guests and staff in areas that don't have to do with fire safety.
- Inspections are good and thorough.
- Communications are good.
- The process of improvement and growth of the fire department has been impressive.
- The operation of the fire department can be used as a model of efficiency for other city department operations.
- Consistency.
- Multi-year engagement on strategic planning – I wish more of the city would engage in a process like this.
- Hail to the chief for leading a department that has delivered a positive rapport with the community.
- As a community member, I know of no negative comments regarding the fire department.
- Community outreach in our schools has always been welcome and needed. Who doesn't want to be a firefighter?
- Overall capabilities are impressive.
- Increased level of training with other agencies not of the fire discipline.
- Community engagement – social media, job fairs, fundraisers, school events, community picnics, golf tournaments.

- Communicating with media during emergencies and non-emergencies for education.
- Great people.
- In my experience, the response of our fire department has always been prompt, professional, and thorough.
- Our fire department does a great job keeping up with inspections and making sure businesses are safe.
- Friendly and empathic.
- Cooperative.
- Dedicated.
- High level of professionalism.
- Community trust.
- Focus on the future as well as the present.
- Community engagement.
- Great leadership.
- Very transparent.
- Easy to work with.
- Forward-looking – manage city growth.
- History of response and service.
- Community-driven, involved with events.
- Stable workforce.
- It is my understanding that the FFD is positioned geographically to provide faster response times than peer jurisdictions. Wonderful!
- Department is very visible in the community. Very engaged at community events.
- The overall consensus is the FFD has done a fabulous job at being and operating like a well-oiled machine. If it is broken, no one can tell from the outside.
- Visible within the community.
- Outreach to youth.
- Current leadership is strong.
- Community involvement and outside city stakeholder input.
- Expertise.
- Relationship-oriented.
- Easy to communicate with.
- Friendly.
- Approachable at all levels of the organization.
- Community-oriented.
- Responsive to the needs of local partners.
- Regional leaders.
- Level of service.
- Instilled high standards.
- Fargo Fire well-trained and professional.

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- I feel FFD is a high-caliber team striving for improvement to meet community needs.
- Strong leadership.
- Well-equipped.
- Easy to work with.
- A great mutual-aid partner/willing to work with others.
- Training of new firefighters and the program is very good.
- Continued passion of CPSE and to improve constantly.
- Leadership team.
- Community involvement.
- Commitment to the community of not just Fargo, but the region.
- Strong working relationships with other first responders – ambulance and police.
- Continued community outreach – schools and Night to Unite demonstrations.
- Occupancy inspections keep us safe!
- Quick response times.
- Positive attitudes.
- Ability to work well with others.
- Professionalism.
- Reliability.
- Community commitment/involvement.
- They have always been easy to work with and willing to help out.
- I've had no direct contact with FFD. Responding truck to medical emergencies has been good.
- ISO certification.
- Passion for Fargo and its citizens.
- Unity among teams/culture.
- Strong leadership.
- Community visibility.
- Team player.
- Well-equipped with the latest fire gear and equipment.
- Professional department and the value they put on it.
- Very high reputation in the state of being a great fire department.
- Professional staff.
- Timely response.
- Very well received at community events – positive public perception.

Other Community Comments about the Fargo Fire Department (verbatim, in no particular order)

- A forward-thinking department with resources. What are the next challenges/trends for longer career departments to study? Plan for? What is on the horizon zone?
- Would love to see education grow on things you do outside fire prevention and firefighting – there is so much more! Examples – AED training, assist if fall and can't get up, etc.
- Training sessions put on by FFD and our employees, i.e., fire safety and waste disposal, would be beneficial.
- Although anonymous, this input sheet will be obvious as to its source.
- Public awareness – FFD is more than simply fire services.
- How might the public better understand and appreciate all that FFD does?
- I think the department has met and exceeded my expectations.
- The amount of wood-framed construction introduced into the downtown business district is a huge concern. Should have tried to keep all new construction downtown as non-combustible.
- Accreditation is an important process and only lends itself towards an agency's professionalism. Commendable!
- I think there are opportunities to showcase all the fire department does beyond fighting fires. I would like to see more collaboration with stories highlighting staff (heroes), what it takes to become a firefighter, safety for families (carbon monoxide, turkey fryers, etc.), behind the curtain of the department.
- A few years back, Fargo Emergency Management offered a CERT training program. Would love to see that revived.
- Community outreach and engagement can help the community and FFD manage expectations and craft service delivery, recruitment, and retention goals.
- FFD is in a great position of community and organizational trust; a standard that has been maintained and continues to thrive.
- Appreciate being a part of the process.
- FFD is like a brace of support for a bridge. Though it doesn't always get the attention it deserves, people notice it and couldn't imagine not having it.
- My understanding is that we have a solid relationship between our organizations. It has not always been this way. Great improvement over the past five years.
- It has been fun getting to know FFD personnel over the years.
- The Fargo Fire Department is an organization that is held in high regard. They have earned it through community involvement and the professional way they conduct themselves.
- Thanks for all that you do for our communities.
- Yesterday's fatal accident on 94 reminded me of the amount of secondary trauma that our first responders experience. I hope they all get the support they need and deserve.
- Firefighting is something I respect and never wanted to do. So, thank you for your good service.
- Fargo has one of the best fire departments in the country.

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Things the Community Feels the Fargo Fire Department Should Change

(verbatim, in priority order)

1. Increased diversity - racial, gender. Increase diversity in staffing. Increase diversity, including women. (3)
2. Possibly doing more training with other departments. Could do more community training and outreach. (2)
3. Look for expanded response opportunities. How to become a force multiplier for surrounding fire departments - Harwood, Horace. (2)
4. More communication on great work being done. Continue to educate the community about the vast number of things you do outside of fighting fires. (2)
5. Add a CRR-Health Alliance Program. (1)
6. Look for opportunities for flexibility. (1)
7. Larger role in fire investigation. (1)
8. Hiring strategies. (1)
9. Enforce city/state/federal codes to prevent responses. (1)
10. Improve ties to the community. (1)
11. More competitive pay. (1)
12. The name of the department. (1)
13. Emergency management. (1)
14. Is there a better medical response model? (1)

Things the Community Feels the Fargo Fire Department Should NOT Change

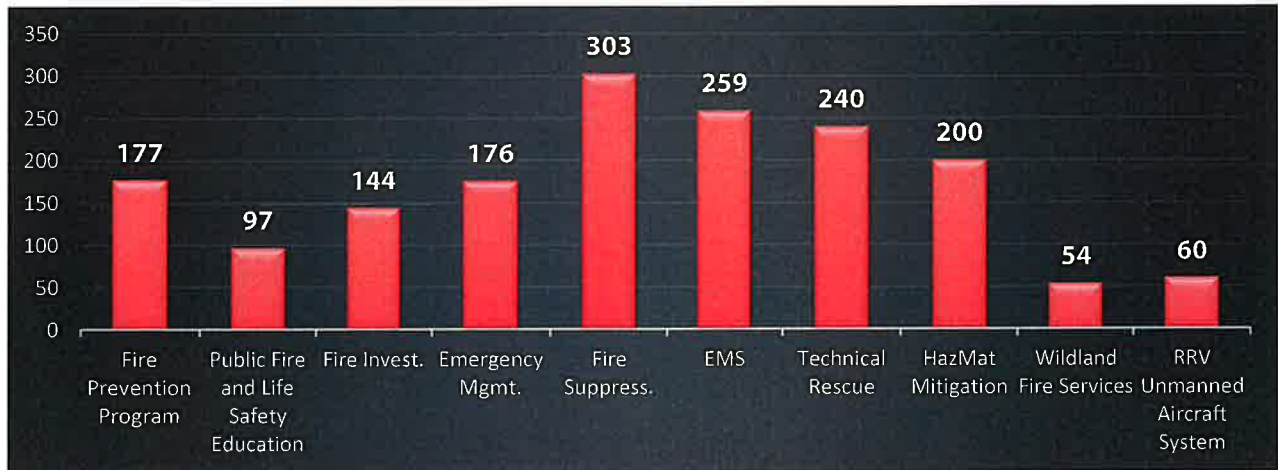
(verbatim, in priority order)

1. Quality of services provided. The excellent level of service. HazMat education for area emergency services. Focus on performance. Dedication to mission. Quality of response and service. Building on past high-quality service. (7)
2. Continue public relations and events. Community/non-profit engagement. Seeking outside opinions where relevant. Strong community engagement. Community engagement. Continued visibility in the community. Department collaboration. (7)
3. Emergency response in a timely manner. Achieving response time targets. Its rapid response when a request for help goes out. (3)
4. The commitment to accreditation. The process and approach for accreditation should not change. Commitment to the community and continuous improvement. (3)
5. Training - do not reduce. Professional standards. (2)
6. Collaboration with ambulance and police. (1)
7. Leadership team. (1)
8. Credentialing process (CPSE). (1)
9. Professionalism. (1)
10. Availability to the public. (1)
11. Outreach and visibility to youth in the community. (1)
12. Pride/culture. (1)
13. High standards. (1)

- 14. Dedication to protecting our community. (1)
- 15. Its consistency and positive community brand. (1)

Community-Prioritized Programs

Understanding how the community prioritizes the agency’s programs and services allows the Fargo Fire Department to ensure its focus on resource allocation aligns. With that, feedback was garnered with an instrument that compared the programs and services offered by the FFD to determine prioritization. The results were as follows:



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B. Agency Stakeholder Work

A group of agency stakeholders representing the various segments of the FFD attended a three-day work session to review the community feedback, develop or revise the agency's mission and values, and establish a quality focus on the way forward in developing this community-driven strategic plan. Additionally, the process included an environmental scan in the form of a strengths, opportunities, aspirations, and results (SOAR) analysis to better understand the current situational aspects impacting the agency.

SOAR

The agency's internal stakeholders utilized a strategic environmental analytic method known as SOAR: where members consider the organization's current strengths, opportunities, future aspirations, and strategic results to formulate a path for continuous improvement. The SOAR process was conducted for reflection, focus, and alignment with the organization's set of values, its vision, and its mission. This appreciative inquiry process provided environmental scanning for strategic direction, associated plans through the application of innovative ideas, and a positive strategic framework that brings clarity to the agency's vision for leadership in day-to-day functions.

Strengths

Great culture allows open and honest feedback from top to bottom	Variety of KSAs and ability to draw on them department-wide
FFD values drive how we operate	Everyone shows a commitment to improve
Individual growth-minded environment for greater personal success	Commitment to employee health and wellness – mental/physical
We are not afraid of failures – we learn from our mistakes	Modern, up-to-date equipment through the organization
Our community image is highly regarded	High functioning – well trained
The ability to adapt to industry best practices through accreditation	Fire prevention and code enforcement programs are integrated top to bottom
We have data to back up the decisions	Leadership's willingness to work with the union
Identifying and addressing weaknesses	Personnel support our values
Community involvement on/off duty	Public spirit – citizens of Fargo value the community
Encouraged and given the tools to succeed in your position	Holding everyone to a high standard to keep us accountable
Age of department and call volume leads to high levels of experience and competency	Willingness to collaborate – regional teams, joint training with other agencies, work with other city departments

Opportunities

- Build a process that includes triggers for the department to mirror growth
- Improve the current two-system process that is used for calls with the ambulance company for dispatching
- Growth = reason to address needs
- Request for fully staffed/highly trained staff
- Improve response model
- Opportunity to address training facility needs
- Regionalization of fire department/collaboration with other services
- Data analysis to triage risk for the development of programs reducing risk in the community
- Expanded training facility
- Expand our focus on employee retention
- Establishment of a formal mentoring program to improve retention efforts
- Annual climate survey process – use the results
- Data-driven response model improvement through analytics
- Marketing the department to educate the public
- Improve EMS data collection to improve/update the delivery model
- Collaborate with the communications team and DEI to improve recruitment efforts



- Reducing cost of turnover/retain experience – investment
- Provide quality essential services while reducing “mission drift” – busy work
- Develop a mobile integrated health program
- Improve our succession training to better prepare for leadership transition
- Expand to a regional training center/facility
- Expand our technological capabilities to make us more efficient
- Collaborate with NDSCS to provide a fire service degree – training academy

Aspirations

- Stronger image in the community of capabilities
- To be the fire department that people want to work for – leave other departments to come here
- Determine and integrate the FFD role in mobile-integrated health service delivery
- The department that leads a consolidation effort for an emergency service department in the region
- To have a department with CRR programs centered around the installation of sprinkler systems to improve safety in vulnerable occupancies
- All members of the community recognize we are there to serve them
- Have a workforce more representative of the community

- Expand the reach of the regional-leading training
- A recruitment program that sees an increased number of qualified applicants
- Increase staffing to improve our ERF providing for safety and flexibility
- Fully staffed trucks all of the time, especially during planned classes and activities
- Continue to improve our mental and physical programs to support the longevity of our workforce
- Maintain a culture of inclusion that helps us all succeed
- To be a fire service leader by using analytics and current technologies
- Continue to be a beacon of involvement in our community

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Results

Group 1	Group 2	Group 3
<ul style="list-style-type: none"> - AARs lead to improved responses via open/honest feedback - Accreditation renewal proves the department's commitment to ongoing improvement - Lack of complaints and an increase in complements indicates that members exemplify the department's values - Health and wellness programs exist - New employees are comfortable asking questions or providing feedback. - Improved relationships and better service to the regional community - We are one of the only departments to complete an annual review of all employees - Measure it with a completed survey. This will validate a healthy, happy, inclusive workplace - Producing a regional facility that meets the needs of the region – increase in KSAs and regional collaboration - Less turnover - Likes/shares/views/subscriptions - Using analytics to increase unit reliability/availability - Other departments look to us for advice/best practices - Measured by better retention - Measured the culture during a culture survey - An increase in involvement with external stakeholders – committees/meetings 	<ul style="list-style-type: none"> - Increase in staffing ratio - Regional training building built and staffed - Decrease in turnover - Decrease in unnecessary runs/increase in tasks on scene - Regional service department - Eliminate gaps in coverage, providing the reliability citizens expect from the department - Increase in NFPA 13D sprinkler systems - Decrease turnover and increase quality of applicants - Reduction in extended work absences by treating injuries earlier - Maintaining a positive image - Change in behavior and skills - Loss of well-trained employees to other departments - Reliable and trustworthy department as seen through the eyes of the community - Less fire loss and time on scene - More highly trained workforce through identifying weaknesses 	<ul style="list-style-type: none"> - Our ERF numbers closer to our benchmarks - A mobile integrated health program is established - Retention rates increase – non-retirement - Increased number of qualified applicants - Addition of a regional training center - Increased number of certified FFI and II in the region – including training hours - Equal participation in committees - Crease injuries and FMLA use for injuries - Higher level of understanding from the community during the next stakeholder meeting - Successfully passed credentials - Calls for service completed successfully without injury and with expected results - Getting budget approvals to match needs - COOP - Bottom-up policy development - Completion of annual inspections and plan reviews - An extensive training academy that we continually look to improve on - Automated reporting - Increase in the diversity of applicant pool - Increase in employees getting associate degrees after competing recruit class - Improved response times as a result of predictive analytics - Mobile integrated health - Decreased maintenance - Increase in emergency call volume - Increased reliability - More professionally driven media content

Programs and Services

It is imperative that agency stakeholders distinguish between the core deliverables (programs and services) provided by the Fargo Fire Department and those supporting services that help the agency provide the core programs and services. With this understanding, the agency stakeholders can further define where the issues and gaps exist within the organization and provide more basis for the environmental scan that is conducted. To bring this understanding to fruition, the CPSE provided guidance and gained consensus understanding with the entire group so that the difference between the deliverables and the supporting functions were understood.

Challenges and Service Gaps

After sifting through data and feedback provided by the community stakeholders, and the internal environmental scan conducted, the agency stakeholders, by consensus and group effort, determined that the following challenges and service gaps exist within the Fargo Fire Department. Each challenge or gap listed is accompanied by the causal effects determined by the two groups. They are then linked to the strategic initiative identified by the agency stakeholders.

Group 1	Group 2	<i>Initiative Link</i>
<p>Facilities</p> <ul style="list-style-type: none"> ○ Maintenance ○ Funding ○ Placement ○ Training facility ○ Public perception ○ Ergonomics – station design/layout <p>Equipment/Apparatus</p> <ul style="list-style-type: none"> ○ Funding ○ Training ○ Maintenance ○ Research ○ Technology ○ Time to acquisition ○ Reserve apparatus ○ Vehicles ○ Apparatus ○ Ancillary equipment – boats, tool cat, trailers ○ Supplies/logistics 	<p>Training Facilities</p> <ul style="list-style-type: none"> ○ Funding ○ Utilization ○ Expanding mission services ○ Location/space ○ Staffing <p>Stations</p> <ul style="list-style-type: none"> ○ Funding ○ Geographical growth ○ Cultural changes ○ Station design for firefighter health 	<p><i>Physical Resources</i></p>

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Services

- Public expectations
- Mission creep
- Collaboration
- Regionalization
- Types offered
- Staffing
- Service model
- Cost/benefit
- Abuse

Program Management

- Specialty teams
- Mission creep – do the programs follow our mission/values?
- Consolidated redundancies

Call Volume

- Staffing
- EMS calls
- Prevention
- Unit reliability
- Burnout
- Frequent fliers
- Triage structure/dispatching
- Other agencies
- Community risk reduction
- Mission creep

Staffing

- Money
- Growth
- Commission
- Workload
- Burnout
- Job roles/responsibilities
- Public education

Program Management

- Staffing to manage
- Over-extending staff
- How do we provide/staff for the current programs?
- Training
- Certification

Expanding Demand for Services

- Cultural changes
- Needs of the community
- Limited community services
- Data/analytics
- Funding

Reliability

- Non-emergent calls
- Funding
- Staffing
- Not trained for expanding services
- Non-response-related activities/tasks

Expansion of Services

N/A

Staffing

<p>Staffing</p> <ul style="list-style-type: none"> ○ Recruitment/retention 	<p>Recruitment</p> <ul style="list-style-type: none"> ○ Growth – geographic, population, call volume ○ Turnover ○ Resources ○ Competition ○ Expanding services ○ Schedule flexibility <p>Retention</p> <ul style="list-style-type: none"> ○ Health/wellness ○ Call volume ○ Pay and benefits ○ Competition ○ Expanding services 	<p>Recruitment and Retention</p>
<p>Technology</p> <ul style="list-style-type: none"> ○ Funding ○ Staffing ○ Research ○ Training ○ Implementation ○ Data software ○ Efficiencies ○ Correct type ○ Over-reliance ○ Future ○ AI ○ Security ○ Safety ○ Redundancy 	<p>N/A</p>	<p>Technology</p>
<p>Communication</p> <ul style="list-style-type: none"> ○ Marketing ourselves – social media ○ Separate communication person ○ Type of messages ○ Recruitment 	<p>Image/Branding</p> <ul style="list-style-type: none"> ○ Staffing ○ Social media ○ Cultural representation ○ Expanding services ○ Public education demands ○ Funding ○ Lack of collaboration with the communications team ○ Humility in the fire service 	<p>External Communications</p>

Strategic Initiatives

Based on all previously captured information and determining critical issues and service gaps, the following strategic initiatives were identified as the foundation for developing goals and objectives.

Physical Resources	Expansion of Services	Staffing
Recruitment and Retention	Technology	External Communications



FARGO FIRE DEPARTMENT

2024-2029 STRATEGIC PLAN

MANAGEMENT AND IMPLEMENTATION GUIDE



Facilitated by



Center for
Public Safety
Excellence®

Foreword

As part of the community-driven strategic planning process, this management and implementation guide was developed to assist the Fargo Fire Department (FFD) in managing its future success through institutionalization, implementation, monitoring of progress, and results feedback. The FFD must remember that a plan without managed implementation will never result in change and greater success. This is a living document that the agency should use throughout the duration of its community-driven strategic plan. It provides for further revision, accountability, ways to measure and celebrate success, and desired outcomes. Additionally, information is provided to ensure alignment with the strategic vision of the authority having jurisdiction or other sources as determined by the FFD.

The Success of the Strategic Plan

The Fargo Fire Department approached its desire for organizational change and continuous improvement by developing a community-driven strategic plan focused on input and participation from the community and agency stakeholders. The success of this community-driven strategic plan will be rooted in a quality implementation and institutionalization plan, and support from all who hold a stake in the FFD.

Without a true focus on implementing and institutionalizing this plan, the FFD may fall short of the change it desires. The Center for Public Safety Excellence® (CPSE®) recognizes the agency's commitment to its community and supports the continuous improvement identified in this community-driven strategic plan.

Communication

Developing communication processes to disseminate the strategic plan's goals, objectives, and tasking concepts will be key to the agency's success in institutionalizing strategic planning processes. Even the best strategic plans are undermined by the inability to effectively communicate plan goals and objectives that align member actions and is a central reason agencies lose control during the implementation. Creating a comprehensive communication plan with clear accountability, ensuring the information needs of various stakeholders are met, and allowing relevant information to go to the right person at the right time to avoid information overload and confusion, will support implementation efforts.

There are various ways an agency may utilize its current communication systems to distribute the plan's elements and agency successes as implementation activities progress. Recognition of the importance of reporting progress to all levels of the agency and its stakeholders will assist in determining which of those systems should be included in the disseminated information.

Institutionalization and Implementation

A contributing factor to the success of the community-driven strategic plan is the institutionalization of the plan across all levels of the organization. Without it, the plan will remain siloed, and implementation may be hindered. Institutionalization provides an excellent opportunity to communicate with all stakeholders about the intended changes, applicable outcomes, and the direction the department is heading.

Many avenues of institutionalization and implementation are used by agencies that sincerely understand the power of the community-driven strategic plan. Just as the plan's development included agency stakeholders representing a broad spectrum internally, the implementation phase must also ensure that the same representation model is utilized. All agency stakeholders who contributed to the plan's development should be empowered to ensure that members throughout the organization can be part of the implementation phase. This will further institutionalize the plan processes and add value toward implementation successes.

Whether or not they participated in the development of the community-driven strategic plan, all agency stakeholders must recognize that this plan is for the entire agency and is not just representative of the FFD's leadership. Perceived and actual ownership across the Fargo Fire Department increases the probability of success and the realization of the desired outcomes.

For further information on implementation and institutionalization, the Fargo Fire Department may distribute this article as provided by the CPSE: [Strategic Planning + Institutionalization = Implementation Success](#)

Tips for Institutionalization

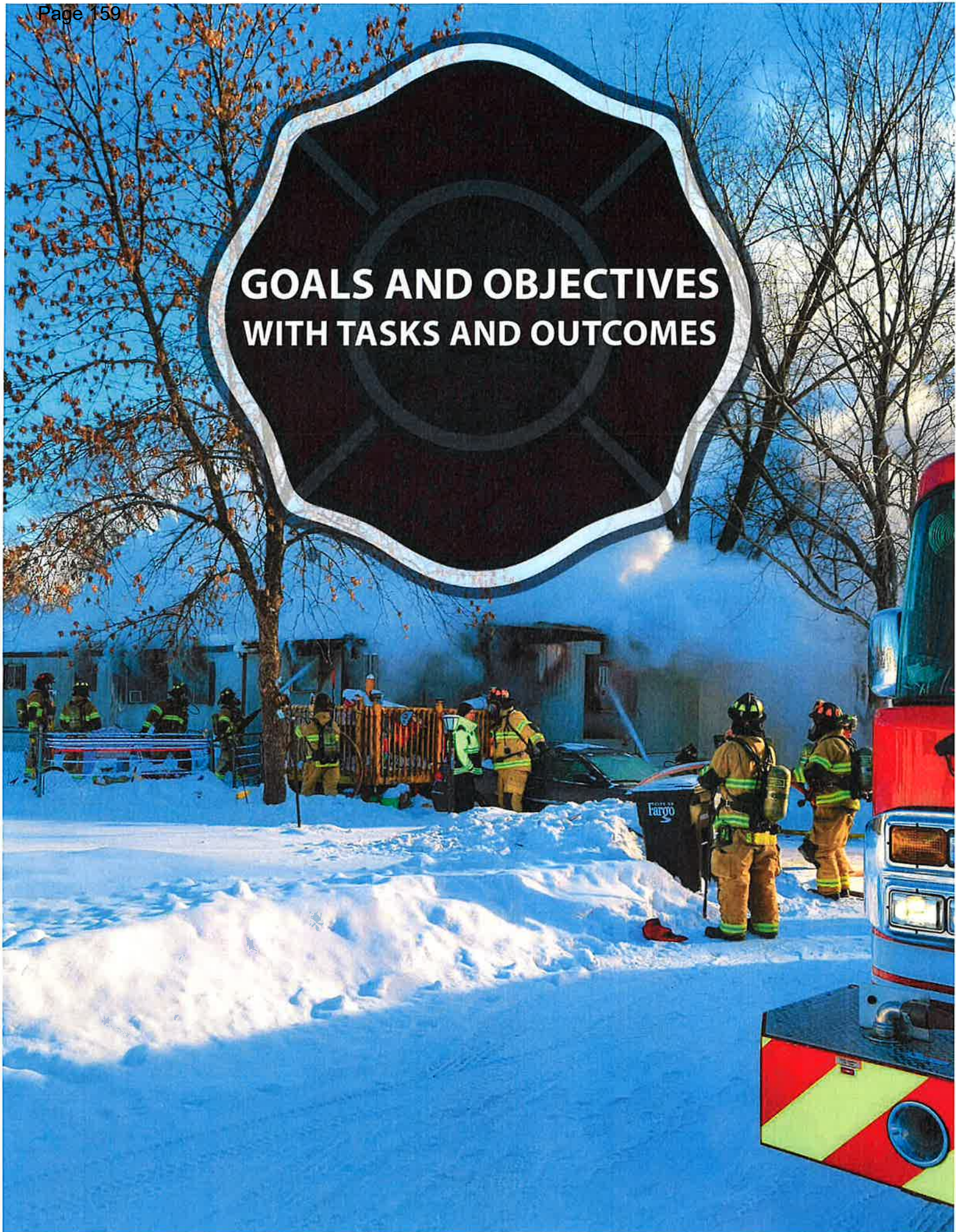
1. Communicate to all levels, even during onboarding.
2. Get all levels involved in the implementation and tap their creativity.
3. Empower all leaders and let them go.
4. Maintain accountability.
5. Report progress regularly for all to see.

Performance Measurement

By incorporating performance measures into this community-driven strategic plan, the Fargo Fire Department has ensured greater success through implementation and institutionalization. However, the agency must continue to measure its successes and challenges during plan execution to stay on course for positive change and delivery to its community. Greater focus should remain on the plan's intended outcomes, not just agency inputs and outputs. Outcomes are those results that genuinely deliver for all stakeholders.



GOALS AND OBJECTIVES WITH TASKS AND OUTCOMES





Goal 1: Safeguard the community through proactive prevention, preparedness, and public education programs.

Self Assessment Categories 2, 5, and 10

OBJECTIVE 1.1

Enhance external communications through the COF Communications and Government Affairs Department.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Assign a liaison with the city’s communications team.	2024	Division Chief of Support Services/ Fire Marshal
<input type="checkbox"/> Explore hiring a social media intern to review and develop communications strategies.	2025	Division Chief of Support Services/ Fire Marshal
<input type="checkbox"/> Communicate the strategy to all department members.	2024	Fire Chief

MEASURED OUTCOMES

- Meeting with communications team completed and strategy developed.
- Intern hired and communications strategy developed.

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OBJECTIVE 1.2

Ensure the most current versions of the fire codes are adopted.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Review and present the most recent version of the International Fire Code to the City of Fargo Board of Appeals.	2025	Fire Marshal
<input type="checkbox"/> Review the current fee structure and make necessary adjustments.	2025	Fire Marshal
<input type="checkbox"/> Provide education to the Fargo City Commission regarding changes to the code.	2025	Fire Marshal

MEASURED OUTCOMES

- Most recent version of IFC adopted into city ordinance.

OBJECTIVE 1.3

Maintain and update the local emergency operations/all-hazards plan for the City of Fargo.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Ensure all mutual aid agreements are maintained and current annually.	2024	Fire Chief
<input type="checkbox"/> Ensure emergency operations plan/all-hazards plan complies with the National Incident Management System.	2024	Division Chief of Operations/ Emergency Manager
<input type="checkbox"/> Complete the City of Fargo Continuity of Operations plan and maintain it annually.	2024	Emergency Manager

MEASURED OUTCOMES

- All mutual aid agreements maintained.
- Emergency operations plan adopted, and department-level training occurs.
- City of Fargo COOP reviewed and updated.



Goal 2: Ensure systems and processes are in place to minimize the impact on life and property from medicals, fires, disasters, and other emergencies.

Self Assessment Categories 2, 3, 4, 5, and 10

OBJECTIVE 2.1

Determine alternative response models for EMS response.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Review and evaluate EMS responses.	2024	Division Chief of Support Services/ Division Chief of Operations
<input type="checkbox"/> Develop a BLS response plan when ambulance is at status zero.	2025	Division Chief of Support Services/ Division Chief of Operations
<input type="checkbox"/> Evaluate the need for additional staffing and units as unit reliability drops below 90%.	2026	Division Chief of Support Services/ Division Chief of Operations

MEASURED OUTCOMES

- Alternative response models determined.
- BLS response plan is adopted by the city commission.

OBJECTIVE 2.2

Review alternative response models for fire response.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Explore possibilities of auto-aid agreements with neighboring departments.	2025	Fire Chief
<input type="checkbox"/> Review critical tasking and ERF alarm assignment make-up.	2024	Division Chief of Operations/ Accreditation Manager

MEASURED OUTCOMES

- Alternative agreements developed and adopted by the city commission.
- Critical tasking and alarm assignments updated in the SOC.

OBJECTIVE 2.3

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Review current specialty team model.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Discuss with the North Dakota Department of Emergency Services regarding continued support of regional response teams.	2024	Fire Chief
<input type="checkbox"/> Evaluate training, staffing, and equipment needs of specialty teams.	2024	Battalion Chiefs
<input type="checkbox"/> Explore the use of auto and/or mutual aid partners in specialty team response.	2027	Fire Chief/Battalion Chiefs

MEASURED OUTCOMES

- Funding levels increased to meet needs.
- Annual appraisals completed, and prioritized list of staffing, training, and equipment sent to chief.

OBJECTIVE 2.4

Develop a Mobile Integrated Health Program.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Research the resources, staffing, partners, and training required for MIHP.	2027	Division Chief of Support Services
<input type="checkbox"/> Determine a budget for program implementation	2027	Division Chief of Support Services
<input type="checkbox"/> Present to city commission for authorization and funding.	2028	Fire Chief/Division Chief of Support Services

MEASURED OUTCOMES

- Program and budget developed and adopted by city commission.



Goal 3: Recruit, develop, and retain the highest quality team members and implement a comprehensive training program that provides for continuous education and career preparation opportunities to all personnel.

Self Assessment Categories 2, 3, 7, 8, and 11

OBJECTIVE 3.1

Staff Fire Station 8.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Hire 15 additional staff for Station 8.	2024	Fire Chief
<input type="checkbox"/> Train staff hired for Station 8.	2024	Training Staff

MEASURED OUTCOMES

- Fifteen personnel hired and graduated from the academy.

OBJECTIVE 3.2

Determine staffing needs for the training division.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Conduct a workflow analysis of all training requirements.	2026	Division Chief of Support Services
<input type="checkbox"/> Evaluate schedule, function, expectations, and tasks.	2026	Division Chief of Support Services

MEASURED OUTCOMES

- Staffing needs determined and met.

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OBJECTIVE 3.3

Determine administrative staff workflow.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Evaluate the need for a data entry/ data analyst position.	2027	Fire Chief
<input type="checkbox"/> Determine funding needs and job duties.	2027	Fire Chief/Human Resources

MEASURED OUTCOMES

- Job description developed, and data analyst hired.

OBJECTIVE 3.4

Evaluate suppression staffing resiliency factor to determine staffing needs.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Research and identify industry best practice resiliency factors.	2024	Division Chief of Operations
<input type="checkbox"/> Determine budget impacts.	2024	Division Chief of Operations
<input type="checkbox"/> Prepare report and educate the city commission on the needs.	2025	Fire Chief/Division Chief of Operations
<input type="checkbox"/> Work with HR to hire necessary staff.	2026	Division Chief of Support Services

MEASURED OUTCOMES

- Report presented to city commission.

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OBJECTIVE 3.5

Explore recruitment and retention options.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Research and explore alternative work schedules.	2024	Division Chief of Operations
<input type="checkbox"/> Work with human resources to conduct stay interviews.	2026	Division Chief of Support Services
<input type="checkbox"/> Revise hiring requirements and process.	2024	Division Chief of Support Services

MEASURED OUTCOMES

- Updated applicant handbook and hiring requirements.
- Alternative work schedules developed and presented at staff meeting.

OBJECTIVE 3.6

Develop and maintain career development programs for all promotable positions in the department.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Develop a task book for all promotable positions.	2025	Division Chief of Support Services
<input type="checkbox"/> Work with higher education institutions to build educational pathways.	2027	Division Chief of Support Services

MEASURED OUTCOMES

- Task books developed.



Goal 4: Maintain an organization that effectively administers, plans, and manages the physical resources of the department.

Self Assessment Categories 2, 3, 6, and 10

OBJECTIVE 4.1

Open Fire Station 8 in Southeast Fargo.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Fit up and equip Station 8.	2024	Division Chief of Operations
<input type="checkbox"/> Acquire apparatus.	2024	Apparatus Committee

MEASURED OUTCOMES

- Fire Station 8 opened.

OBJECTIVE 4.2

Conduct a Training Facility Assessment.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Hire an architect/engineer to determine the viability of the current structure.	2025	Fire Chief/Division Chief of Support Services
<input type="checkbox"/> Determine potential partners for a new facility.	2024	Fire Chief
<input type="checkbox"/> Develop budget.	2025	Fire Chief
<input type="checkbox"/> Commission approval.	2026	Fire Chief

MEASURED OUTCOMES

- Plan for a fire training facility and funding are adopted by the city commission.

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OBJECTIVE 4.3

Develop a facilities maintenance, renovation, and replacement plan.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Assess all current facilities to determine if they meet the department's needs.	2024	Division Chief of Operations/ City Facilities Director
<input type="checkbox"/> Develop a plan that all facilities meet ADA and a diverse workforce.	2025	Division Chief of Operations/ City Facilities Director
<input type="checkbox"/> Hire an engineer/architect to design and construct repairs to Station 5.	2024	Fire Chief
<input type="checkbox"/> Determine a budget for Station 5 repairs.	2024	Fire Chief
<input type="checkbox"/> Commission approval for Station 5.	2024	Fire Chief

MEASURED OUTCOMES

- Station 5 repaired.
- Division chief of operations completed report and presented to fire chief and commission liaison.

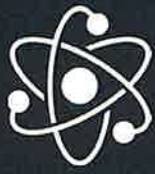
OBJECTIVE 4.4

Monitor growth and identify coverage solutions for planning zones 9 and 10.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Monitor and provide input to city growth/transportation plans.	Annually	Fire Marshal
<input type="checkbox"/> Identify possible sites or partnerships to cover the southwest and northwest areas of Fargo.	2027	Fire Chief

MEASURED OUTCOMES

- Future fire station sites identified.



Goal 5: The fire department will work to be dynamic and continually adjust to meet the changing fire problems, new technologies, new laws and regulations, and changes occurring in the community.

Self Assessment Categories 1, 2, 3, 4, 5, 7, 8, 9, and 11

OBJECTIVE 5.1

Conduct a technology assessment that identifies redundancies, effectiveness, and weaknesses.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Develop a matrix that analyzes current hardware/software.	2025	Chief Officers/IS
<input type="checkbox"/> Create and submit a report of findings.	2026	Chief Officers

MEASURED OUTCOMES

- Report presented.

OBJECTIVE 5.2

Review demographic data by census tract within planning zones.

TASKS	YEAR	ASSIGNMENT
<input type="checkbox"/> Evaluate software to collect demographic data.	2027	Accreditation Manager

MEASURED OUTCOMES

- Demographic data collected.

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December 20, 2023

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

Re: Engineering CIP (2024-2027) Update

Dear Commissioners:

At the Commission Meeting on December 26, 2023, I will present an update on the Engineering Department's proposed Capital Improvement Plan (CIP) for years 2024 through 2027.

The purpose of this update is to address questions about the proposed four-year CIP, including those about funding and more specifically, the proposed increase to special assessment caps.

This update will also offer an opportunity for Commissioners to ask any questions they might want answered at the following Commission meeting on January 8, 2024, where we will be seeking approval of the Engineering CIP for years 2024 through 2027.

I look forward to discussing the proposed CIP with you.

Recommended Motion

None at this time.

Sincerely,



Tom Knakmuhs, PE
City Engineer

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December 26, 2023

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

Re: Decision Document
North Broadway Bridge Feasibility Study
City of Fargo Project No. QR-23-A0

Dear Commissioners:

Attached you will find the North Broadway Bridge Decision Document.

The decision document was created to aid in the decision-making process for this complex project and comes down to two main questions:

1. Does the City Commission support one of the 'Build' options, and if so,
2. How does the City pay for the project?

If the decision is to support one of the 'Build' options, it appears that the current cost splits and proposed financing plan are not supported by Clay County. Therefore, an alternative financing plan would need to be developed. Currently, a bridge replacement project for North Broadway is slated to receive \$5.4 million in calendar year 2026 as part of the FM Metro COG Transportation Improvement Program (TIP). Potential options for funding are outlined further in the decision document.

Recommended Motion:

Staff recommends that the City Commission use the decision document to determine which of the evaluated options is supported. If one or more of the 'Build' options receives support, a preferred funding option would need to be selected.

Sincerely,



Tom Knakmuhs, PE
City Engineer

Attachments:
North Broadway Bridge Decision Document

North Broadway Bridge Decision Document

1. Which of the following option(s) is supported?

- Option 1 – Reconstruct at similar elevation
- Option 2a – Reconstruct above future 100-yr floodplain on similar alignment
- Option 2b – Reconstruct above future 100-yr floodplain and re-align to Royal Oaks Drive North
- Option 3 – Do not reconstruct the bridge, direct Engineering to install permanent traffic calming measures on 10th Street North, and request FM Metro COG to remove the project from the TIP and reallocate funding to other STBG eligible projects

2. If Option 1, 2a or 2b is selected, which funding option is preferred?

- Request FM Metro COG move this project from 2026 to 2027 in the TIP, move the 17th Ave S reconstruction project from 2027 to 2026, and direct City staff to work with Clay County to pursue potential alternative funding sources.
- Request FM Metro COG move this project from 2026 to 2028 in the TIP, move the 17th Ave S reconstruction project from 2027 to 2026, and direct City staff to work with Clay County to pursue potential alternative funding sources.
- Request FM Metro COG remove this project entirely from the TIP at this time, move the 17th Ave S reconstruction project from 2027 to 2026, and direct City staff to work with Clay County to pursue potential alternative funding sources for reconstruction in 2029 or later.
- Utilize \$5.4M in programmed Federal Funds for reconstruction in 2026 and reduce the Engineering CIP to fund the preferred option (amount of reduction would be based on the amount of Clay County's participation).

Comments:


Date: _____

Dr. Timothy J. Mahoney, Mayor



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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY J. MAHONEY 
DATE: DECEMBER 26, 2023
SUBJECT: BOARD OF HEALTH APPOINTMENTS

The terms of Cass County Commissioner Tony Grindberg, West Fargo Mayor Bernie Dardis and Fargo City Commissioner Arlette Preston on the Board of Health expire on December 31, 2023. Mayor Dardis and Commissioner Preston would like to continue representing their entities on the Board. Cass County has appointed a new Commissioner, Jim Kapitan, to serve as the County's representative on the Board of Health.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: To appoint Commissioner Arlette Preston, West Fargo Mayor Bernie Dardis and Cass County Commissioner Jim Kapitan to the Board of Health for three-year terms ending December 31, 2026.




**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

5A

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: DECEMBER 26, 2023

SUBJECT: APPOINTMENT TO THE METROPOLITAN COUNCIL OF GOVERNMENTS POLICY BOARD

With Maranda Tasa being unable to attend the Metropolitan Council of Governments Policy Board meetings a replacement has been requested. Planning Commission Chair Rocky Schneider has recommended the appointment of Tommy Schmidt to fill the vacancy.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the appointment of Tommy Schmidt to the Metropolitan Council of Governments Policy Board.

mmappt23cog