

FARGO CITY COMMISSION AGENDA
Monday, January 10, 2022 - 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 27, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of the following Ordinances; 1st reading, 12/27/21:
 - a. Rezoning Certain Parcels of Land Lying in Interstate Park Second Addition.
 - b. Rezoning Certain Parcels of Land Lying in University South Second Addition.
 - c. Rezoning Certain Parcels of Land Lying in University South Addition.
- 2. Applications for Games of Chance:
 - a. Centennial Elementary PTO for bingo on 1/21/22.
 - b. EL Zagal Shrine Temple for a calendar raffle on the last day of every month.
 - c. Home Builders Care of FM Foundation for a raffle on 5/6/22.
- 3. Agreement for Services with the following: Akumbom Neba, Andrew Luistro, Catherine Conlin, Jamie Bunnis, Mackenzie Mackner, Alexander McKinney, Ben Vetter, Christyn Knudtson, Susan Black, Amadi Chisom, Bernadetta Chinema, Clets OFere and Zach Bruns.
- 4. Agreement for Services with the City of West Fargo.
- 5. Purchase of Service Agreement with the ND Department of Human Services, Behavioral Health Division for substance abuse prevention activities.
- 6. Notice of Grant Award with the ND Department of Health for HIV. HCV Counseling, Testing and Referral (CFDA #93.940).
- 7. Memorandum of Understanding with Native Community Development, Inc.
- 8. Amendment No. 1 of Subrecipient Agreement with FirstLink.
- 9. Rebate Contract with the ND Department of Environmental Quality for the State Clean Diesel Program.
- 10. Bills.
- 11. Memorandum of Offer to Landowner for Easement (Temporary Construction Easement) and Permanent Easement (Street and Utility) with Sanford North (Improvement District No. BR-22-A0).

REGULAR AGENDA:

12. **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).**
13. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. CONTINUE to 1/24/22 - Application for a Class "F" Alcoholic Beverage License for BPC Fargo LLC d/b/a Boss' Pizza and Chicken to be located at 228 Broadway North.
 - b. Urban Plains by Brandt Second Addition (5100 28th Avenue South); approval recommended by the Planning Commission on 12/7/21:
 1. Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay.
 2. 1st reading of rezoning Ordinance.
14. COVID-19 Update.
15. 1st reading of an Ordinance Relating to Ordinances – Procedure.
16. Update on Cass County Election Services for the June 2022 City Election.
17. Appointments to the Historic Preservation Commission.
18. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Michael and Lisa Stenstrom, 2921 Edgewood Drive North (5 year).
 - b. David and Mary Peterson, 735 14th Street North (5 year).
 - c. Mosaic Companies LLC, 1445 1st Avenue North (5 year).

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/citycommission.

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City of Fargo Staff Report			
Title:	Urban Plains by Brandt Second Addition	Date: Update: Update:	10/27/2021 12/2/2021 1/6/2021
Location:	5100 28 th Avenue South	Staff Contact:	Maegin Elshaug, Planning Coordinator
Legal Description:	Lot 2, Block 2, Urban Plains by Brandt Second Addition		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/ Enclave Companies (Tim Gleason)	Engineer:	N/A
Entitlements Requested:	Zone Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay		
Status:	City Commission Public Hearing: January 10, 2021		

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

Proposal:

Summary of Planning Commission meetings 1/6/2022: The Planning Commission reviewed the application and held public hearings at the November 2, 2021 and December 7, 2021 Planning Commission meetings. At the November meeting, there was considerable discussion regarding the history of Urban Plains and original vision of a mixed-use, destination-oriented development, whether the original vision was still relevant, and how the project relates to the original vision. The applicant addressed the Planning Commission at the meeting. Ultimately, the Planning Commission continued the item to the December Planning Commission meeting. Prior to that meeting, the applicant identified a target market of 55+ active living and modified the site and master plans, and addressed the commission at the December meeting. At that meeting, by a 7-1 vote (with 3 seats vacant), the Planning Commission recommended approval of the application to the City Commission.

Proposal:
The applicant requests one entitlement:

1. A zoning change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a modified C-O, Conditional Overlay.

The applicant is requesting the zoning change in order to construct an apartment building on the property. The subject property has a conditional overlay, Ordinance 5103. Staff suggests modification of the conditional overlay in order to accommodate the setback and interface with 51st Street South, since the road was designed with public amenities to facilitate a different end land use design.

History of entitlements and background:
In 2003 as part of the Southwest Area Plan, a master plan was created and established for the Urban Plains Development. This master plan and ordinances set forth a mixed use development pattern to encourage buildings

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

More coordination needs to occur between the development team and city staff on behalf of the overall master plan for the undeveloped portions of Urban Plains; meanwhile, the applicant seeks to proceed with an apartment project that has an urban and modern feel and serves a market need not addressed in other housing projects within Urban Plains development.

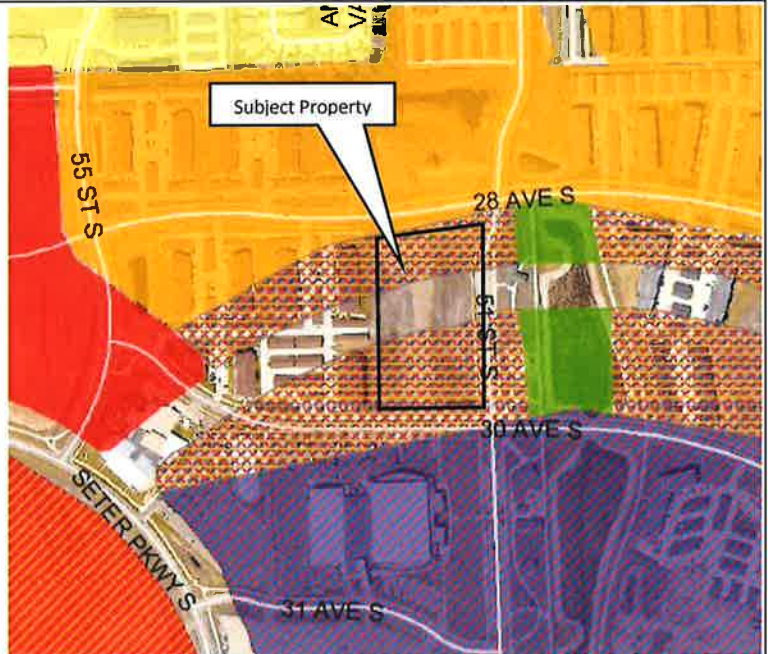
Surrounding Land Uses and Zoning Districts:

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

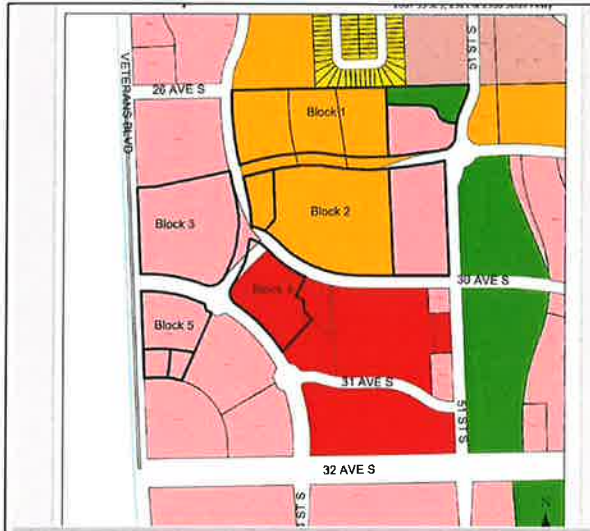
Area Plans:

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

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



Continued on next page



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

Context:

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

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

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

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

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

Staff Analysis:

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

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

Staff is unaware of any zoning map error in regards to the subject property owner. The applicant is requesting to rezone the property in order to construct an apartment building. For the use to be allowed, the applicant is requesting the property to be rezoned to MR-3, Multi-Dwelling Residential. Staff recommends modifications to the existing C-O, Conditional Overlay to provide a more mixed-use building form originally intended in this area, by precluding parking abutting the public right-of-way along 51st Street South and to fully accommodate the pedestrian amenities. The draft C-O language proposes buildings along 51st Street South to be placed no further back than the required setback to better accommodate integration of the vehicular access to the west of the apartment development. In addition, the conditional overlay seeks new language to limit the placement of detached parking garages. In response to the Planning Commission discussion and discussion with staff, the applicant has provided the potential for convertible retail space on the east portion of the ground floor, adjacent to 51st Street South. With the conditional overlay changes and future master plan modifications to be reviewed by Planning and City Commission at the upcoming public hearing, staff can support the requested zone change. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. However, the site plan needs to accommodate the apartment development and may require modifications to public rights-of-way. Fire and Building Codes may have requirements as part of the site plan development permit level since this is a unique request. The site is served by public utilities. **(Criteria satisfied)**

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

Based on the master plan changes in 2013 and property owner concerns at that time, there may be concerns from property owners. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has not received any inquiries about the project and no letters of opposition. Staff is concerned (but has no evidence) that a change of land use at this location may detract from the importance of the 51st Street South corridor and attracting destination oriented land uses in proximity to Scheels Arena. Including the Conditional Overlay amendments may relieve this issue. **(Criteria satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. The 2003 Southwest Future Land Use Plan identified the subject property as suitable for either medium to high-density residential with a combination of office or commercial development. At the time of the land use plan, integrated mixed-use was the market and economic focus of the plan in order to create a destination-oriented attractive area to mimic the conditions of a downtown urban center. Clearly the built environment has shifted from this plan, but staff believes the 51st Street South and the abutting land use vision along the corridor maintained elements of this master plan. By shifting this zoning, to be 100% multi-family with suburban development at this site, it could affect the market and attractiveness of the regional park and the future development surrounding the Scheels arena. However, since the original application, the applicant has provided the potential for retail on the ground floor adjacent to 51st Street South. To address some concerns of the interface with 51st Street South, City staff are requesting the attached Conditional Overlay language as part of this recommendation. **(Criteria satisfied)**

Update 12/2/2021: At the November 2, 2021 Planning Commission meeting, the Commission continued the item to the December 7, 2021 Planning Commission meeting. At the meeting, the applicant presented project information and vision for the development with an updated master plan. After discussing the project, the history of Urban Plains and original vision of a mixed-use, destination-oriented development, whether the original vision was still relevant, and how the project relates to the original vision, the Planning Commission continued the item to the December Planning Commission meeting.

Since the meeting, the applicant has indicated that they have a specific market of 55+ active adult. The applicant believes this will contribute to the community by providing unique amenities to a target market. The applicant's project narrative is attached and can provide additional information at the meeting.

In addition to the narrative, the applicant has provided an updated site plan and renderings, which are also attached. Updates to the site plan include: shifting the building east and removing the access drive and parking between the building and 51st Street South (as described in the draft conditional overlay) and other site circulation and parking changes; amenities at ground level between the building and 51st Street South; and providing convertible retail space on the east side of the ground floor parking. Also attached to the packet is the updated master plan the applicant shared during their presentation to the Planning Commission at the November meeting.

While the applicant made modifications to the site plan, and added amenities and the possibility of future retail along 51st Street South, staff requested any critical review or guidance from the Planning Commission on the proposal and original vision of Urban Plains.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and move to approve the zone change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with revised C-O, Conditional Overlay on Lot 2, Block 2, Urban Plains by Brandt 2nd Addition, as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 7th, 2021

At the December 7th, 2021 Planning Commission meeting, by a vote of 7-1 vote with three Commission seats vacant, the Planning Commission moved to accept the findings and recommendations of staff a recommended approval to the City Commission the proposed zone change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3,

Multi-Dwelling Residential with revised C-O, Conditional Overlay on Lot 2, Block 2, Urban Plains by Brandt 2nd Addition, as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

Attachments:

1. Location Map
2. Zoning Map
3. Updated Preliminary Site Plan submitted by applicant
4. Updated Future Master Plan submitted by applicant
5. Updated Renderings of proposed development
6. Project narrative
7. Original drawing of 51st Street South corridor

Zone Change (LC w/ CO to MR-3 w/ CO)

Urban Plains by Brandt Second Addition

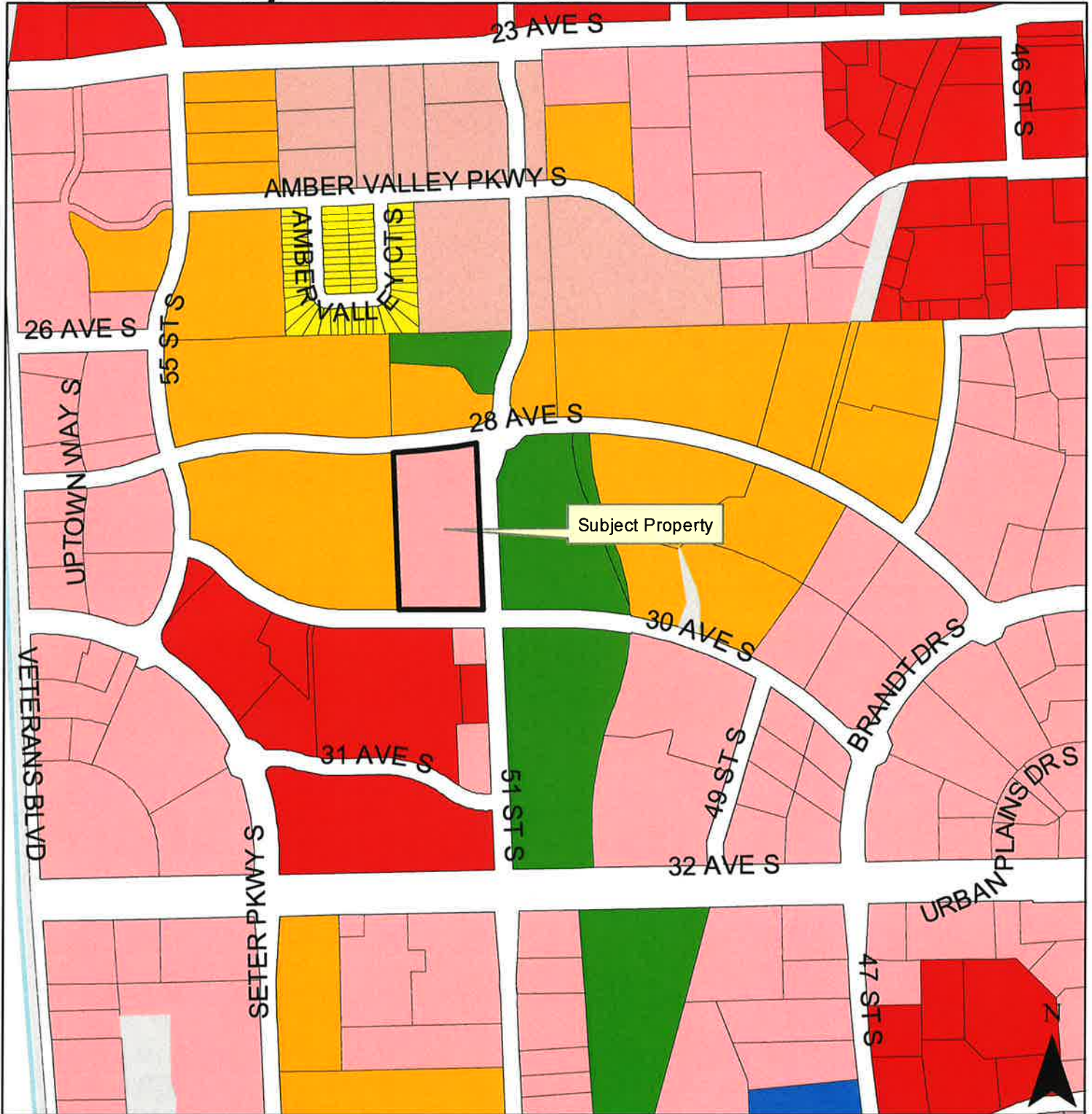
5100 28th Avenue S



Zone Change (LC w/ CO to MR-3 w/ CO)

Urban Plains by Brandt Second Addition

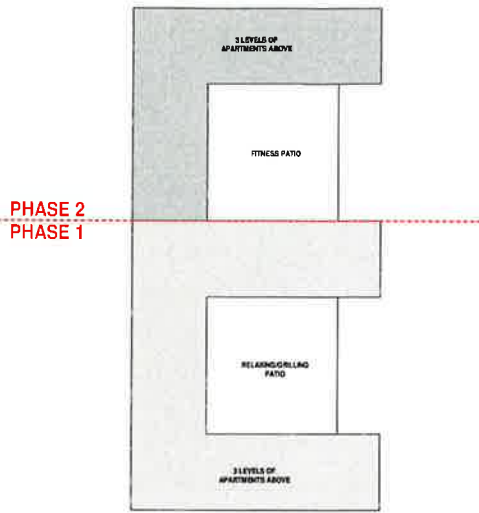
5100 28th Avenue S



Legend



Fargo Planning Commission
December 7, 2021



TWO PHASE CONCEPT

3 OVER 1 PODIUM

PHASE 1 - APPROX. 115 UNITS

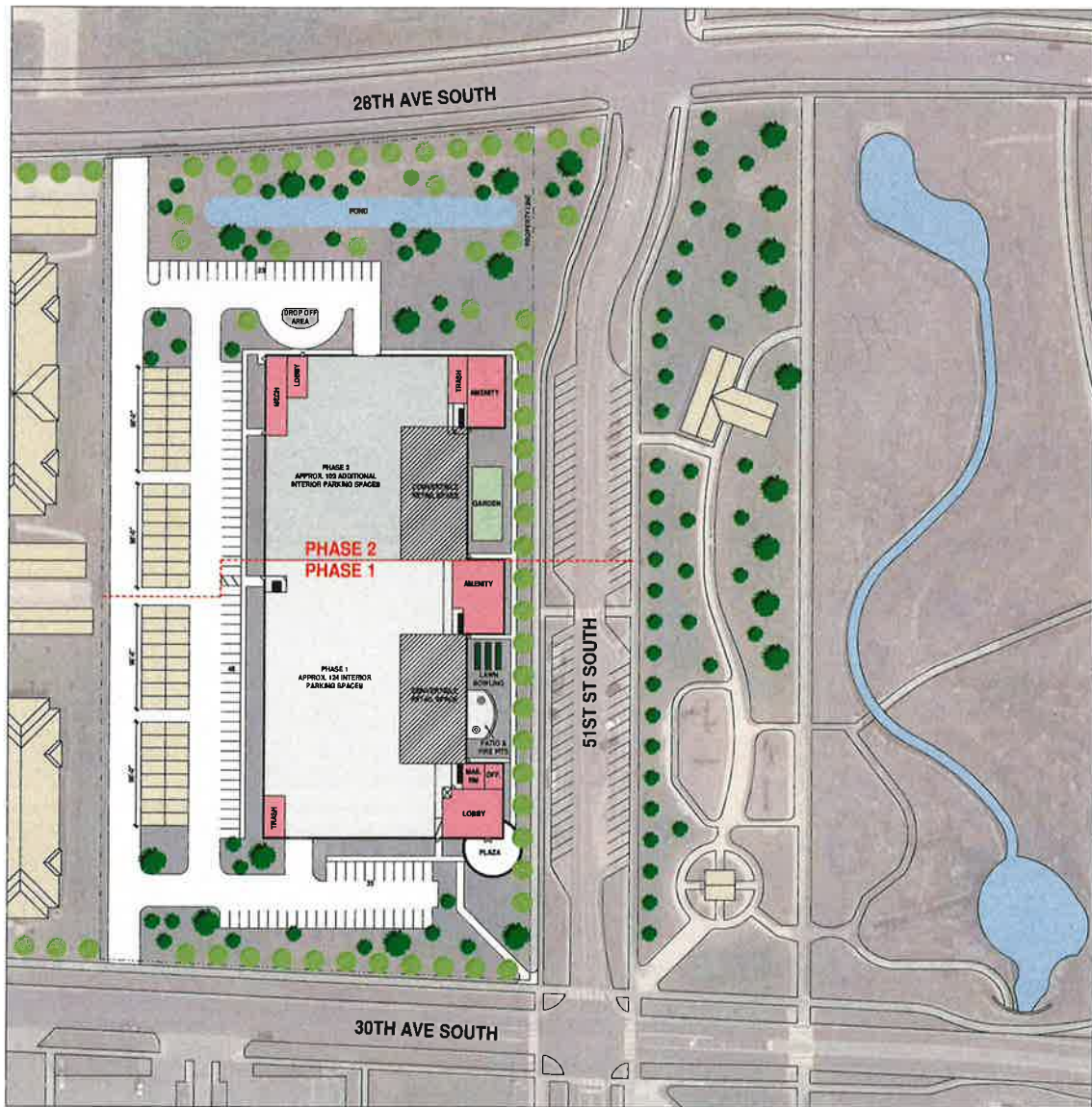
PHASE 2 - APPROX. 72 UNITS

TOTAL - 187 UNITS

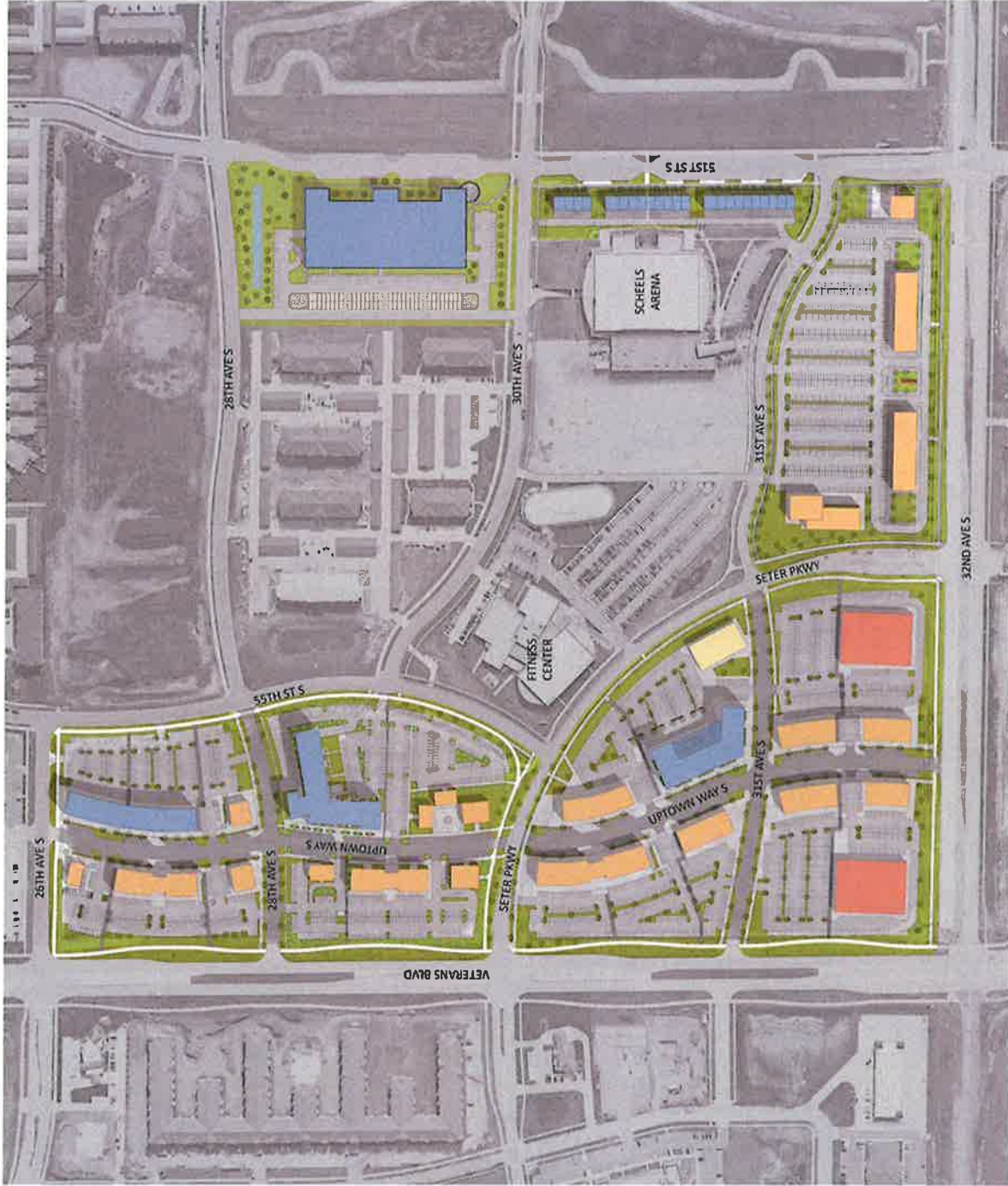
1ST FLOOR PODIUM - 93,809 SF

DETACHED GARAGE - 16,896 SF (64 STALLS)

TOTAL - 110,705 SF (36.3%) MAX - 114,345 SF (37.5%)



- OFFICE/RETAIL
- RETAIL/OFFICE/MIXED-USE
- BIG BOX/GROCERY
- HOUSING/MIXED-USE



↑
1"=300'-0" N

VETERANS BLVD MIXED-USE MASTER PLAN
FARGO, NORTH DAKOTA





Renderings by applicant



Renderings by applicant

Project Narrative from Applicant

The project we are currently proposing is a 55+ active adult community. The Greenway will be a lifestyle-centered community that offers uptown style in a serene location. The Greenway will provide pedestrian connectivity between public walkways and park amenities. It will include +/-190 apartment homes that feature luxury finishes. The active adult nature of this community gives us the opportunity to provide lifestyle amenities in addition to our traditional amenities (fitness studio, bike room, secure package room, clubroom, pet wash, rooftop patio, ect.). These lifestyle communities include happy hours, fitness classes, outdoor barbeques, community garden space, tournaments, guest rooms, and other entertainment events/activities for the residents. The demographics of residents are typically 50/50 working vs. retirees. Adults that are downsizing from their home and looking for low maintenance homes or retirement has just begun.



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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ORDINANCE NO. _____

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
2 LYING IN URBAN PLAINS BY BRANDT SECOND ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in Urban Plains by Brandt Second Addition to the City of Fargo, Cass County,
7 North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on December 7, 2021; and,

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

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lot Two (2), Block Two (2) of Urban Plains by Brandt Second Addition to the City of
16 Fargo, Cass County, North Dakota;

17 is hereby rezoned from "LC", Limited Commercial, District, with a "C-O", Conditional
18 Overlay, District, as established by Fargo Municipal Ordinance No. 5103, to "MR-3",
19 Multi-Residential, District, repealing and replacing the "C-O", Conditional Overlay,
20 District, as follows:

21 **1. Description.**

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

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

include elements such as setbacks, change in materials, roof pitch or height variability.

1 **2. Building orientation, form, and style.**

2 2.1 Building Orientation.

3 a) The apartment buildings shall include pedestrian orientation to 51st Street
4 South.

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

8 2.2 All building elevations/façades greater than 150 feet in length, measured
9 horizontally from vertical edge to vertical edge, shall incorporate wall plane
10 projections or recesses. Each projection and/or recess shall have a depth of at
11 least two (2) feet, and the cumulative total horizontal width of all projections
12 and/or recesses within a façade shall equate to at least an accumulated total of
13 twenty (20) percent of the overall horizontal length of the façade. No
14 uninterrupted length of any façade shall exceed 150 horizontal feet. First level
15 (ground floor) façade facing away from 51st Street South shall be excluded from
16 the requirements of this section.

17 2.3 Ground floor non-parking façades that face public right-of-way shall have
18 arcades, windows, entry areas, awnings, or other such features along no less than
19 sixty (60) percent of its horizontal length.

20 2.4 Ground floor parking façades that face public right-of-way other than 51st Street
21 South shall have window, faux-window treatments or landscape amenities to aid
22 in creating and promoting pedestrian activity.

23 2.5 Principle Materials – Unless otherwise deemed acceptable by the Zoning
Administrator, all exterior walls shall be constructed or clad with natural
stone, synthetic stone, brick, stucco, integrally-colored and textured concrete
masonry units or systems, exterior insulation finishing systems (EIFS), fiber
cement, integrated insulated metal panels curtain walls, or glass. All materials
shall be commercial grade, durable, and have a multi-generational life span.
Horizontal metal lap siding and vertical metal batten shall be allowed on
residential structures but should not exceed 75 percent of the building elevation.

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1 2.6 Accent Materials – In conjunction with the principal materials listed above,
2 finished wood and vinyl may also be used to construct or clad exterior walls.
3 Accent materials shall be applied to no greater than ten (10) percent of each
4 building façade.

5 2.7 Dumpsters, refuse containers, and outdoor storage areas shall be located at the
6 side or rear of buildings and shall be visually screened from adjacent public
7 right-of-way by walls or fencing. Dumpsters and refuse containers shall contain
8 walls or fencing on at least three (3) sides with the service opening not directly
9 facing any public right-of-way or residentially zoned property. The fourth side
10 shall incorporate a gate to visually screen the dumpsters or refuse containers.

11 **3. Site Design.**

12 3.1 Building must be situated towards the east along 51st Street South so that it is
13 placed no further back than the required setback.

14 3.2 Accessory garages are prohibited, with the exception of the western 120 feet of
15 the property, provided that the accessory garages are not visible from 51st Street
16 South and are screened with site amenities from the other rights-of-way.

17 3.3 Visibility from public right-of-way shall be designed for the appreciation by the
18 general public with the use of landscaping enhancements along the public right-
19 of-way in order to encourage pedestrian activity on the public sidewalks and
20 amongst adjacent sites.

21 3.4 Separate vehicular and pedestrian circulation systems shall be provided. An on-
22 site system of pedestrian walkways shall be provided between building
23 entrances and the following:

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

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

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

7 _____
Timothy J. Mahoney, M.D., Mayor

8 (SEAL)

9 Attest:

11 _____
12 Steven Sprague, City Auditor

10 First Reading:
11 Second Reading:
12 Final Passage:

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Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

December 29, 2021

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


RE: Procedural Ordinance—Procedure in passing ordinances by city electorate (F.M.C. §1-0210)

Dear Commissioners,

Enclosed for first reading is a proposed ordinance enacting a new section 1-0210 of the Fargo Municipal Code. This is the ordinance that would establish the procedure by which a city commission could submit certain proposed ordinances to the city voters' approval at a city election. You may recall at your last meeting, December 27, 2021, you received and filed a draft of this ordinance. I noted at that meeting an error in the draft. Enclosed is a slightly revised version of the same ordinance. It is hereby remitted to you for first reading. Also, I have enclosed a redline version that reflects the changes between the version received and filed on December 27 and the version remitted herewith.

SUGGESTED MOTION: I move to waive first reading of an Ordinance Enacting Section 1-0210 of Article 1-02, of Chapter 1 of the Fargo Municipal Code Relating to Ordinances – Procedure.

Sincerely,



Erik R. Johnson

Enclosure



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTION 1-0210
OF ARTICLE 1-02, OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
RELATING TO ORDINANCES - PROCEDURE

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

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

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

10 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to
11 implement certain procedures by which the Board of City Commissioners might propose either
12 enactment or repeal of a city ordinance to be determined by vote of the City electorate at a special
13 or regular city election by the adoption of this ordinance;

14 NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the City of
15 Fargo:

16 Section 1. Enact.

17 Section 1-0210 of Article 1-02 of Chapter 1 of the Fargo Municipal Code is enacted
18 as follows:

19 1-0210. Procedure in passing ordinances by city electorate. Notwithstanding the procedure
20 in passing ordinances, signing and attesting as set forth in this article, proposals for enactment of an
21 ordinance may be submitted to the voters by adoption of a resolution approved by a majority of all
22 members of the governing body. The resolution must contain the proposed ordinance and the
23 resolution shall be published in the official newspaper of the city at least 60 days prior to the election
at which the matter will be decided. The proposal must be submitted to the voters at the next city-wide
election occurring at least 60 days after publication of the resolution in the official newspaper of the
city. The ballot question shall be "Shall such ordinance be approved?" If there is a majority of "Yes"
votes of those voting on the matter, the ordinance shall become effective ten days after the election
results are certified except as to an ordinance imposing any penalty, fine, imprisonment, or forfeiture

OFFICE OF THE CITY ATTORNEY
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ORDINANCE NO. _____

for a violation of its provisions, in which case the title and penalty clause of the ordinance shall be published in one issue of the official newspaper of the city and it shall take effect and be in force from and after the publication thereof unless otherwise expressly provided therein. If the "No" votes are in majority, the ordinance is rejected. The proposal may enact a new ordinance, may amend an existing ordinance, may repeal an existing ordinance, or it may propose any combination thereof.

Section 2. Effective Date.

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

Timothy J. Mahoney, M.D., Mayor

(SEAL)

First Reading:
Second Reading:
Final Passage:

Attest:

Steven Sprague, City Auditor

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{{{REDLINE VERSION – December 28, 2021}}}
AN ORDINANCE ENACTING SECTION 1-0210
OF ARTICLE 1-02, OF CHAPTER 1 OF THE FARGO MUNICIPAL CODE
RELATING TO ORDINANCES - PROCEDURE

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

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

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

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement certain procedures by which the Board of City Commissioners might propose either enactment or repeal of a city ordinance to be determined by vote of the City electorate at a special or regular city election by the adoption of this ordinance;

NOW, THEREFORE, Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Enact.

Section 1-0210 of Article 1-02 of Chapter 1 of the Fargo Municipal Code is enacted as follows:

1-0210. Procedure in passing ordinances by city electorate. Notwithstanding the procedure in passing ordinances, signing and attesting as set forth in this article, proposals for enactment of an ordinance may be submitted to the voters by adoption of a resolution approved by a majority of all members of the electorate. ~~Proposals for enactment of an ordinance may be submitted to the voters by adoption of a resolution approved by a majority of all members of the governing body.~~ The resolution must contain the proposed ordinance and the resolution shall be published in the official newspaper of the city at least 60 days prior to the election at which the matter will be decided. The proposal must be submitted to the voters at the next city-wide election occurring at least 60 days after publication of the resolution in the official newspaper of the city. The ballot question shall be "Shall such ordinance be approved?" If there is a majority of "Yes" votes of those voting on the matter, the ordinance shall become effective ten days after the election results are certified except as to an ordinance imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, in which case the title and penalty clause of the ordinance shall be published in one issue of the official newspaper of the city and it shall take effect and be in force from and after the publication thereof unless otherwise expressly provided therein. If the "No" votes are in majority, the ordinance is rejected. The proposal may enact a new ordinance, may amend an existing ordinance, may repeal an existing ordinance, or it may propose any combination thereof.

Section 2. Effective Date.

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



January 10, 2022

To: Board of City Commissioners
Fr: Michael Redlinger, Assistant City Administrator
Re: Update on Cass County Election Services for the June 2022 City Election

On December 27, 2021, the City Commission approved a Joint Powers Agreement (JPA) for Cass County Election Administration Services. The purpose of the JPA is to formalize election administration services provided by Cass County to municipalities, park districts, and school districts. The JPA will be utilized for future County Primary Elections, General Elections, and Special Elections.

Implementation of the Cass County Election Administration Services JPA

Following approval of the JPA by the City Commission on December 27, 2021, City of Fargo and Cass County staff met on January 4, 2022 to discuss planning for the June 2022 City Election. Specifically, the topic of the City mailing absentee ballot applications to voters, at its expense, was discussed. Cass County officials clarified that if the City mails absentee ballot applications for the June 2022 City Election, Cass County will not apply additional cost to the City for processing these applications. For the June 2022 City Election, Cass County will be responsible for costs associated with processing any absentee ballot application received, whether it originates from the City of Fargo's "vote by mail" effort, or from another organization, such as a political party or interest group.

Presentation on June 2022 City Election Preparations

At the January 10, 2022 City Commission meeting, City and Cass County staff will provide a brief presentation on the following topics:

- Implementation of the Cass County Election Administration Services JPA;
- Preparations for the June 2022 City Election;
- Efforts to increase voter turnout; and
- Cass County's plans for in-person voting at designated voting centers.

No action is requested of the City Commission at the January 10, 2022 meeting. This will be an informational presentation only.

Suggested Motion: No requested City Commission action.

Attachment: Report on Voting by Mail City Commission Memorandum – June 14, 2021 City Commission Agenda



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ARLETTE PRESTON, CITY COMMISSIONER
Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
Phone: 701.715.2862 | Fax: 701.476.4136
www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: COMMISSIONER ARLETTE PRESTON
DATE: JUNE 14, 2021
RE: REPORT ON VOTING BY MAIL

As you will remember, in February of this year, a proposal came before us to meet with the County to explore continuing with mailing absentee ballot applications to voters. The experience with the 2020 elections showed an increase of almost 100% (from 11% voter participation to 21%). There are numerous factors for that increase, but voting by mail is certainly one of them. We approved moving ahead with the proposal, 5-0.

A meeting was held with the County and a suggestion was made at that meeting for the City to send out the applications to the residents of the City of Fargo. The State had used a firm – out of state – to administer the process in the spring of 2020 at an approximate cost of \$125,000.00.

The following is a cost estimate from a local printer and mail service provider. If absentee ballot applications are sent out to all voters within the City of Fargo, from the 2020 General election, the total mailings will be around 56,732.

Cover letter	\$1,800
Ballot app	\$1,800
Return envelope	\$2,300
Mailing envelope	\$2,300
Mailing service	\$3,400
Postage	\$18,000 (top end estimate of \$0.30 per piece)
Total cost	\$29,600

Recommended Motion: To direct City Administration to include \$32,000.00 in the 2022 budget for the purpose of mailing out absentee ballot applications to the voters who are residents of Fargo for the City election in 2022.

(17)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY



DATE: JANUARY 10, 2022

SUBJECT: APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION

The terms of Jay Nelson and Christine Kloubec on the Historic Preservation Commission expired on October 31, 2021.

Mr. Nelson and Ms. Kloubec are both willing to continue their service on that Commission; therefore, I am recommending their reappointments.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointments of Jay Nelson and Christine Kloubec to the Historic Preservation Commission for three-year terms ending October 31, 2024.

mmappt22hpc



1802

December 21, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2921 Edgewood Dr N as submitted Michael and Lisa Stenstrom. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$320 with the City of Fargo's share being \$55.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

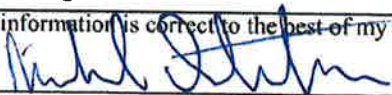
Property Identification

1. Name of Property Owner Michael & Lisa Stenstrom Phone No. 701-541-0402
2. Address of Property 2921 Edgwood Dr N
City FARGO State ND Zip Code 58102
3. Legal description of the property for which the exemption is being claimed. Lot 13 Blk 11
Edgewood 1st
4. Parcel Number 01-0720-02210-000 Residential Commercial Central Business District
5. Mailing Address of Property Owner 2921 Edgwood Dr N
City Fargo State ND Zip Code 58102

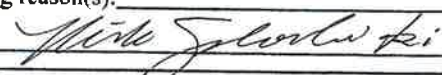
Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). See attachment
7. Building Permit No. 20090096 8. Year Built 1970
9. Date of Commencement of making the improvement August 2020
10. Estimated market value of property before improvement \$ 225000
11. Cost of making the improvement (all labor, material and overhead) \$ 90000
12. Estimated market value of property after improvement \$ 300000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature  Date 12/17/2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s):
Assessor's Signature  Date 1-3-2024

Action of Governing Body

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

Submit Via Email



186

December 21, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 735 14 St N as submitted David and Mary Peterson. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$150 with the City of Fargo's share being \$25.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

Property Identification

1. Name of Property Owner DAVID & MARY PETERSON Phone No. _____

2. Address of Property 735 14 ST N
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. _____
BLK 2 LOT 13

4. Parcel Number 01-1620-00200-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner 1312 3 AVE N
City FARGO State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). REMODEL EXISTING BATHROOM
Replaced tub toilet and sink

7. Building Permit No. 21080873 8. Year Built 1935

9. Date of Commencement of making the improvement 08/31/2021

10. Estimated market value of property before improvement \$ 93,300

11. Cost of making the improvement (all labor, material and overhead) \$ 4,500⁰⁰

12. Estimated market value of property after improvement \$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply _____ his exemption.
Applicant's Signature Myron Peterson Date Dec 15, 2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s): _____
Assessor's Signature Walter Jensen Date 1-3-2021

Action of Governing Body

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



180

December 22, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

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

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1445 1 Ave N as submitted Mosaic Companies LLC. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

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

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$1,315 with the City of Fargo's share being \$225.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

nlb
attachment

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

Property Identification

1. Name of Property Owner Mosaic Companies, LLC Phone No. 701-306-9995

2. Address of Property 1445 1st Avenue N
City FARGO State ND Zip Code 58102

3. Legal description of the property for which the exemption is being claimed. 1445 1ST AVENUE NORTH, FARGO ND 58102

4. Parcel Number 01-2340-02660-000 Residential Commercial Central Business District

5. Mailing Address of Property Owner 2833 1st St. N
City Fargo State ND Zip Code 58102

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary). Demo to studs and install new HVAC, electrical, plumbing, framing, security cameras, fence, paint - rennovate to be used as artist studio, photography studio, yoga and offices

7. Building Permit No. 2101-0688-REN 8. Year Built 1961

9. Date of Commencement of making the improvement May 2021

10. Estimated market value of property before improvement \$ 345,000

11. Cost of making the improvement (all labor, material and overhead) \$ 100,000

12. Estimated market value of property after improvement \$ 445,000

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature [Signature] Date 12-21-2021

Assessor's Determination

14. The local assessor finds that the improvements in this application has has not met the qualifications for exemption for the following reason(s):
Assessor's Signature [Signature] Date 1-3-2021

Action of Governing Body

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

Submit Via Email