FARGO CITY COMMISSION AGENDA Tuesday, January 16, 2018 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, January 2, 2018).

CONSENT AGENDA - APPROVE THE FOLLOWING:

- 1, 1st reading of an Ordinance Amending Section 25-1507 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
- 2. 2nd reading, waive reading and final adoption of the following Ordinances:
 - a. Amending Section 35-0102, of Article 35-01 of Chapter 35 of the Fargo Municipal Code Relating to Sale of Tobacco Products.
 - b. Rezoning Certain Parcels of Land Lying in Ohmer's Addition Subdivision of Lots 65 through 68.
 - c. Rezoning Certain Parcels of Land Lying in Ohmer's Addition Subdivision of Lots 65 through 68.
 - d. Amending Section 20-0402.R.1.b of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Screening of Outdoor Storage Areas.
 - e. Amending the Planned Unit Development Use Master Land Use Plan and Final Plan for Certain Parcels of Land Lying in Harwood's Addition.
 - f. Repealing and Re-Establishing a Conditional Overlay District on Certain Parcels of Land Lying in the District of Fargo Third Addition.
 - g. Repealing and Re-Establishing a Conditional Overlay District on Certain Parcels of Land Lying in Blu Water Creek Addition, Blue Water Creek Second Addition and Bentley Square Addition.
- 3. Proposed revision to the Joint Powers Agreement/Metro Area Transit Master Operating Agreement with the City of Moorhead.
- 4. Site authorization for Plains Art Museum at Fargo Billiards and Gastropub.
- 5. Applications for Games of Chance:
 - a. Red River VW Club for a raffle on 7/28/18.
 - b. Benefit for Kristin Erickson for a raffle on 1/20/18; Public Spirited Resolution.
 - c. Catholic Daughters of the Americas Court Sts. Anne and Joachim #2638 for a raffle on 4/14/18.
 - d. El Zagal 57 Director's Staff for a raffle on 9/9/18.
 - e. Muskie's Inc. F-M Chapter for a raffle on 2/8/18.

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- f. Saddle and Sirloin for a raffle on 2/10/18.
- g. Knights of Columbus Council 11930 for a calendar raffle from 5/1/18 to 5/31/18.
- h. Boosters of North Dakota Elite Dancers "bonded" for a raffle on 2/18/18.
- i. El Zagal Escort Motor Patrol for a raffle on 5/5/18.
- 6. Tax exemptions for improvements made to buildings:
 - a. Brett and Ashley Johnson, 3017 21st Street South (3 year).
 - b. Mark A. and Cheryl M. Kraft, 2014 25th Avenue South (3 year).
 - c. Gregory B. and Nicole R. Gullickson, 1607 41st Avenue South (3 year).
 - d. Israel Reyes Hernandez and Catherine E. Reyes, 3150 24th Avenue South (3 year).
 - e. Rolinda M. Mix Life Estate, 3095 22nd Street South (3 year).
 - f. Eric L. and Kristy L. Tarnow, 2913 Southgate Drive South (5 year).
 - g. Jeffrey D. and Susan J. Love, 2323 Sundance Circle South (5 year).
 - h. Bryanna L. Johnson, 1534 8th Avenue South (5 year).
 - i. Rachel J. Hauan, 1742 14th Street South (5 year).
 - j. Arthur L. and Betty J. Haugen, 1014 14th Avenue South (5 year).
 - k. Jace M. and Kaitlyn M. Foss, 1254 2nd Street North (5 year).
 - I. MLB Properties ND LLC, 1261 10th Street North (5 year).
 - m. Randy A. and Joan M. Engebretson, 1506 8th Street North (5 year).
- 7. Sole Source Procurement for the purchase of an Automated License Plate Reader System (SSP18021).
- 8. Change Orders for the City Hall Project:
 - a. No. 17 for an increase of \$6,961.00 for the general contract.
 - b. No. 9 for an increase of \$6,392.00 for the mechanical contract.
- Adopt Resolution Approving Bentley Place Second Addition.
- 10. Change Orders for the Roberts Commons Parking Garage:
 - a. No. 1 for an increase of \$20,561.92.
 - b. No. 10 for an increase of \$37,599.20.
- 11. Purchase of Service Agreement with Cass County Social Service Board for in home services to eligible individuals.
- 12. Direct the City Attorney's Office to work with Fargo Cass Public Heath to review and update Article 13-03 and 13-04 regarding control and regulation of food service establishments.
- 13. Agreement for Services with Whitney Oxendahl to research, coordinate and implement development of two food access "blue print" documents for the Cass Clay Food Commission.
- 14. First Amendment to the Southside Sewer Agreement with Southeast Cass Water Resource District.
- 15. Bid award for Project No. WW1708.
- 16. Cost Share Agreement Annual Arbor Day Tree Planting and Observance with the Fargo Park District.
- 17. Easement (Permanent Utility) with Northern States Power Company along 19th Avenue North and 7th Avenue North.

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 - Amendment No. 4 to the Engineering Services Agreement from Moore Engineering in the amount of \$45,000.00 for Project No. FM-14-50.
 - 19. Bid advertisement for Project No. SR-18-A.
 - 20. Contract and bond for Project No. QN-17-A1.
 - 21. Bills.
 - 22. Contract Amendment No. 1 to Houston Engineering in the amount of \$596,860.00 for Improvement District No. MS-17-A0.
 - 23. Selection of the preferred contract incentive for the 13th Avenue South street construction project (Improvement District No. BR-18-C1).
 - 24. Reimbursement Agreement with Midcontinent Communications Investor, LLC for Improvement District No. PR-18-E1.
 - 25. Contract and bond for Improvement District No. NR-17-A1.

REGULAR AGENDA:

- 26. Recommendations for appointments to the following Boards and Commissions:
 - a. Community Development Committee.
 - b. Metropolitan Council of Governments Policy Board.
- 27. Public Hearings 5:15 pm:
 - a. Application filed by Solid Comfort, Inc. for a property tax exemption on a project located at 3949 37th Avenue South, which the applicant will use in the operation of manufacturing wood case goods for the hospitality industry.

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

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





Dr. Timothy J. Mahoney, Mayor
Fargo City Hall
200 3rd Street North
Fargo, ND 58102
Office: 701.241.1310 | Fax: 701.476.4136
www.FargoND.gov

MEMORANDUM

TO:

BOARD OF CITY COMMISSIONERS

FROM:

MAYOR TIMOTHY J. MAHONEY

DATE:

JANUARY 8, 2018

SUBJECT: APPOINTMENT TO THE COMMUNITY DEVELOPMENT COMMITTEE

The term of John Q. Paulsen expired on December 31, 2017. Mr. Paulsen is no longer able to serve on the Committee.

I am recommending the appointment of Ken Enockson to serve as a public member on the Community Development Committee for a three-year term ending December 31, 2020. A web application for Mr. Enockson is attached for your reference.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Ken Enockson as a public member on the Community Development Committee for a three-year term ending December 31, 2020.

mmappt18cdc

Kember Anderson

From:

webmaster@cityoffargo.com

Sent:

Tuesday, May 23, 2017 3:39 PM

To:

Commissions Applications

Subject:

Commission Application

Name: Ken Enockson Address: 1202 8th St N

City: Fargo State: ND Zip: 58102

Work phone: 701-730-6636 Home phone: 701-235-5133 Email: kenockson@hotmail.com

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

Planning or Community Development

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

As a resident in a core neighborhood and an active member in our neighborhood association. I see firsthand the impact of decisions made by these commissions that can have major impacts on our community. It is important to have a voice on the commission that can speak to the needs and challenges of the core neighborhoods.

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

5-10

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

My experience with local government lies more in ongoing interactions with the City Planning Department, the Mayor's office, City and Planning Commissions and Fargo Public Schools as I and my fellow neighborhood residents advocate for specific policy or decisions made by the City of Fargo or school district. I have been doing this for nearly 20 years.

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

Resume:

KEN A. ENOCKSON 1202 8th St N Fargo, ND 58102 701.730.6635 (mobile) 701.235.5133 (home) EDUCATION: Bachelor of Science in Social Studies Education and Political Science, MSU, 1985-90 WORK EXPERIENCE: Team Lead, Nokia/HERE Technologies, Fargo, ND 2010-present Project Leader, NAVTEQ/Nokia, Fargo, ND 2003-2009 Digital Mapping Geocoder/Technical Trainer, NAVTEQ, Fargo, ND 2000-2003 Software Technology Instructor, MicroAge Learning Center, Fargo, ND, 2000 Technical Writing Intern, Great Plains Inc., 1999-2000 Technology Trainer, Technology Learning Center, NDSU, 1998-1999 Graduate Assistant, English Dept. NDSU, 1997-1999 Substitute Teacher, Oregon and North Dakota, 1991-1996 CIVIC/VOLUNTEER EXPERIENCE (Fargo, ND): Roosevelt Neighborhood Association Knollbrook Covenant Church (now Grace Covenant), Fargo ND Roosevelt Horace Mann Elementary merger citizens group Alliance for Neighborhood Schools Fargo Neighborhood Coalition Results (results.org)





Dr. Timothy J. Mahoney, Mayor Fargo City Hall 200 3rd Street North Fargo, ND 58102 Office: 701.241.1310 | Fax: 701.476.4136 www.FargoND.gov

MEMORANDUM

TO:

BOARD OF CITY COMMISSIONERS

FROM:

MAYOR TIMOTHY J. MAHONEY

DATE:

JANUARY 9, 2018

COUNCIL OF **METROPOLITAN** SUBJECT: APPOINTMENTS TO THE

GOVERNMENTS POLICY BOARD

I have received a communication from Metropolitan Council of Governments Executive Secretary Savanna Leach requesting that the City Commission appoint its representatives to the Metro COG Policy Board for 2018.

I am recommending the following appointments for 2018:

City Commissioner Dave Piepkorn

City Commissioner John Strand

City Commissioner Tony Gehrig

City Commissioner Tony Grindberg

Planning Commission Chair Shara Fischer

Planning Commissioner Rocky Schneider

Planning Commissioner John Gunkelman

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the appointment of members to the Metropolitan Council of Governments Policy Board for calendar year 2018 as outlined above.

mmappt18cog





January 10, 2018

Board of City Commissioners City Hall Fargo, ND 58102

Dear Commissioners:

Attached is a copy of an application made by Solid Comfort, Inc. for a property tax exemption according to N.D.C.C. Chapter 40-57.1. This application is a request for an expansion to their operation at 3949 37 Ave. S. where the applicant manufactures wood case-goods for the hospitality industry.

Notices to competitors have been published and the Tax Exempt Review Committee has met to consider this application. The application contains information regarding the projected value of the expansion and the nature of the jobs to be created.

The committee feels that this request does meet the necessary criteria to be eligible for this exemption for the expansion portion of the improvements.

SUGGESTED MOTION:

Approval of a 5 year, 100% exemption on the additional project improvements for the expansion for Solid Comfort, Inc. at 3949 37 Ave. S.

Kilo 1

Ben Hushka

Tax Exempt Review Committee

Application For Property Tax Incentives For New or Expanding Businesses

RECEIVED

DEC 1 2 2017

N.D.C.C. Chapter 40-57.1

Project Operator's Application To Fargo / Cass City or County FARGO ASSESSOR

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

			4			
1.	Name of project operator of new or expanding business Solid Comfort, Inc					
2.	Address of project 3949 37th Ave S	Address of project 3949 37th Ave S (replat of north approx imate3.2 acres)				
	City Fargo		County	Cass		
3.	Mailing address of project operator 3931 37th Ave S					
	City Fargo		State ND Zip 58104			
4.	Type of ownership of project ☐ Partnership ☐ Corporation	☑ Subchapter S co☐ Cooperative	rporation		l proprietorship ability company	
5.	Federal Identification No. or Social	Security No.				
6.	North Dakota Sales and Use Tax Po	North Dakota Sales and Use Tax Permit No. 79103				
7.	If a corporation, specify the state and date of incorporation ND- M arch 1981					
8.	Name and title of individual to contact Rick Laliberte, CFO					
	Mailing address 3 93 1 3 7th Ave S					
	City, State, Zip Fargo, ND					
Projec	t Operator's Application For Tax	Incentives Pho	one No. 701-893-	4924		
9.	Indicate the tax incentives applied for and terms. Be specific.					
	☑ Property Tax Exemption	n	☐ Paymen	its In Lieu of Taxes	ı	
	5 Number of years			ng year		
	100% Percent of exemption	_		of annual payments ents will vary)	s (attach schedule	
10.	Which of the following would bett	er describe the project				
	☐ New business project			on of a existing busi		

Description of Project Property

11.	11. Legal description of project real property That part of Lot 2, Block 1, Collins Third Subdivision, in the City of Fargo, Cass County, North Dakota (see attached)					
12.	Will the project property be owned or leased by the proj					
	If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? ✓ Yes □ No					
	If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.					
13.	Will the project be located in a new structure or an existing facility? New construction Existing facility					
	If existing facility, when was it constructed?					
	If new construction, complete the following:					
	a. Estimated date of commencement of construction of	the project covered by this application March 2018				
	b. Description of project to be constructed including size, type and quality of construction 64,047 s.f.; IIB as listed in 2015 BC; Pre-eningeered steel building; poured concrete foundation walls, flootings and slab, full cavity insulation, metal liner panel inside; full exterior metal panel; 24 gauge galvalume standing seam roof panel; metal stud interior; sheetrock/metal liner panel interior finish; concrete/asphalt parking lot/loading dock/access paths; landscaping; chain link security fencing.					
	c. Projected number of construction employees during the project construction +/- 30 w/ subcontracted trades					
14.	October 2018					
15.	Estimated market value of the property used for this project:	Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:				
	a. Land\$ TBD - Appraisal	a. Land (not eligible)				
	b. Existing buildings and structures for which an exemption is claimed\$	b. Eligible existing buildings and structures\$0				
		c. Newly constructed buildings and structures when				
	c. Newly constructed buildings and structures when	completed\$ 175,000				
	completed\$ 3,500,000	d. Total taxable valuation of				
	d. Total\$	property eligible for exemption (Add lines b and c)\$ 175,000				
	d. Total					
	e. Machinery and equipment \$ 0	e. Enter the consolidated mill rate for the appropriate taxing district				
		f. Annual amount of the tax				
		exemption (Line d multiplied by line e)\$ 50,750.00				

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.							
17. Type of business to b	e engaged in:	☐ Ag pro	cessing		Manufa	cturing \square	Retailing
17. Typo or outsinous so o		☐ Wholes	_		Warehou	using \square	Services
18. Describe in detail the be manufactured, pro	oduced, assemble	e engaged in led or stored	by the proje (attach addi	tional sheet	s it neces	ssary).	
customer specifications	Project operator is a manufacturer of wood casegoods for the hospitality industry. Product is produced to order based on customer specifications for premier brands such as Marriott (Fairfield Inn, TownePlace Suites and Residence Inn), Hilton (Home2, Hilton Garden Inn and Hampton Inn), Best Western and MyPlace. Products that are manufactured and warehoused prior to shipment include, but are not limited to: headboards, nightstands, dressers, desks, credenzas, vanities, closets and kitchenettes.						and warehoused
19. Indicate the type of a	Office						
20. For the project only, indicate the projected annual revenue, expense, and net income (before tax) from either the new business or the expansion itself for each year of the requested exemption.							
	New/Expans Project only		Expansion ect only	New/Expar Project o		New/Expansion Project only	New/Expansion Project only
Year (12 mo. period:		, -	rear 2	Year 3	•	Year 4	Year 5
Teal (12 mo. perious) 10u.:			-				
Annual revenue	\$2.76 M	\$6.0	00 M	\$8.67 M		\$11.75 M	\$14.46 M
Annual expense	\$2.54 M	\$5	50 M	\$7.92 M		\$10.69 M	\$13.20 M
Net income	\$0.22 M	\$0.5	50 M	\$0.75 M		\$1.06 M	\$1.26 M
21. Projected number and salary of persons to be employed by the project for the first five years:							
Current positions & pos	itions added the	initial year					D. W 1
		v Positions 1.01-\$15.00	New Positio \$15.01-\$20		ositions -\$28.00	New Positions \$28.01-\$35.00	New Positions Over \$35.00
100			11				
Year	(Before proje	ct) Ye	ear 1	Year 2	Year	3 Year	Year 5
No. of Employees	(1) 100	111		22	130	140	149
No. of Employees	(2) 0	0)	0	0	0
Estimated payroll	(i) \$4.40 M	\$4.	75 M	S5.35 M	\$5.74	M \$6.18 M	\$6.54 M
	(2) 0	0)	0	0	0
(1) - full time (2) - part time							

Previous	Business	Activity
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22.	2. Is the project operator succeeding someone else in th	is or a similar business?	☐ Yes				
23.	Has the project operator conducted this business at the	Has the project operator conducted this business at this or any other location either in or outside of the state?					
	☐ Yes No						
24.		received any prior property tax ir	ncentives? Yes No				
	If the answer to 22, 23, or 24 is yes, give details incli						
	additional sheets if necessary).						
			21-21				
Busine	ness Competition						
25.	5. Is any similar business being conducted by other ope	erators in the municipality?	☐ Yes ☑ No				
	If YES, give name and location of competing busine	ss or businesses					
		11 D 1 Y AND 1 1					
	Percentage of Gross Revenue Received Where Und	erlying Business Has ANY Local	Competition %				
Prope	perty Tax Liability Disclosure Statement						
26.	5. Does the project operator own real property in North	Dakota which has delinquent pro	perty tax levied				
	against it? ☐ Yes ☑ No						
27.		terest in a business that has delinq	uent property tax levied				
	against any of its North Dakota real property?						
	If the answer to 26 or 27 is Yes, list and explain	51 - 3 W (1) (
Use	se Only When Reapplying						
28.		centives for the following reason	(s):				
	☐ To present additional facts or circumstances whi						
	☐ To request continuation of the present property t	ax incentives because the project l	nas:				
	moved to a new location						
	had a change in project operation or	additional capital investment of n	nore than twenty percent				
	had a change in project operators		4.5				
	To request an additional annual exemption for the entity and leased to the project operator. (See N.	ne year of on structures ow D.C.C. § 40-57.1-04.1)	ned by a governmental				
Notic	ice to Competitors of Hearing						
Prior lication	or to the hearing, the applicant must present to the gove tion giving notice to competitors unless the municipality	ming body of the county or city a has otherwise determined there a	copy of the affidavit of pub- re no competitors.				
I. Ric	ick Laliberte , do here	by certify that the answers to the a	bove questions and all of the				
inform	rmation contained in this application, including attachn	nents hereto, are true and correct t	to the best of my knowledge				
and be	belief and that no relevant that pertaining to the owners						
			12/11/2017 Date				
	Signature	Title	Date				

Solid Comfort, Inc Property Tax Exemption Application Legal Description of Real Property

Description:

That part of Lot 2, Block 1, Collins Third Subdivision, in the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of said Lot 2; thence North 49°30'40" West along the easterly line of 39th Street South, for a distance of 35.36 feet to an angle point along the easterly line of said 39th Street South, thence North 04°29'17" West along the easterly line of said 39th Street South, for a distance of 312.94 feet to the true point of beginning; thence continue North 04°29'17" West along the easterly line of said 39th Street South, for a distance of 131.29 feet to the beginning of a tangential curve, concave to the southeast, having a radius of 180.00 feet; thence northeasterly, along the easterly line of said 39th Street South and along said curve, for a distance of 116.41 feet, through a central angle of 37°03'16"; thence North 32°34'00" East along the easterly line of said 39th Street South, for a distance of 142.51 feet to a point of intersection with the northerly line of vacated 36th Avenue Southwest as shown on Document No. 870213, on file at the Cass County Recorder's Office; thence North 87°54'52" East along the northerly line of said vacated 36th Avenue Southwest, for a distance of 347.83 feet to the northeast corner of said Lot 2; thence South 04°25'16" East along the easterly line of said Lot 2, for a distance of 346.00 feet to an angle point along the easterly line of said Lot 2 and a point of intersection with the northerly line of a tract of land described in Document No. 946012, on file at said Recorder's Office; thence South 87°58'53" West, along the northerly line of a tract of land described in said Document No. 946012, for a distance of 164.59 feet to the northwest corner of said tract; thence South 85°30'43" West for a distance of 304.91 feet to the true point of beginning.

Said tract of land contains 153,758 square feet, more or less.



Property Tax Exemption Application Supplemental Information December 11, 2017

Supplemental Information

- History
- Business drivers for expansion
- Possible solutions
- Scope of project Option 1

History – Solid Comfort, Inc.

- Founded in 1981 at current location in a 12,500 s.f. facility
- Second generation family owned small business
- Owned by Jason and Calie Larkin
- Real Estate is held under a separate legal entity, Larkin Properties, LLP
- Facilities are leased from Larkin Properties, LLP at market rates
- Manufactures wood casegoods for the hospitality industry
- Product is produced to order based on customer specifications
- Residence Inn), Hilton (Home2, Hilton Garden Inn and Hampton Inn), Best Western and Premier brands produced for include: Marriott (Fairfield Inn, TownePlace Suites and **MyPlace**
- Current State
- \$30 million in revenue; 65% produced in Fargo and balance is produced by a Winnipeg based contract manufacturer
- 2 standalone building with a total of 140,500 s.f.
- 100 FTE



Business Drivers for Expansion

Capacity Constrained

- Raw material \$1.2+ million
- Finished goods \$2.2+ million
- Lease 9,120 s.f. at remote cold-storage warehouse
- Actively exploring short-term lease for additional warehouse storage space
- Finished goods often stored outside during the day (less than ideal for wood casegoods)

Business Growth

- '18 Plan represents a 15+% increase in product shipments
- Market indicators for '19 and '20 indicate similar expected growth

Business Risk

Weakening US \$ creates exposure with Canadian contract manufacturer

Possible Solutions

- Option 1 Expand at current location
- Began pursuit of seeking flood elevation variance in May '17; abandoned in October '17
- Proposed layout would not provide a flexible footprint
- Would have created 1 large inefficient factory
- Cost prohibitive
- Construct a 3rd standalone building on 3.2 acre parcel north of existing warehouse
- Option 2 Greenfield operation in West Fargo
- Option 3 Greenfield operation south of Fargo (Horace / Wild Rice area)

Scope of Project – Option 1

Replat of north parcel – 3.2 acres, or 140,116 sq ft

• 67,500 sq ft expansion

64,100 sq ft – warehouse

3,400 sq ft – 2 connecting corridors

Designed and built to code – seeking no variances

Budgeted project cost - \$3.5 million

\$52 / sq foot