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, May 20, 2019).

CONSENT AGENDA – APPROVE THE FOLLOWING:


2. Tax exemptions for improvements made to buildings:
   a. Tyson Gonsorowski, 1530 4th Avenue North (5 year).
   b. Jacob Lunski, 1517 12th Street South (5 year).
   c. Andrew M. Schefter and Kaira L. Henze, 2301 Lilac Lane North (5 year).

3. Site Authorizations for Games of Chance:
   a. Red River Human Services Foundation at The Northern (amended).
   b. Fargo Metro Baseball Association at Empire Tavern.
   c. Prairie Public Broadcasting, Inc. at Bison Turf, Dempsey's and Tailgators.
   d. Horse Race North Dakota at Sickies Garage, Chub's Pub and Labby's Bar & Grill.
   e. ShareHouse Inc. at Alibi's/Baymont Hotel, Bismarck Tavern, Rick's Bar and Grill, The Round Up Saloon and Woody's.
   f. VFW Post 762 at VFW Club (amended).

4. Applications for Games of Chance:
   b. River Keepers for a raffle on 6/17/19.
   c. AO1 Foundation, Inc. for a raffle on 6/26/19.
   d. Tri-City Storm Soccer Club for a raffle on 7/16/19.
   e. Dakota Medical Foundation – Lend A Hand Up for a raffle on 6/20/19.

5. Partial Release and Dike Agreement and Easement for RLN Business Park 1st Addition.

6. License Agreement with Nichole's Fine Pastry for the installation of a Parklet at 13 8th Street South subject to the terms of the agreement.

7. License Agreement with the Downtown Community Partnership for the installation of a Parklet at 3rd Avenue North and Broadway subject to the terms of the agreement.


10. Farm Lease (Oak Grove) with Chad Johnson and Kyle Johnson for property located at 5636, 5638, 6054 and 6056 Veterans Boulevard South.

11. Purchase Agreement with Audrey Stewart-Farol, a Trustee of the Garylle B. Stewart Living Trust for property located at 1367 Elm Circle North (Project No. FM-19-E).

12. Resolution authorizing the amendment of an existing US Bank loan, reissuance of the bank note and an Amendment to Financing Agreement.

13. Contract Agreement with Valley Christian Counseling Center to provide a breastfeeding friendly environment for their employees.

14. Purchase of Service Agreement with the ND Department of Human Services Behavioral Health Division for Substance Abuse Prevention.

15. Addendum to Health Services Agreement between Cass County and the City of Fargo.

16. Supplemental Policy to Replace Existing 2014 Nuisance Tier Policy regarding stagnant water, excavations, noxious or other weeds and tall grass pertinent to City of Fargo Ordinances 11-0805 and 11-0806.

17. Agreement for Provision of Environmental Health Services for the City of West Fargo by Fargo Cass Public Health.

18. Service Agreement with Fargo Public Schools for Special Services.

19. Direct City Attorney to draft ordinances for adoption of the 2018 International Codes.


21. Change orders for the Police Department Remodeling Project at the Border States Electric Building:
   a. No. 1 for an increase of $13,853.00 for the general contract.
   b. No. 1 for an increase of $13,419.00 for the mechanical contract.
   c. No. 1 for an increase of $14,510.23 for the electrical contract.

22. Purchase of one or more truck chassis from the ND State Procurement Contract No. TC 378.


27. Change Order No. 2 for a time extension to 6/18/19 for Improvement District No. UN-18-B1.
28. Utility relocations and authorize payments to Cass County Electric in the amount of $25,304.00 and to CenturyLink in the amount of $10,993.18 for Improvement District No. PN-18-B1.


REGULAR AGENDA:

31. Recommendation to approve Baird and Dougherty as the bond underwriter for upcoming Refunding Improvement Bonds, Series 2019B.

32. State Water Commission request for Cost Reimbursement for FM Diversion Flood Project totaling $6,650,000.00.

33. 2019 Mobile Food Truck Pilot Program to operate from 10 a.m. to 2 p.m. Fridays from June 14, 2019 to September 13, 2019 for “Food Truck Fridays.”

34. Public Hearings - 5:15 pm:
   a. Zoning Change to repeal and re-establish a C-O, Conditional Overlay, Fitzsimonds Addition; approval recommended by the Planning Commission on 5/7/19:
      1. 1st reading of Rezoning Ordinance.
   b. Zoning Change to from SR-2, Single-Dwelling Residential to P/I, Public and Institutional, Huntington’s Addition; approval recommended by the Planning Commission on 5/7/19:
      1. 1st reading of Rezoning Ordinance.
   c. Zoning Change to repeal and re-establish a C-O, Conditional Overlay, Timber Parkway Third Addition; denial recommended by the Planning Commission on 5/7/19:
      1. 1st reading of Rezoning Ordinance.
   d. Special Assessments for 2018 Reconstruction of City Ordered Sidewalks.
   e. Special Assessment list for the following Improvement Districts, all having been approved by the Special Assessment Commission on 4/23/19; set the interest rate at 1% per annum over the net rate on bonds financing said projects:
      1. Concrete Alley Paving and Incidental Improvement District No. AN-17-F.
      2. Concrete Alley Paving and Duct Bank and Incidental Improvement District No. AN-17-G.
      3. Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidental Improvement District No. BN-16-C.
      4. Storm Sewer, Asphalt Paving, Concrete Curb and Gutter, Street Lights, Sidewalk and Incidental Improvement District No. BN-16-H.
      5. Water Main Replacement, Force Main Construction, Street Reconstruction and Incidental Improvement District No. BR-16-E.
      6. Water Main Replacement, Force Main Construction, Street Reconstruction and Incidental Improvement District No. BR-17-A.
      7. Water Main Replacement, Force Main Construction, Street Reconstruction and Incidental Improvement District No. BR-17-C.
      8. Street Reconstruction and Incidental Improvement District No. BR-17-F.
9. Water Main Replacement, Street Reconstruction and Incidental Improvement District No. BR-17-G.

10. Water Main Replacement, Street Reconstruction, Street Lights and Incidental Improvement District No. BR-17-H.

11. Water Main Replacement, Street Reconstruction and Incidental Improvement District No. BR-17-J.

12. Water Main Replacement, Street Reconstruction and Incidental Improvement District No. BR-17-L.

13. Water Main Replacement, Street Reconstruction and Incidental Improvement District No. BR-18-H.

14. Water Main Replacement, Street Reconstruction, Street Lights and Incidental Improvement District No. BR-18-J.

15. Asphalt Wear Course and Incidental Improvement District No. PN-18-A.

16. Seal Coat and Incidental Improvement District No. Pr-18-E.

17. Mill and Overlay and Incidental Improvement District No. PR-18-F.

18. Sanitary Sewer Force Main and Incidental Improvement District No. UN-15-B.

35. Request from the Transit Department to expand service into the Industrial Park.


37. Appointments to the Arts and Culture Commission.

38. Appointments to the Community Development Committee.

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.
TO: BOARD OF CITY COMMISSIONERS
FROM: FINANCE COMMITTEE
RE: BOND UNDERWRITER APPROVAL TO EXECUTE A RETAIL OPTION BOND SALE
DATE: MAY 30, 2019

The City of Fargo is an active issuer of municipal tax-free bonds to fund essential infrastructure for our Community. Occasionally, we receive inquiries from our citizens about the ability to purchase our bonds from the original sale. Our current bond marketing methods do not allow a retail purchase, but rather our bonds are sold in large denominations directly to institutional investors.

The Finance Committee recently discussed the idea of offering a retail purchase period prior the ultimate sale of our bonds. This is a new approach in marketing our bonds that we believe will provide additional direct investment opportunities for our community.

Our Financial Advisory firm, Baker Tilly assisted in development of an RFP to help select and underwriter to execute a retail option bond issue. Baird and Dougherty are the recommended underwriting team because of their strong presence in North Dakota financings. Terri Heaton, our financial advisor drafted the attached letter to document the RFP selection process. She will attend the Commission meeting to explain our approach.

We believe this is an innovative strategy that is used in other communities and this approach should be successful in Fargo.

Suggested Motion:

Approve Baird and Dougherty as our bond underwriter for the upcoming Refunding Improvement Bonds, Series 2019B sale scheduled in July using a retail marketing option.
May 29, 2019

Mayor Dr. Tim Mahoney
City Commissioners
Mr. Bruce Grubb, City Administrator
City of Fargo
200 3rd St. N.
Fargo, ND, 58102

Re: $40,000,000 Refunding Improvement Bonds, 2019A
Underwriter Selection Recommendation

Introduction

The City of Fargo is planning to finance up to $40,000,000 of Refunding Improvement Bonds this summer. The City has expressed a desire to engage in a retail option sale, meaning the Bonds would be offered to local residents and businesses (primarily Cass County) before other investors could purchase bonds of the same maturity. At the same time, the City’s goal is to maintain an interest relatively close to that achieved with a competitive sale.

This is done through a prioritization system using zip codes and offering coupons to all buyers but awarding in a priority established. In order to try to achieve sale results that would reach a significant number of retail buyers, we recommended to the Finance Committee that the Bonds be sold through a negotiated sale process. Refunding Improvement Bonds are typically sold using a competitive process, but the retail prioritization requires a negotiated sale. The City directed Baker Tilly to engage in a process to select the underwriter through a competitive process. City staff and Baker Tilly have now completed such a process and this recommendation describes that process and result.

The retail distribution approach reflects the need to select underwriting expertise in the current bond market, the relatively large issuance size and the ability to access potential North Dakota bond investors.

Process

The RFP was distributed to 28 regional and national investment banking firms. Two representatives of Baker Tilly and the City Finance Director formed the Selection Committee and reviewed the proposals. The Committee narrowed the decision to three firms based on the criteria in the RFP. These individuals participated fully in the review and selection
process. The final recommendation was discussed with and by the Finance Director and Assistant City Administrator and their voting determined the final recommendations.

The selection criteria focused on several general areas:

- firm's experience as a senior managing underwriter of bonds
- experience of the firm's primary staff representatives in structuring and marketing comparable bonds
- firm's experience in participating in the City's competitive bond issues
- firm's definition of retail sales and their ability to market retail in the prescribed geographies
- general indication of yield
- optional redemption and structure feedback
- marketing approach
- cost

The selection process first determined a ranking based solely on professional credentials. Following this process, the cost quotations were considered to determine the general underwriting cost levels.

The City of Fargo received 10 responses. The firms were:

- Citi
- JP Morgan
- Raymond James
- RBC Capital Markets
- Northland
- Piper Jaffrey
- Stifel
- Wells Fargo
- 280 Securities
- Baird and Dougherty

**Recommendation on Senior Managing Underwriter**

The Selection Committee recommends appointing Baird and Dougherty to serve as senior manager and co-manager, respectively. This recommendation is based on the relative quality of the proposal received and the Selection Committee's review of the proposals. The RFP process provided the City with the option of selecting co-managers to assist in the marketing and sale of the bonds in consultation with the Senior Manager. The Selection Committee wanted to ensure both a broad access to investors and the ability to market the Bonds to North Dakota investors. Most firms noted that they would agree to any arrangement
to serve as senior or co-manager. The Baird and Dougherty proposal already paired two strong underwriting firms that have demonstrated access to the North Dakota markets.

**Recommendation on Co-Managers**

The Selection Committee recommends Baird as senior manager and Dougherty as co-manager.

This recommendation is based primarily on the familiarity of both firms with marketing Fargo bond issues and North Dakota bond marketing experience along with their plan to achieve a high percentage of retail sales.

**Compensation**

The 10 responding firms presented a considerable range of compensation proposals. The Baird and Dougherty proposal requested a compensation level of $5.22 per $1,000 of bonds issued. They will not require separate underwriter's counsel. The fees proposed by Baird and Dougherty were in the middle of the pack of all proposals ranging from $2.70 per bond to $10.31 per bond. The labor and efforts to sell retail bonds caused us to be concerned about the lowest charges and the higher fees didn’t appear to provide more services or results.

**Conclusions**

We congratulate the City of Fargo in conducting a professional, effective and efficient process. We believe the results of this process and the selection of Baird and Dougherty will lead to a successful financing.

We are prepared to respond to any questions regarding this recommendation and the process and we look forward to moving ahead with the sale of the Bonds.

Respectfully,

BAKER TILLY MUNICIPAL ADVISORS, LLC

[Signature]

Terri Heaton, Principal

cc: Mr. Michael Redlinger, Assistant City Administrator
    Mr. Kent Costin, Finance Director
    Ms. Jennifer Hanson, Bond Counsel
TO:              BOARD OF CITY COMMISSIONERS  
FROM:            KENT COSTIN, DIRECTOR OF FINANCE  
RE:              STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL  
DATE:            May 28, 2019  

The existing legislation in place for State Water Commission funding related to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project requires that the Fargo City Commission, Cass County Commission, and the Cass Water Resource Board approve all payment reimbursement requests prior to their submission and ultimate payment.

The attached reimbursement request has been prepared by Finance staff and is ready for processing. Your approval of the request for funds is hereby requested as required.

Suggested Motion:

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling $6,650,000.
May 28, 2019

Garland Erbele, P.E.
North Dakota State Water Commission
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505-0850

Dear Garland,

The Metro Flood Diversion Authority is submitting eligible costs for reimbursement request #88 pursuant to the terms and conditions of Senate Bill 2020. This submission represents engineering and quality testing costs incurred from December 2015 through August 2017 which have not been previously requested for reimbursement. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission. This request will exhaust all administrative funding available under SB2020.

The total amount of the claim for reimbursement is $6,650,000.

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<td>$310,500,000</td>
<td>$195,757,467</td>
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We certify that $82,970,092 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of SB 2020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in SB 2020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,

[Signature]

Kent Costin
Director of Finance, City of Fargo
Metro Flood Diversion Authority

Required Local Approvals:

City of Fargo

Cass County Commission

Cass County Joint Water Resource Dist.
### Summary of Cash Disbursements Eligible for SWC Funding

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### Contract Scope Summary

- **163308 - Conduct pedestrian surveys and phase 1 cultural resource investigations at various locations along the project**

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### Additional Notes
- **172334 - Perform right-of-entry services including track right-of-entry status in GIS database; prepare exhibits for contact with land owners; prepare right-of-entry agreements; manage access to properties performing design services;**

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**Fargo-Moorhead Metropolitan Area Flood Risk Management Project**

**Summary of Cash Disbursements Eligible for SWC Funding**

SB2020 - Engineering and Quality Testing Expenses

172334 - Development and implementation of an assessment district for the FM Area Diversion Project on behalf of the Cass County Joint Water Resource District - V01202 - CASS
## Fargo-Moorhead Metropolitan Area Flood Risk Management Project

### Summary of Cash Disbursements Eligible for SWC Funding

**SB2020 - Engineering and Quality Testing Expenses**

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172334 - Perform Land Acquisition Services for Oxbow/Hickson/Bakke including Appraisals, negotiation and Acquisition, and Relocation Services, V01203 - CASS COUNTY

151232 - Provide overall project management of Engineer design teams and subcontractor design teams, coordinate with Owner and Program Management Consultant (PMC),

151232 - Develop a Technical Memorandum (TM) that provides estimates of the probability of non-exceedance for different meander belt widths given design flows and channel geometry of the Low Flow Channel (LFC), variability and uncertainty in the erodibility and shear strength of the soils
### Summary of Cash Disbursements Eligible for SWC Funding

**SB2020 - Engineering and Quality Testing Expenses**

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**Fargo-Moorhead Metropolitan Area Flood Risk Management Project**

**Summary of Cash Disbursements Eligible for SWC Funding**

**SB2020 - Engineering and Quality Testing Expenses**

- 152024 - Provide hydrology and hydrologic modeling services in order to advance design components of the Diversion Channel. Specific modeling subtasks include: modeling of Diversion inlets to determine design flows, modeling to evaluate hydraulic impacts of various Diversion Channel sizes, extending model geometry of the Rush and Lower Rush Rivers, providing technical assistance and support for the Diversion Outlet at the Red River (Station 0+00) through 152025 - Provide utility relocation plans, utility relocation services, utility relocation designs when required, utility relocation support services, relocation determination and performance specifications, for the relocation of utilities from the Diversion Outlet at the Red River (Station 0+00) through 155529 - Design and prepare contract documents for the construction of Reach 6 and the new County Road 20 (CR-20) bridge, grade changes, local drainage facilities and structures, and 2700 feet of diversion channel, and coordination with the

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**Evaluate hydraulic impacts of various Diversion Channel sizes, extending model geometry of the Rush and Lower Rush Rivers, providing technical assistance and support for the Diversion Outlet at the Red River (Station 0+00) through**

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157589 - Design and design support activities, for design of levees along the Red River to support increased flow through the protected area and for levees in the upstream staging

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160564 - Transportation Master Plan South – Develop a Transportation Master Plan for the southern section (I-94 to the Staging Area) to accommodate required access and roadway transportation for local farm access; emergency service access; school bus routing; local traffic routing; construction equipment and haul routing; and Interstate highway car and truck traffic. Local Drainage Plan South – Determine the requirements for local drainage along the Diversion Channel and structures, embankments, and Staging Area drawdown, and design a plan to incorporate the

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165854 - Provide modeling and engineering services in order to develop a project Draft Operations Plan. The Draft Operations Plan development will utilize the Phase 7.3
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167179 - The scope of work for this Task Order includes permitting for the Fargo-Moorhead Area Diversion Project (Project). The anticipated major permit submittals for the Project shall be as requested by Owner, and may include, but are not limited to 401 Individual Permit for Oxbow/Headwaters/Bekele Levees, and the remainder of Project for North Dakota and Minnesota; 401 Certification for North Dakota and Minnesota.

175167 - Design and prepare contract documents for the construction of the new County Road 17 (CR-16/CR-17) bridge, and County Road 16 (CR-16) realignment, which crosses the diversion channel at the intersection of 124th Ave S and 117th Ave SW, approximately 2.5 miles of associated county road to accommodate road alignment and grading.

181464 - Provide assistance for the development of Public Private Partnership (PPP) procurement documents, including a Notice of Intent (NOI), Request for Qualifications (RFQ), and Request for Proposals (RFP), including performance, prescriptive, and regulatory specifications. - V01619 -
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<td>157907 - Phase I: Upstream of Halstad: Modeling Impacts on the mainstream Red River and the region upstream of Halstad from potential sub-basin watershed retention sites in Minnesota and North Dakota, Prioritize sites for mainstream, local and</td>
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<td>167179 - Provide Project Management Services for infrastructure improvements within the proposed flood protection levee including schedule and budget management and monitoring, monthly construction inspection reports, and other services as needed.</td>
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### Fargo-Moorhead Metropolitan Area Flood Risk Management Project

**Summary of Cash Disbursements Eligible for SWC Funding**

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**167328 - Provide Management Services related to infrastructure improvements within the proposed flood protection levee including land survey for conceptual layouts related. Prepare contracts with planning consultants, golf**

**169911 - Provide Design and Construction Engineering Services for infrastructure improvements within the proposed flood protection levee. Design public facilities, streets, drainage, potable water storage, lift stations, lighting, ponds,**

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*Note: The table continues with similar entries for other account numbers and project numbers.*
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173990 - Provide soils and construction materials testing services per Owner's Quality Assurance testing requirements for Owner awarded construction contracts associated with the In Town Levees - Work Package 42 projects. - V02802 -

174114 - Provide professional engineering Services during Bid (SDB) and Services During Construction (SDC) for WP-42 (In Town Leves) projects designed by Hakk for the Fargo-Moorhead Area Flood Diversion Project. SDB services include responding to bidder RFIs, attending pre-bid, site visit, and bid opening meetings, prepare addenda, and review the bid results. SDC services include construction inspection, responding to contractor RFIs, reviewing shop drawings,
MEMORANDUM

TO:        BOARD OF CITY COMMISSIONERS
FROM:      GRANT LARSON, DIRECTOR OF ENVIRONMENTAL HEALTH
           FARGO CASS PUBLIC HEALTH
DATE:      MAY 30, 2019
RE:        2019 MOBILE FOOD TRUCK PILOT PROGRAM

The Environmental Health Division, Fargo Cass Public Health, request approval of the proposed 2019 Mobile Food Truck Pilot Program.

If you have any questions, please contact me at 241-1388.

Suggested Motion: Move to approve the 2019 Mobile Food Truck Pilot Program.

GL
Enclosure
**2019 Pilot Program:** The Environmental Health Division, Fargo Cass Public Health, reviewed a mobile food truck study conducted by the National League of Cities, which is summarized as an additional attachment to this document.

Based on that study, along with internal collaboration, staff recommend conducting a 2019 Mobile Food Truck Pilot Program with the following parameters:

1. Allow mobile food trucks to operate from 10 am to 2 pm, each Friday, June 14, 2019 to Sept. 13, 2019 for "Food Truck Fridays".
2. Restrict the pilot program to one location along the south end of the New City Hall parking lot (see-attached map).
3. Each mobile food truck must operate within one of the designated spots on a first come, first serve basis.
4. All mobile food trucks must be properly licensed by Fargo Cass Public Health.
5. No additional licenses or permits will be required for the 2019 pilot program.
6. All mobile food trucks must comply with current FDA food regulations.
7. The mobile food trucks must be self-contained mobile units, no “stick stands” will be allowed.
8. The City of Fargo will not provide any amenities for the mobile food trucks: to include power generation, garbage containers, or potable water.
9. Each mobile food truck is responsible for their due diligence including cleanliness of the parking lot.
10. The City of Fargo will provide additional garbage receptacles for the general public.

**Future “Permanent” Mobile Food Truck Program** – Staff can incorporate the following items, in 2019, to develop a “permanent” City of Fargo Mobile Food Truck Program:

1. Establish a City of Fargo Mobile Food Coalition comprised of internal City of Fargo departments and external community stakeholders.
2. The City of Fargo Mobile Food Coalition would:
   - Provide a forum for all stakeholders to meet and discuss ideas, concerns, and questions.
   - Review the progress of the 2019 pilot program.
   - Recognize and establish future permanent locations located in the City of Fargo.
   - Identify any internal policies, regulations, and/or ordinances that would have to be revised and/or developed to support a permanent mobile food program.
3. Develop a permanent Mobile Food permit and permitting process, utilizing current internal requirements and processes.
4. Establish specific parameters for the actual mobile food units, i.e. size, type, etc.
5. Solicit public input associated with a permanent program.
National League of Cities
Mobile Food Truck Study

Summary: The Environmental Division, Fargo Cass Public Health, reviewed a food truck study conducted by the National League of Cities https://www.nlc.org/sites/default/files/RF_FoodTruckReport2013_final.pdf in order to provide the best options to incorporate a mobile food truck program for the City of Fargo.

Focus - The study discovered four recurring themes and commonalities after researching thirteen different US cities:

1. Economic Activity
2. Public Space
3. Public Health
4. Public Safety

Stakeholders - The report recommended best practices for the following groups:

1. Mobile Food Truck Vendors
2. Permanent Restaurants
3. The Community
4. City Government

Recommendations - I have highlighted the best practices or recommendations from the study, based on the size of Fargo as well as the history of our Mobile Food Program.

1. Economic Activity
   a. Stakeholder concerns – food trucks want to earn revenue, permanent restaurants worry about competition from mobile food vendors, the key for community stakeholders is creating economic opportunities, and the government’s goal is to streamline regulations.
   b. Regulatory trends – Only three of the thirteen cities had a centralized process for one city department to cover the regulations and permits.
   c. Recommendations - I believe the COF has a good process in place with the Downtown Sidewalk Committee. This process could be applied to food truck program and led by the Health Department, since they have a long history permitting the vendors.
      i. The current COF Health License fees range from $125-$225 dependent on what type of foods and the process vendors use to prepare, cook, and serve their products.
      ii. We also recommend the implementation of a food truck annual identification sticker to ensure all vendors are properly licensed.

2. Public Space
   a. Stakeholder concerns – access to public and private locations, city oversight to manage potential properties, time constraints or limitations for selling food products, and the distance maintained between food trucks and permanent restaurants.
   b. Regulatory trends – most of the cities in the study have a lenient restriction to the nearest permanent restaurant or stakeholder that could be impacted, most of the cities embrace a patchwork approach for the location of the food trucks, where vending is limited to certain zones or parking spaces.
   c. Recommendations – I think it is imperative for Fargo to limit and specifically identify public and private permanent locations where food truck vendors can operate. Specific locations and times of operation will allow for efficient oversight of the program.
3. Public Health
   a. Stakeholder concerns – additional cost and oversight for the required food commissary.
   b. Regulatory trends – All of the cities in the study have a commissary requirement in order to
      make sure food truck owners are held to the same standards as permanent restaurants.
   c. Recommendations - The COF requires each food truck owner, unless the business is fully
      contained, to operate out of a base commissary. The cost for the commissary license is currently
      $25.
      i. The COF requires all mobile food vendors to adhere to the same food code as the
         permanent restaurants. Additional sanitation standards specific to mobile food vendors
         include proper wastewater (gray water) containment, potable water for handwashing
         station(s), and proper storage of garbage.

4. Public Safety
   a. Stakeholder concerns – access to private properties for mobile food vendors, COF managing
      public space and property maintenance for vendors, pedestrian and intersection safety measures,
      time restrictions, and the description of a permissible mobile food truck/unit.
   b. Regulatory trends – Development of a regulatory framework for private and public property to
      include time limits for mobile food vendors, establishment of a zoning permit detailing the
      location of operation(s), definition or parameters that make up the type of mobile food unit to
      include length, width, height, etc.
   c. Recommendations – The COF will need to initiate a Mobile Food Truck Program committee to
      develop a regulatory framework that will establish private and public locations for mobile food
      vendors, provide a clear definition of a mobile food truck, and define parameters to protect
      public safety.

Additional Study Recommendations -
1. Hold town hall forums with stakeholders – we can utilize emails to push information out to the
   stakeholders as well as get assistance from the Downtown Business Association.
2. Encourage dialogue between stakeholders – specifically mobile food vendors and permanent
   restaurants.
3. Implement pilot programs to determine what regulations or ordinances to adopt – I believe the
   goal for 2019 should be the implementation of a pilot program on a small scale.
4. Use targeted practices as a way to address underserved areas of the city – this can be an ongoing
   practice by the Mobile Food Truck Committee to identify the best locations in the City of Fargo.
5. Identify private vacant lots and create partnerships where mobile food vendors can gather – I am
   not sure how willing private property owners will be to offer their land or parking lot for this
   program, but it can create economic activity which could benefit private property owners.
| **City of Fargo**  
| **Staff Report**  
| **Title:** Fitzsimonds Addition  
| **Date:** 5/2/2019  
| **Updated:** 5/30/2019  
| **Location:** 3716, 3740, 3750, 3760, and 3780 51st Avenue South; 5120 and 5168 38th Street South  
| **Staff Contact:** Donald Kress, planning coordinator  
| **Legal Description:** Lots 1 through 7, Block 1, Fitzsimonds Addition  
| **Owner(s)/Applicant:** Fred M. Hector Revocable Trust/Nate Vollmuth  
| **Engineer:** None  
| **Entitlements Requested:** Zoning Change (repeal and re-establish a C-O, Conditional Overlay)  
| **Status:** City Commission Public Hearing: June 3, 2019  

### Existing

| **Land Use:** Undeveloped  
| **Zoning:** GC, General Commercial with C-O, Conditional Overlay no. 4636  
| **Uses Allowed:** Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events; additionally, the CO prohibits industrial service, manufacturing and production, and warehouse and freight movement as conditionally permitted uses.  
| **Maximum Lot Coverage Allowed:** 85%  

### Proposed

| **Land Use:** Proposed for commercial development  
| **Zoning:** GC, General Commercial with revised C-O, Conditional Overlay  
| **Uses Allowed:** No change; the proposed modifications to the CO do not affect the uses allowed or prohibited.  
| **Maximum Lot Coverage Allowed:** 85%  

### Proposal:

The applicant is requesting a zoning amendment to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 through 7, Block 1, Fitzsimonds Addition. The subject properties are located at 3716, 3740, 3750, 3760, and 3780 51st Avenue South and 5120 and 5168 38th Street South and encompass approximately 11.71 acres. The current conditional overlay is Ordinance 4636, was adopted in 2007.

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

### Surrounding Land Uses and Zoning Districts:

- North: GC, undeveloped (the remaining part of this parcel)
- East: North Dakota Department of Transportation right of way. No zoning designation. Interstate 29 highway use
- South: LC, Limited Commercial with a C-O, Conditional Overlay with three commercial establishments
- West: GC, with a C-O, with a credit union and a bank.

**Area Plans:**

The 2003 Southwest Future Land Use Plan designates the area of this project as “Either office or Commercial” land use. The existing GC, General Commercial zoning is consistent with this land use designation. No change to the GC zoning is proposed.

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District and is served by Kennedy Elementary, Discovery Middle and Davies High schools.

**Neighborhood:** The subject property is located within the Woodhaven Neighborhood.

**Parks:** Cottagewood Park is located approximately 700 feet northwest of the project site and provides the amenities of playgrounds for ages 2-5 and 5-12 and a shelter.

**Pedestrian / Bicycle:** There are off-road bike facilities along 52nd Avenue South that are a component of the metro area bikeways system.

**Staff Analysis:**

**PROJECT OBJECTIVE**

The proposed modifications to the current C-O, Ordinance 4636, present the existing language and the language of the proposed amendment, with language to be added indicated by underline and language to be deleted indicated by strikethrough. A staff recommendation follows each amendment.

(continued on next page)
Building Facades and Articulation (item 4)

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

PROPOSED AMENDMENT: All building facades greater than 450 200 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the façade. No uninterrupted length of façade shall exceed 450 200 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch, or height.

STAFF RECOMMENDATION: Modify the proposed amendment. In the interest of keeping consistent with modifications to a similar conditional overlay (5084) that were granted for the Timber Parkway Addition of increasing the building length from 150 to 200 feet for which articulation is required, staff recommends the amendment to CO read as follows:

i. All buildings shall have architectural interest and variety to avoid the effect of a single, long or massive wall; buildings shall include a variation in size and shape.

ii. All building elevations or facades facing or viewable from right-of-ways or parking lots that are greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet. Attached or adjacent permanent wall projections that screen maintenance/loading/delivery/ dumpsters that exceed 9 feet in height shall count as projections and recesses.

iii. Ground floor facades that are within 200 feet of the right-of-way, measured from the exterior wall, shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 60% of its horizontal length.

iv. All building elevations or facades facing or viewable from the rights-of-way or parking lots shall be designed with a similar level of design detail, respective to building massing and building materials.

(Timber Parkway Addition Ordinance 5130, approved in February, 2018.)

Rooftop Screening (item 6)

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

PROPOSED AMENDMENT: Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view shall be screened to a minimum of half the height of the unit by parapets and/or screens, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 160 feet.

STAFF RECOMMENDATION: Accept the proposed amendment. A similar reduction in the rooftop screening height was granted for developments in the BLU Water Creek 4th Addition, along 32nd Avenue
and 45th Street South. (Ordinance 5128, approved in January 2018 modified by Ordinance 5197, approved in March 2018.)

**On-Premise Signs (item 10(m))**

**EXISTING LANGUAGE**

a. Every structure and complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.

b. Signage size, color, and form should complement the architecture of the building and should not complete or become the focal point of the building form.

c. Signage must not extend horizontally or vertically past the building.

d. Signage text should be legible from arterial streets, use of recognizable imagery may be substituted for legibility of text. Sign should not be larger than necessary to achieve this legibility from the street.

e. Sign surface must be less than 10% of the building surface.

f. Signs should be mounted horizontally about first floor doors and windows, on awnings, or adjacent building entrances if mounted on a wall.

g. Corporate logos should be appropriately scaled.

h. Separate pedestrian oriented signs should be provided when pedestrians cannot see the façade sign which is oriented to the street.

i. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.

j. Multi-tenant buildings or developments may have one monument or ground mounted sign per street frontage listing all of the tenants. Monument or ground mounted signs for individual businesses in multi-tenant buildings or developments are prohibited. Monument-type signs are the preferred alternative for business identification whenever possible.

k. Signs should advertise a specific building or business, not products, trademarks, or special events.

l. Window signs used for shop fronts or mixed use buildings are permitted provided that the aggregate total of all window signs for each business shall not exceed 25% of its respective window area.

m. No on-premise sign shall exceed 45 feet in height.

**PROPOSED LANGUAGE**

a. Every structure and complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.

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l. Window signs used for shop fronts or mixed use buildings are permitted provided that the aggregate total of all window signs for each business shall not exceed 25% of its respective window area.

m. No on-premise sign shall exceed 45 feet in height.

(These particular items were part of a concept of a “design district” at the intersection of 52nd Avenue South and Interstate 29, seeking to avoid the common highway interchange area look of ever-taller signs competing for the motorist’s attention.)

STAFF RECOMMENDATION: Modify the proposed amendment. In the interest of keeping consistent with modifications to a similar conditional overlay that were granted for the property south across 52nd Avenue South (The District of Fargo Third Addition), staff recommends revising section 10(m) to state “One on-premise, static, multi-tenant sign, positioned to be visible from Interstate 29, may be up to 60 feet in height.”

The applicant has provided graphics of the proposed sign and its location (see attachment)

**Landscaping (item 11)**

**EXISTING LANGUAGE:** A minimum of 4.5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least 15% of the lot.

**PROPOSED AMENDMENT:** A minimum of 4.5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least 10% of the lot.

STAFF RECOMMENDATION: Deny the proposed amendment. Staff finds no similar modifications of other recent C-O’s or reason to support this modification.

**SUMMARY OF PROPOSED AMENDMENTS:**
Planning staff recommends accepting the proposed amendment to Item 6, Rooftop Screening, based on the fact that similar modifications to other conditional overlays have been made recently.

Planning staff recommends modifying the proposed amendment to Item 10(m), On-Premise Signs, and Item 4, Building Facades and Articulation, as stated in the “Staff Recommendation” for those amendments.

Planning staff recommends denying the proposed amendment to Item 11, Landscaping, for the reasons stated in the “Staff Recommendation” on that amendment.

**Zoning**
Section 20-906. 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 error in the zoning map as it relates to this property. The properties are currently zoned GC: General Commercial. The original conditional overlay was drafted when the development intended for this location was a big-box store. That project is no longer going forward, and the subject property has been platted and intended for seven smaller scale developments. 
(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties front on existing, developed public rights-of-way which provide access and public utilities to serve the development. 
(Criteria satisfied)

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?
While staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity; staff is mindful that the surrounding property owners, including nearby residential property developers considered the existing zoning and design standards when purchasing and developing their land. In addition the existing standards are somewhat representative of the direction and vision adopted by previous commissions and can be seen as similar ordinance language on the other intersections of the interstate exchange. Each interchange intersection has been customized per design standards relative to the entire 52nd Ave corridor in addition to reflection of the abutting residential neighborhoods.

Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any comments. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. (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 project site is included within the 2007 Tier 1 Southwest Land Use Growth Plan. This plan designates the subject properties as "Commercial" land use. The existing zoning, C-O, and proposed development are consistent with that land use designation. The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo."

Though the applicant's request is to amend certain design standards, staff recommends that these amendments be kept to a minimum, as staff does not wish to lose sight of the direction of Fargo's comprehensive plan, Go2030. This plan sets "design standards" and "quality development" among its goals necessary "to create the Fargo desired by the community in 2030," and notes that "it is critical that every project be thought about over the course of its entire lifecycle," and not just be considered as what will sell in the short term. Quality development allows the larger community to get lasting value out of a project. Though Go2030 does not specify particular design standards, it makes clear that design standards back up quality development by not only improving the appearance of the city but also improving the health and safety of residents. (Criteria satisfied only with "staff recommendation" for each amendment as noted above)
**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 for first reading and move to approve the proposed zone change to repeal and re-establish a C-O, Conditional Overlay consistent with the "staff recommendations" for each amendment noted above, on Lots 1 through 7, Block 1, Fitzsimonds Addition, as presented; as the proposal complies with the LDC Sections 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Planning Commission Recommendation: June 3, 2019**

On May 7, 2019, by a vote of 9-0 with two Commissioners absent, the Planning Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change to repeal and re-establish a C-O, Conditional Overlay consistent with the "staff recommendations" for each amendment noted above, on Lots 1 through 7, Block 1, Fitzsimonds Addition, as presented; as the proposal complies with the LDC Sections 20-0906.F (1-4) and all other applicable requirements of the LDC.

**Attachments:**

1. Zoning Map
2. Location Map
3. Sign graphics provided by applicant
Zone Change (Repeal and Re-establish C-O)

Fitzsimonds Addition

5120 & 5168 38th Street South &
3716, 3740, 3750, 3760 & 3780 51st Avenue South

Subject Property

The City of Fargo
Fargo Planning Commission
May 7, 2019

Legend:
- AG
- LC
- MHP
- RB-2
- GC
- MR-1
- NO
- GO
- MR-3
- UM

City Limits
Zone Change (Repeal and Re-establish C-O)

Fitzsimonds Addition

5120 & 5168 38th Street South &
3716, 3740, 3750, 3760 & 3780 51st Avenue South

Subject Property

300 Feet

Fargo Planning Commission
May 7, 2019
Proposed location of the sign on the Fitzsimonds Addition property
OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. ________

AN ORDINANCE REZONING CERTAIN PARCELS
OF LAND LYING IN FITZSIMONDS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Fitzsimonds Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on May 7, 2019; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 3, 2019,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots One (1) through Seven (7), Block One (1) of Fitzsimonds Addition to the City of Fargo, Cass County, North Dakota;

which is currently zoned as a “GC”, General Commercial, District with a “C-O”, Conditional Overlay, as established by Fargo City Ordinance Number 4636 is hereby rezoned only to amend the “C-O”, Conditional Overlay as established by said Ordinance No. 4636 as follows:

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding the future commercial development of McShane Development.

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

3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form
4. All building façades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.

4. All building façades greater than 200 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade, and extending at least 20 percent of the façade. No uninterrupted length of façade shall exceed 200 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.

i. All buildings shall have architectural interest and variety to avoid the effect of a single, long or massive wall; buildings shall include a variation in size and shape.

ii. All building elevations or façades facing or viewable from right-of-ways or parking lots that are greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five feet, and the cumulative horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet. Attached or adjacent permanent wall projections that screen maintenance/loading/delivery/dumpsters that exceed 9 feet in height shall count as projections and recesses.

iii. Ground floor façades that are within 200 feet of the right-of-way, measured from the exterior wall, shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 60% of its horizontal length.

iv. All building elevations or façades facing or viewable from the rights-of-way or parking lots shall be designed with a similar level of design detail, respective to building massing and building materials.

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

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

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

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

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

a. the primary entrance or entrances to each commercial building, including pad site buildings.

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

c. parking areas or structures that serve such primary buildings.

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

e. any public sidewalk system along the perimeter streets adjacent to the commercial development.
f. where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.

10. On-premise signs

a. Every structure and complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.

b. Signage size, color and form should complement the architecture of the building and should not compete or become the focal point of the building form.

c. Signage must not extend horizontally or vertically past the building.

d. Signage text should be legible from arterial streets, use of recognizable imagery can be substituted for legibility of text. Sign should not be larger than necessary to achieve this legibility from the street.

e. Sign surface areas must be less than 10% of the building surface.

f. Signs should be located horizontally above first floor doors and windows, on awnings, or adjacent to building entrances if mounted on a wall.

g. Corporate logos should be appropriately scaled.

h. Separate pedestrian oriented signs should be provided when pedestrians cannot see the façade signage which is oriented to the street.

i. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.

j. Multi-tenant buildings or developments may have one monument or ground mounted sign per street frontage listing all of the tenants. Monument or ground mounted signs for individual businesses in multi-tenant buildings or developments are prohibited. Monument-type signs are the preferred alternative for business identification whenever possible.

k. Signs should advertise a specific building or business, not products, trademarks, or special events.

l. Window signs used for shop fronts or mixed use building are permitted provided that the aggregate total of all window signs for each business shall not exceed 25% of its respective window area.

m. No on-premise sign shall exceed forty-five (45) feet in height.

m. One on-premise, static, multi-tenant sign, positioned to be visible from Interstate
29. may be up to 60 feet in height. Otherwise, no on premise sign shall exceed forty-five (45) feet in height.

11. A minimum of 4.5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least 15% of the lot.

12. The following use(s) are prohibited.
   a. Detention Facilities
   b. Adult Entertainment Center
   c. Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
   d. Portable Signs
   e. Vehicle Repair
   f. Industrial Service
   g. Manufacturing and Production
   h. Warehouse and Freight Movement
   i. Aviation/Surface Transportation

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

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

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.
OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. ________

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

(SEAL)

Attest:

__________________________
Steven Sprague, City Auditor

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

First Reading:
Second Reading:
Final Passage:
<table>
<thead>
<tr>
<th>City of Fargo</th>
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</thead>
<tbody>
<tr>
<td>Staff Report</td>
</tr>
<tr>
<td><strong>Title:</strong> Huntington's Addition</td>
</tr>
<tr>
<td><strong>Location:</strong> 1406 7th Street South</td>
</tr>
<tr>
<td><strong>Legal Description:</strong> Lot 24, Block 13, Huntington's Addition</td>
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<tr>
<td><strong>Owner(s)/Applicant:</strong> Fargo Public School District/Obermiller Nelson Engineering</td>
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<tr>
<td><strong>Entitlements Requested:</strong> Zone Change (from SR-2, Single Dwelling Residential to P/I, Public &amp; Institutional)</td>
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<tr>
<td><strong>Status:</strong> City Commission Public Hearing: June 3, 2019</td>
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<tr>
<th><strong>Existing</strong></th>
<th><strong>Proposed</strong></th>
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<tbody>
<tr>
<td><strong>Land Use:</strong> School</td>
<td><strong>Land Use:</strong> No change</td>
</tr>
<tr>
<td><strong>Zoning:</strong> SR-2, Single Dwelling Residential</td>
<td><strong>Zoning:</strong> P/I, Public/Institutional</td>
</tr>
<tr>
<td><strong>Uses Allowed:</strong> detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities</td>
<td><strong>Uses Allowed:</strong> colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.</td>
</tr>
<tr>
<td><strong>Maximum Density</strong> 5.7 dwelling units per acre</td>
<td><strong>Maximum Density</strong> N/A</td>
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</table>

**Proposal:**

The applicant is seeking City approval of a zoning map amendment for the subject property from SR-2, Single Dwelling Residential, to P/I, Public & Institutional. The subject property is owned by the Fargo Public School District and is a portion of the Clara Barton Elementary School site. The subject property is currently within the SR-2 zoning district whereas the majority of the Clara Barton Elementary School site is within the P/I zoning district. While elementary schools are permitted by right in both of these zoning districts, the intent of this zoning map amendment is to establish a single zoning district (P/I) for the entire school site, for ease of zoning administration.

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**
- North: SR-2, Single-Dwelling Residential, with household uses
- East: P/I, Public & Institutional, with school uses
- South: P/I, Public & Institutional, with school uses
- West: SR-2, Single-Dwelling Residential, with household uses

**Area Plans:**

No area plans or growth plans apply.
Context:

**Schools:** The subject property is located within the Fargo School District and is served by Clara Barton/Hawthorne Elementary, Carl Ben Middle and South High schools.

**Neighborhood:** The subject property is located within Clara Barton neighborhood.

**Parks:** The subject property is located about 0.5 miles northwest of Lindenwood Park.

**Pedestrian / Bicycle:** The subject property is located about 0.3 miles from a shared use path along the Red River, which is a component of the metro area bikeways system.

Staff Analysis:

Zoning

Section 20-906. 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 regard to the subject property. The subject property was originally the site of a single-dwelling house. Since then, the property was acquired by the School District and the house was demolished in 1997. Staff finds that the requested zone change is justified by a change in conditions since the previous zoning classification was established. **(Criteria Satisfied)**

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
   
   City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. **(Criteria satisfied)**

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
   
   Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. As of the writing of this staff report, Planning staff has received two comments regarding this application. One commenter noted that they would like to see additional off-street parking at Clara Barton Elementary School, due to a perceived over-use of on-street parking. The other commenter noted that they would like to see the greenspace at the subject property remain as greenspace, in order to continue to provide a green buffer between the school parking lot and the adjacent houses on the block. (Just prior to the Planning Commission meeting, staff received one additional comment noting the desire for the subject property to remain as greenspace.) Staff would note that the approval of a zoning map amendment does not involve the review or approval of specific construction plans or changes to the school property, and that the use of the property for a school is permitted by right in both the SR-2 and P/I zoning districts. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(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 and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**
**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning Ordinance on the first reading, and hereby approve the proposed zone change from SR-2, Single Dwelling Residential, to P/I, Public / Institutional, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

**Planning Commission Recommendation: May 7, 2019**

On May 7, 2019, with a 9-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommend approval to the City Commission of the proposed zone change from SR-2, Single Dwelling Residential, to P/I, Public / Institutional, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC.

**Attachments:**

1. Zoning Map
2. Location Map
AN ORDINANCE REZONING CERTAIN PARCELS
OF LAND LYING IN HUNTINGTON’S ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
parcels of land lying in Huntington’s Addition to the City of Fargo, Cass County, North Dakota;
and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
request on May 7, 2019; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 3, 2019,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Twenty-four (24), Block Thirteen (13) of Huntington’s Addition to the City of
Fargo, Cass County, North Dakota;

is hereby rezoned from “SR-2”, Single-Dwelling Residential, District to “P/I”, Public and
Institutional, District;

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
office so as to conform with and carry out the provisions of this ordinance.
Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Attest:

__________________________
Steven Sprague, City Auditor

Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:
City of Fargo
Staff Report

<table>
<thead>
<tr>
<th>Title:</th>
<th>Timber Parkway Third Addition</th>
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<tr>
<td>Date:</td>
<td>3/28/2019</td>
</tr>
<tr>
<td>Update:</td>
<td>5/2/2019</td>
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<tr>
<td>Update:</td>
<td>5/29/2019</td>
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<tr>
<td>Location:</td>
<td>4801 and 5081 Timber Parkway South</td>
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<tr>
<td>Staff Contact:</td>
<td>Maegan Elshaug</td>
</tr>
<tr>
<td>Legal Description:</td>
<td>Lots 3-4, Block 1, Timber Parkway Third Addition</td>
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<tr>
<td>Owner(s)/Applicant:</td>
<td>PLC Investments, LLC/Mike Dragosavich</td>
</tr>
<tr>
<td>Engineer:</td>
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<td>Entitlements Requested:</td>
<td>Zoning Change (to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, Timber Parkway Third Addition)</td>
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<td>Status:</td>
<td>City Commission Public Hearing: June 3, 2019</td>
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### Existing

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<tr>
<th>Land Use:</th>
<th>Vacant</th>
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<tr>
<td>Zoning:</td>
<td>GC, Limited Commercial, with C-O, Conditional Overlay, ordinance 5130</td>
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<tr>
<td>Uses Allowed:</td>
<td>General Commercial allows cologes, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising and digital billboards, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</td>
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<td>Maximum Lot Coverage Allowed:</td>
<td>85% building coverage</td>
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### Proposed

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<tr>
<td>Zoning:</td>
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<tr>
<td>Uses Allowed:</td>
<td>General Commercial allows cologes, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising and digital billboards, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</td>
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<tr>
<td>Maximum Lot Coverage Allowed:</td>
<td>No change</td>
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### Proposal:

The applicant is seeking a zoning change to repeal and reestablish a C-O, Conditional Overlay on Lots 3-4, Block 1, Timber Parkway Third Addition. The subject property is located at 4801 and 5081 Timber Parkway South.

**Application update:** On April 29, the applicant made several modifications to the application, including removal of the request for 5081 Lot 3, Block 1, Timber Parkway Third Addition. The applicant also requested modification of the application for up to a 600 square foot sign (originally 300 square feet) in the west 100 feet of 4801 Timber Parkway South, directly adjacent to Interstate 29.

The applicant is requesting to repeal and reestablish a C-O in order to allow off-premise advertising signs, which are currently prohibited by the existing Conditional Overlay, ordinance 5130, which was established in 2018. Ordinance 4908 was the original Conditional Overlay on the property as part of the Timber Creek development, which prohibits off-premise advertising and digital billboards. Ordinance 5130 prohibits off-premise advertising and digital billboards. The application proposes one sign on the property, with a sign face of up to 600 square feet and height of 40 feet. The sign would have two digital sign faces, facing north and south, directly adjacent to Interstate 29.
The applicant is proposing one billboard at this time, adjacent to Interstate 29. However, if spacing requirements of off-premise advertising allow, additional billboards may be located along 52nd Avenue South on these properties.

Note that if approved, the proposed signs will be reviewed against requirements of the sign code for compliance at the time a permit application is received.

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:
- East: GC, General Commercial with a C-O, Conditional Overlay with commercial use and vacant land;
- South: Across 52nd Avenue South is the City of Frontier;
- West: Interstate 29.

Area Plans:

The subject property is located within the 2007 Tier 2 South Land Use Plan. In March of 2014, a growth plan amendment was approved that added additional commercial acreage within the subject property. Pursuant to the growth plan amendment, the area is deemed appropriate for commercial uses.

Go2030 identifies 52nd Avenue South as an Active Living Street (see exhibit to left). Active Living Streets are key corridors that prioritize mobility for all modes of travel with an improved streetscape that enhances the quality and visual appearance of neighborhoods.

Context:

Neighborhood: The subject property is located in the Centennial Neighborhood.

Schools: The subject properties are located within the Fargo School District and are served by Centennial Elementary, Discovery Middle and Davies High schools.

Parks: Located across Timber Parkway South is Timber Creek Park (3300 47 Avenue South), with trails, playground, basketball and a shelter.

Pedestrian / Bicycle: Off road bike facilities are located along Timber Parkway South and 52nd Avenue South. These facilities are a component of the metro area trail system.
Staff Analysis:

Zoning
Section 20-906. 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 regard to the subject properties. The applicant proposes the zoning amendment to repeal and reestablish the Conditional Overlay in order to allow off-premise advertising to construct a 300 square foot billboard with two digital faces. Staff finds that the requested zone change is not justified by a change in conditions since the previous zoning classification was established. The original zoning of the property in 2014 via the Conditional Overlay, ordinance 4908 prohibited off-premise advertising on the property and established the intent of the development.

   The City of Fargo has many Conditional Overlays along arterial roadways south of Interstate 29 that prohibit off-premise advertising. As development along corridors in the southwest area of Fargo began, including corridors of 45th Street South, 32nd and 52nd Avenues South, and Veterans Boulevard, many of the areas intended for commercial or mixed-use development were zoned with a Conditional Overlay that established design standards for the development, among other things, and also prohibit off-premise advertising entirely. The intent of this prohibition along the corridors was to not replicate the many off-premise advertising billboards that are found on Main Avenue and University Drive South.

   Approving this application would establish a precedent of how these corridors will develop, and it is likely additional applications will be submitted to make a similar request.

   The Inspections Department states there has been 13 off-premise advertising signs that have been permitted and constructed since the Fargo Sign Code was adopted in November 2011. This averages to approximately 1.7 per year. The fact that signs have been permitted and constructed since the adoption of the sign code suggests other areas of the City are more appropriate for off-premise advertising, outside of the corridors with Conditional Overlays that prohibit off-premise advertising.

   Staff finds there the requested zoning change is not justified by a change in conditions since the previous zoning classification was established. (Criteria NOT 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. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way. (Criteria Satisfied)

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?
   Staff finds that the application could cause injury to the value of the other property within the neighborhood. Section 20-1301.B.4 of the Fargo Sign Code states that:

   Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation or proliferation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.

   Staff finds that the proposed sign is of a size and scale that could create aesthetic concerns which could lead to injury of property value. As context, the conditional overlays along arterial roadways create a cohesive corridor and gateway approach in the city.
As referenced throughout this staff report, the area in which the sign would be located is a walkable mixed-use development and is located within an existing Conditional Overlay zoning district which seeks to advance design standards for human-scale walkable development. Staff contends that the proposed billboard scale sign is not compatible with the intended development pattern of the area and removes the predictability other developers in the surrounding area have invested in; therefore, the change in zoning could cause injury to the value of the neighboring properties and would remove encouragement to develop in accordance with the principles of walkable mixed-use centers.

Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff finds that the approval may adversely affect the condition or value of the property in the vicinity. (Criteria NOT Satisfied)

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

According to Section 20-0104 of the LDC, the purpose of the LDC is to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Although the Timber Creek Development is not specifically identified as a walkable mixed-use center in the Go2030 Comprehensive Plan, it has developed as a walkable mixed-use development that aligns with the principles outlined in the plan, including:

1. **Pedestrian oriented, mixed use streetscape**;
2. **Building and parking development patterns that create people oriented spaces and street frontage which encourages a walkable environment**;
3. **Neighborhood park or other prominent neighborhood feature**; and
4. **High quality construction.** [Emphasis added]

The original zoning of the property in 2014 via the Conditional Overlay, ordinance 4908 prohibited off-premise advertising on the property and established the intent of the development as a mixed-use development. Staff finds that billboard-style off-premise advertising does not align with the intent of the mixed-use development, set forth by the design requirements of the Conditional Overlay due to the anti-pedestrian nature of such billboards. That this type of signage is intended to grab the attention of the motoring public at a distance and at high speeds, and does not help create a people-oriented environment or encourage walkability. Staff contends that billboard-style signage has the opposite effect, creating environments in which pedestrians can feel out of place. (Criteria NOT Satisfied)

**Update 5/2/2019:** Staff would like to expand on several items and address additional items from the Planning Commission meeting in April.

**EXISTING MASTER PLAN AND VISION**

As noted earlier in this staff report, the applicant has updated the application to only include 4801 Timber Parkway South, which is the nearly 40-acre undeveloped lot at the northeast corner of Interstate 29 and 52nd Avenue South. This property has remained vacant while much of the Timber Creek development has been built. Because this land is undeveloped, the use of the property for the future is unknown. If the application is approved and a sign is built in this location, the sign is likely to remain for decades and could not be removed. Issues could arise if the development was ever built as mixed use with residential located on this property, which furthers the concern of residential in proximity to large, off-premise advertising signs. When the zoning district and conditional overlay was adopted at this location, a master plan and vision for this site was adopted. This is the same master plan and vision that the current owner conveyed to the surrounding neighborhood, public and elected officials. Allowing the zoning change to permit this new use, modifies this original vision considerably. Staff seeks input on identifying the new conditions that warrant this change in vision. And if such vision is warranted for change, staff seeks input and guidance on establishing that new vision.
Staff contends that allowing a billboard at this location prior to establishing a revised master plan and vision for this site, would be premature and limit the flexibility for adapting a vision that could be universally applied to the whole 40 acre site.

The applicant has modified the application to restrict the location to within 100 feet of the west property line, directly adjacent to the Interstate 29, which means their off-premise advertising would still be prohibited along 52nd Avenue South. The originally proposed sign would still be located in proximity of existing residences. If the applicant proposed the sign at the very southern point of that west property line, the sign would still be located slightly over 1,200 feet from residually zoned property. Although through strict application of the Sign Code this location would be permitted as it would meet the setback from residential, it is the exact intent of the restriction through the conditional overlay that requires high quality design, including maintaining views for residents and pedestrians within and around the development. Staff indicates that a buffer and separation of land uses is needed between residential and off-premise signage. Staff does not want to define an ambiguous buffer or overly restricted buffer until a master plan for the site is established or confirmed.

PRECEDENT AND THE CITY’S GATEWAY
Additionally, this site is on the south side and one of the southern gateways into the City. Fargo’s primary area of growth is south and is continuing to be developed as high quality, walkable, mixed use developments. Approval of the sign would make it the first off-premise advertising sign within City limits on the south side along Interstate 29, and would ultimately set the tone of Fargo as prioritizing advertising and large scale signs within one of the city’s premier locations of high quality development. In the Go2030 planning process and through other visioning planning processes, previous commissioners have indicated their request for more attractive entries ways into the city. While staff doesn’t contend that off-premise signs are unattractive, the existing codes provide for designs protection to potentially obtain a higher aesthetic development for one of the city’s gateways, on par with Microsoft campus to the west.

There is concern from staff over the precedence setting if the application is approved. As noted, this property is located across the Interstate from the Microsoft campus, the second largest campus, which is highly regarded for their design and aesthetics of the property. Staff has already received inquiries in proximity for off-premise advertising on property that currently have Conditional Overlays that prohibit them, and feels that if this application is approved, similar applications would be forthcoming.

FAIRNESS
Since the application first came to the Planning Department, Planning staff has received and approved an application for a 672 square foot billboard along Interstate 94. This confirms that there are areas more appropriate for large, off-premise signs in the City other than this location of a walkable mixed use development. While there was discussion at the previous Planning Commission hearing about equal treatment with other property owners who may have off-premise signs already in existence along the interstate, staff contends that the current owner sought and requested this initial zoning district. The current owner advocated for this existing zoning district, overlay, and protection and provided commitments to the community. Staff does not believe there is a due process or property rights issues related to this request. Staff would have a different opinion if we saw evidence of conditions or market changes in the community.

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of the Planning Commission staff and hereby deny the proposed zoning change to repeal and reestablish a C-O, Conditional Overlay on the basis that it does not comply with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) or other applicable requirements of the LDC.”

Planning Commission Recommendation: May 7, 2019

On May 7, with a 9-0 vote, and with two Commissioners absent, the Planning Commission accepted the findings and recommendations of staff and recommended denial to the City Commission of the proposed zoning change to repeal and reestablish a C-O, Conditional Overlay on the basis that it does not comply with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) or other applicable requirements of the LDC.
## Attachments:

1. Zoning Map
2. Location Map
3. Materials submitted by Applicant
Zone Change (Repeal and Reestablish C-O)

Timber Parkway 3rd Addition

5081 & 4801 Timber Parkway South

Subject Property

Fargo Planning Commission
May 7, 2019
AN ORDINANCE REZONING A CERTAIN PARCEL OF LAND LYING IN TIMBER PARKWAY THIRD ADDITION, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of a certain parcel of land lying in Timber Parkway Third Addition, City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended denial of the rezoning request on May 7, 2019; and,

WHEREAS, the rezoning changes were approved by the City Commission on June 3, 2019;

NOW, THEREFORE,

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

Section 1. The following described property:

Lot Four (4), Block One (1) of Timber Parkway Third Addition to the City of Fargo, Cass County, North Dakota,

that is currently zoned as a “GC”, General Commercial Zoning District, with a “C-O”, Conditional Overlay, as established by Fargo City Ordinance Number 5130 is hereby rezoned only to amend the “C-O”, Conditional Overlay as established by said Ordinance No. 5130 as follows:

Subparagraph E. a of Section 1 of Fargo City Ordinance No. 5130 is hereby amended to read as follows:

***

a. Off-premise Signs and digital billboards shall be prohibited, except as to the west one hundred (100) feet of the property.
In all other respects, the Conditional Overlay zoning regulations set forth in said Ordinance No. 5130 shall remain in full force and effect.

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

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

Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
NOTICE OF HEARING
2018 Re Construction City Ordered Sidewalks

The following Special Assessment List for the expense of construction, or rebuilding sidewalks ordered by the Board of City Commissioners of the City of Fargo, North Dakota, to be constructed by the person or firm employed and under contract to construct Sidewalks and Approaches with the City of Fargo at the expense of lots or parcels of land adjoining such Sidewalks and Approaches is returned by the City Engineer of the City of Fargo and filed in the office of the City Auditor as follows:

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Notice: On June 3, 2019 at 5:15 P.M. that the Board of City Commissioners of the City of Fargo, North Dakota, will meet in the City Commission Chambers, in City Hall to approve said assessment list, at which time any person interested in said assessment list may be heard; and if said list is approved for collection, the amounts listed will become due ten days after approval and payable at the office of the City Auditor’s Office. If not so paid the amounts shall bear interest at a rate not exceeding 1.0% per annum over the average net interest rate.

City Auditor's Office
Publish: (May 6, 2019)
To The Board of City Commissioners  
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  
Special Assessment List for  

Reconstruction of City Order Sidewalks  

Various Locations

Improvement District No.  SR-18-A, delivered to you herewith  
is a true and correct assessment list as confirmed by the  
Special Assessment Commission on  April 23, 2019  
Date of City Commission Hearing is  June 3, 2019

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
CONCRETE ALLEY PAVING & INCIDENTAL
IMPROVEMENT DISTRICT NO. AN-17-F

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Concrete Alley Paving & Incidental, Improvement District No. AN-17-F, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o’clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor’s office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor’s Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor’s Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the
Special Assessment List for

<table>
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<th>Alley Paving</th>
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<tr>
<td>From 3rd to 4th Ave's N between 10th &amp; 11th Streets</td>
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Improvement District No. AN-17-F, delivered to you herewith
is a true and correct assessment list as confirmed by the
Special Assessment Commission on April 23, 2019
Date of City Commission Hearing is June 3, 2019

Dan Dunn

Steve Bladholm, Chairperson

Joe Burgum

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
CONCRETE ALLEY PAVING & DUCT BANK & INCIDENTAL
IMPROVEMENT DISTRICT NO. AN-17-G

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Concrete Alley Paving & Duct Bank & Incidental, Improvement District No. AN-17-G, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

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Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for _Alley Paving_  
Between 2nd & 4th Avenues between Broadway & Roberts Street  

Improvement District No. _AN-17-G_, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on _April 23, 2019_  
Date of City Commission Hearing is _June 3, 2019_  

Dan Dunn  

[Signature]  

Steve Bladholm, Chairperson  

[Signature]  

Joe Burgum  

[Signature]  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
SANITARY SEWER, WATER MAIN, STORM SEWER, PAVING, STREET LIGHTS & INCIDENTAL
IMPROVEMENT DISTRICT NO. BN-16-C

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights & Incidental, Improvement District No. BN-16-C, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  
Special Assessment List for _San, WM, Storm, Paving, St. Lights_  
_on 25th St N, 44 Av N, 27th St N_  

Improvement District No. _BN-16-C_, delivered to you herewith  
is a true and correct assessment list as confirmed by the  
Special Assessment Commission on _April 23, 2019_  
Date of City Commission Hearing is _June 3, 2019_

Dan Dunn

Steve Bladholm, Chairperson

Joe Burgum

There were protests or protestors as follows:
NOTICE OF HEARING  
ON SPECIAL ASSESSMENT LIST FOR  
STORM SEWER, ASPHALT PAVING, CONCRETE CURB & GUTTER, STREET LIGHTS, SIDEWALK & INCIDENTAL  
IMPROVEMENT DISTRICT NO. BN-16-H  

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Storm Sewer, Asphalt Paving, Concrete Curb & Gutter, Street Lights, Sidewalk & Incidental, Improvement District No. BN-16-H, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.  

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.  

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 percent per annum over the net rate on bonds financing said project.  

(40-23-13)  

City Auditor's Office  
(May 6, 2019)  

---  

Insertion order for Legal Ad Section of the Forum  

Please insert the attached notice(s) in the Legal Ad Section of the Forum.  

Publication Date: (May 6), 2019  

---  

Bill to:  
City of Fargo  
Attn: Michelle  
Auditor's Office  
225 North 4th Street  
Fargo, ND 58102  

Send one (1) Affidavit.  

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for  Storm, Asphalt Paving, Curb/Gutter, Street Lights, Sidewalks  

on 53rd Ave S-Richard, Dittmer, Kens & Currier Subs  

Improvement District No.  BN-16-H  

is a true and correct assessment list as confirmed by the  

Special Assessment Commission on  April 23, 2019  

Date of City Commission Hearing is  June 3, 2019  

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, FORCE MAIN CONSTRUCTION, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-16-E

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Force Main Construction, Street Reconstruction & Incidental, Improvement District No. BR-16-E, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the

Special Assessment List for Water Main Replacement, Force Main, Street Reconstruction

on 2nd Street N from NP Avenue to 1st Avenue

Improvement District No. BR-16-E, delivered to you herewith

is a true and correct assessment list as confirmed by the

Special Assessment Commission on April 23, 2019

Date of City Commission Hearing is June 3, 2019

Dan Dunn

Steve Bladholm, Chairperson

Joe Burgum

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, FORCE MAIN CONSTRUCTION, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-A

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Force Main Construction, Street Reconstruction & Incidental, Improvement District No. BR-17-A, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

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(40-23-13)

City Auditor's Office
(May 6, 2019)

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Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for Force Main, Sanitary Rehab, Street Reconstruction  
on Broadway from 15th to 19th Avenues N  

Improvement District No. BR-17-A, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on April 23, 2019  
Date of City Commission Hearing is June 3, 2019  

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, FORCE MAIN CONSTRUCTION, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-C

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Force Main Construction, Street Reconstruction & Incidental, Improvement District No. BR-17-C, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the
Special Assessment List for  Water Main Replacement, Street Reconstruction, Force Main
Main Ave from 2nd to 4th Streets/4th Street from Main to 2nd Av

Improvement District No. BR-17-C, delivered to you herewith

is a true and correct assessment list as confirmed by the
Special Assessment Commission on  April 23, 2019

Date of City Commission Hearing is  June 3, 2019

Dan Dunn

[Signature]

Steve Bladholm, Chairperson

[Signature]

Joe Burgum  4-23-19

There were protests or protesters as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-F

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Street Reconstruction & Incidental, Improvement District No. BR-17-F, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for Water Main Replacement, Street Reconstruction  
on 4th Avenue N/3rd Street  

Improvement District No. BR-17-F, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on April 23, 2019  
Date of City Commission Hearing is June 3, 2019  


Dan Dunn  

Steve Bladholm, Chairperson  

Joë Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-G

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Street Reconstruction & Incidental, Improvement District No. BR-17-G, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor’s Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for Water Main Replacement, Street Reconstruction, Street Lights  
on 7th Street S between 1st to 5th Avenues  

Improvement District No. BR-17-G, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on April 23, 2019  

Date of City Commission Hearing is June 3, 2019  

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, STREET RECONSTRUCTION, STREET LIGHTS & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-H

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Street Reconstruction, Street Lights & Incidental, Improvement District No. BR-17-H, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1% (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for Water Main Replacement, Street Reconstruction  
on 23rd Avenue S from 15th to 16th Streets  

Improvement District No. BR-17-H, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on April 23, 2019  
Date of City Commission Hearing is June 3, 2019

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-J

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Street Reconstruction & Incidental, Improvement District No. BR-17-J, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  

for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for Water Main Replacement, Street Reconstruction  

6th Street S, 22nd & 23rd Avenues  

Improvement District No. BR-17-J, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on April 23, 2019  

Date of City Commission Hearing is June 3, 2019  

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-17-L

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Street Reconstruction & Incidental, Improvement District No. BR-17-L, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  

Special Assessment List for Water Main Replacement, Street Reconstruction, Street Lights  

on 2nd Ave N from 130' west of Broadway to 7th Street  

__________________________  

Improvement District No. BR-17-L, delivered to you herewith  
is a true and correct assessment list as confirmed by the  

Special Assessment Commission on April 23, 2019  

Date of City Commission Hearing is June 3, 2019  

__________________________  

Dan Dunn  

__________________________  
Steve Bladholm, Chairperson  

__________________________  
Joe Burgum  

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, STREET RECONSTRUCTION & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-18-H

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Street Reconstruction & Incidental, Improvement District No. BR-18-H, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the
Special Assessment List for  Water Main Replacement, Street Reconstruction

12th Street from NP to 1st Avenue N

Improvement District No. BR-18-H, delivered to you herewith
is a true and correct assessment list as confirmed by the
Special Assessment Commission on April 23, 2019

Date of City Commission Hearing is June 3, 2019

Dan Dunn

Steve Bladholm, Chairperson

Joe Burgum

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
WATER MAIN REPLACEMENT, STREET RECONSTRUCTION, STREET LIGHTS & INCIDENTAL
IMPROVEMENT DISTRICT NO. BR-18-J

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Water Main Replacement, Street Reconstruction, Street Lights & Incidental, Improvement District No. BR-18-J, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

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Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the

Special Assessment List for Water Main Replacement, Street Reconstruction

on 19th Avenue S, South Drive, 7th Street S

______________________________

Improvement District No. BR-18-J, delivered to you herewith

is a true and correct assessment list as confirmed by the

Special Assessment Commission on April 23, 2019

Date of City Commission Hearing is June 3, 2019

______________________________

Dan Dunn

______________________________

Steve Bladholm, Chairperson

______________________________

Joe Burgum

There were protests or protestors as follows;
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
ASPHALT WEAR COURSE & INCIDENTAL
IMPROVEMENT DISTRICT NO. PN-18-A

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Asphalt Wear Course & Incidental, Improvement District No. PN-18-A, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota  

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  
Special Assessment List for  Asphalt Wear Course  
6 Sections  

Improvement District No.  PN-18-A, delivered to you herewith  
is a true and correct assessment list as confirmed by the  
Special Assessment Commission on  April 23, 2019  
Date of City Commission Hearing is  June 3, 2019  

Dan Dunn  

Steve Bladholm, Chairperson  

Joe Burgum  

There were protests or protestors as follows:  

Susan M. Haweun  3599  SOSTS  

NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
SEAL COAT & INCIDENTAL
IMPROVEMENT DISTRICT NO. PR-18-E

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Seal Coat & Incidental, Improvement District No. PR-18-E, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the

Special Assessment List for  Seal Coat

7 Sections

Improvement District No.  PR-18-E    , delivered to you herewith

is a true and correct assessment list as confirmed by the

Special Assessment Commission on     April 23, 2019

Date of City Commission Hearing is    June 3, 2019


Dan Dunn

Steve Bladholm, Chairperson

Joe Burgum

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
MILL & OVERLAY & INCIDENTAL
IMPROVEMENT DISTRICT NO. PR-18-F

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Mill & Overlay & Incident, Improvement District No. PR-18-F, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners  
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission  
for the City of Fargo, North Dakota, do hereby certify that the  
Special Assessment List for Asphalt Mill & Overlay  

4 Sections  

Improvement District No. PR-18-F, delivered to you herewith  
is a true and correct assessment list as confirmed by the  
Special Assessment Commission on April 23, 2019  

Date of City Commission Hearing is June 3, 2019  

Dan Dunn

Steve Bladholm, Chairperson

Joe Burgum 4-23-19

There were protests or protestors as follows:
NOTICE OF HEARING
ON SPECIAL ASSESSMENT LIST FOR
SANITARY SEWER FORCE MAIN & INCIDENTAL
IMPROVEMENT DISTRICT NO. UN-15-B

Notice is hereby given that the Special Assessment Commission has confirmed the special assessment list for installation of Sanitary Sewer Force Main & Incidental, Improvement District No. UN-15-B, in the City of Fargo, North Dakota; and such confirmed list has been filed with the City Auditor and is now open to public inspection.

The Board of City Commissioners of the City of Fargo, North Dakota will conduct a Public Hearing on such special assessment list in the City Commission Room, City Hall, at 5:15 o'clock p.m. Monday, June 3, 2019.

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

When confirmed for collection by the Board of City Commissioners, the listed amounts will become due and payable at the City Auditor's office ten (10) days after approval, and thereafter shall bear interest at a rate not exceeding 1 (one) percent per annum over the net rate on bonds financing said project.

(40-23-13)

City Auditor's Office
(May 6, 2019)

Insertion order for Legal Ad Section of the Forum

Please insert the attached notice(s) in the Legal Ad Section of the Forum.

Publication Date: (May 6), 2019

Bill to:
City of Fargo
Attn: Michelle
Auditor's Office
225 North 4th Street
Fargo, ND 58102

Send one (1) Affidavit.

Questions, call Michelle at 241-1304.
To The Board of City Commissioners
Fargo, North Dakota

The undersigned, members of the Special Assessment Commission
for the City of Fargo, North Dakota, do hereby certify that the
Special Assessment List for  Sanitary Sewer Force Main

   Lift Station #62 near Deer Creek

Improvement District No.  UN-15-B  , delivered to you herewith
is a true and correct assessment list as confirmed by the
Special Assessment Commission on  April 23, 2019
Date of City Commission Hearing is  June 3, 2019

Dan Dunn

Steve Bladhholm, Chairperson

Joe Burgum

There were protests or protestors as follows:
June 3, 2019

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

Commissioners:

The City of Fargo Transit Department was approached by United Way several months ago regarding the potential to add transit service to the Fargo Industrial Park. Staff met with Thomas Hill and Ahmed Schil from United Way several times to discuss the cost and options of this service.

On March 28, 2019, Microsoft hosted a round table discussion with employers from the industrial park. Several employers, United Way, Mayor Mahoney and Commissioner Piepkorn were all in attendance to discuss the need for service in this area. It was determined a viable opportunity for this type of micro-transit transportation exists in the form of a TapRide type service – an on-demand fixed route service to connect riders to the main transit system. The service would operate during the current Transit service hours and riders would pay the regular fare to ride ($1.50 for adults and $.75 for elderly, disabled or youth).

In order for transit to expand service into the industrial park, additional funding would need to be added to the transit budget:

1. 2019 Startup & Operating Costs = $146,448 (see attached slides for cost breakdown)
2. 2020 Operating Costs = $164,449 (see attached slides for cost breakdown)

Attached to this letter are several letters of support from employers.

Staff and United Way recently met with Commissioners Strand and Piepkorn to clarify half of the operating costs for 2019 (August – December 2019) are being provided from outside resources to match the funding the City will be providing. In the event the full amount of the outside resources commitment is not expended by year end, we are able to carry the remaining funds forward into FY2020 until fully expended. Lastly, the Transit Department does not currently have a vehicle within our fleet to provide this service, so we will likely be leasing a vehicle until a time we can purchase the proper sized vehicle.

The requested motion is to approve the proposed service to the Fargo Industrial Park within the funding request contained within this letter. Thank you.

Julie Bommelman
City of Fargo Transit Director
701.476.6737

/enc

For Schedule Information: 701-232-7500
<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of service &amp; start-up for 2019</td>
<td>$1,464,448</td>
</tr>
<tr>
<td>Maintenance costs (10 miles per hour @ $0.60/mile)</td>
<td>$13,255</td>
</tr>
<tr>
<td>Display screens</td>
<td>$0.4000</td>
</tr>
<tr>
<td>Tablet software</td>
<td>$33,800</td>
</tr>
<tr>
<td>Vehicle purchase</td>
<td>$65,000</td>
</tr>
<tr>
<td>15% Contingency</td>
<td>$7,877</td>
</tr>
<tr>
<td>2,104 Revenue hours @ $24.96/hour</td>
<td>$552,515.84</td>
</tr>
</tbody>
</table>
2020 Costs includes an estimated 2% increase for driver services contract.

- Total cost of service for 2020: $1,649,449
- Maintenance costs (10 Miles per hour @ $0.60/mile): $32,621
- Traxtile software: $3,800
- 5,218 Revenue Hours @ $25.46/hour = $131,827

Full amount would need to be added to transit budget.
TO:    Fargo City Commission

FROM:   Vocational Rehabilitation and Employment Program Department of Veteran’s Affairs

RE:    Letter of Support for Workforce Transportation Pilot Project led by United Way | Service Providers

DEPARTMENT OF VETERANS AFFAIRS
Vocational Rehabilitation & Employment
VA Regional Office, Room 105
2101 Elm St. North
Fargo, ND 58102-2498

Dear Fargo City Commission:

This is a letter of support for the workforce transportation pilot project led by United Way of Cass-Clay (United Way). United Way has taken the initiative to collaborate with City of Fargo officials, Metro Area Transit (MAT Bus), and local nonprofit community partners to explore opportunities to increase access and reduce barriers to meet the demands of the workforce in our community. Through this initiative, United Way has identified the need for reliable public transportation services and is proposing the City of Fargo pilots an on-demand bus service to the Industrial Park in order to reduce barriers individuals face to entering and remaining in our workforce.

United Way convened MAT Bus officials and City of Fargo Commissioners to explore options to extend bus services to the Industrial Park, which has not been served with a public bus route since the 1990s. Since the time this bus route ended, our metro area has seen significantly growth in both population, business and workforce needs. The Industrial Park is home to many businesses which continue to contribute to the economic growth of our metro area.

Through discussions and meetings led by United Way, we have learned there are many employees who rely on public transportation as a means to travel to work in this area. This is why we support this pilot effort to increase reliable transportation services for the clients we serve that are employed in the Industrial Park.

Proposed solution:

- TapRide bus service added to meet demands of employees
  - TapRide is an on-demand bus service, where riders will receive a curb-to-curb ride anywhere from a predetermined Transit Hub which will allow them to gain access to the main MATBUS System
  - Riders can be picked-up and dropped off anywhere in the Industrial Park
  - Bus operation times can be adjusted to meet demands

We believe having accessible, reliable transportation added to the Industrial Park will not only be a benefit to the current workforce, but is essential to our clients to maintain sustainable employment as well.

we ask you invest in this pilot effort to alleviate barriers to employment for many of our clients and support the workforce transportation pilot project

Respectfully,

Andrew Nathan
DATE: May 1st, 2019

TO: Fargo City Commission

FROM: Vocational Rehabilitation and Employment Program Department of Veteran’s Affairs

RE: Letter of Support for Workforce Transportation Pilot Project led by United Way | Service Providers

Employment Coordinator
Vocational Rehabilitation & Employment
701-451-4664
Andrew.nathan@va.gov
DATE: May 1st, 2019
TO: Fargo City Commission
FROM: Chris Barta, Senior Director Operations
RE: Letter of Support for Workforce Transportation Pilot Project led by United Way| Industrial Park

Dear Fargo City Commission:

This is a letter of support for the workforce transportation pilot project led by United Way of Cass-Clay (United Way). United Way has taken the initiative to collaborate with City of Fargo officials, Metro Area Transit (MAT Bus), and local nonprofit community partners to explore opportunities to increase access and reduce barriers to meet the demands of the workforce in our community. Through this initiative, United Way has identified the need for reliable public transportation services and is proposing the City of Fargo pilots an on-demand bus service to the Industrial Park to reduce barriers individuals face to entering and remaining in our workforce.

United Way convened MAT Bus officials and City of Fargo Commissioners to explore options to extend bus services to the Industrial Park, which has not been served with a public bus route since the 1990s. Since the time this bus route ended, our metro area has seen significantly growth in both population, business and workforce needs. The Industrial Park is home to many businesses which continue to contribute to the economic growth of our metro area.

Through discussions and meetings led by United Way, we have learned there are many employees who rely on public transportation to travel to work in this area. Therefore, we support this pilot effort to increase reliable transportation services for employees working in the Industrial Park.

Proposed solution:

- TapRide bus service added to meet demands of employees
  - TapRide is an on-demand bus service, where riders will receive a curb-to-curb ride anywhere from a predetermined Transit Hub which will allow them to gain access to the main MATBUS System
  - Riders can be picked-up and dropped off anywhere in the Industrial Park
  - Bus operation times can be adjusted to meet demands

We believe having accessible, reliable transportation added to the Industrial Park will not only be a benefit to the current workforce but is essential to employers as well.

As employers of over 19,588¹ individuals in the Industrial Park, we ask you invest in this pilot effort to alleviate barriers to employment for many of our employees and support the workforce transportation pilot project.

Respectfully,

[Signature]

¹https://www.workforce-starkco.org/employment/employment-opportunities/information/employment-growth-and-access-to-work-transportation/
April 18, 2019

TO: Fargo City Commission

RE: Letter of Support for Workforce Transportation Pilot Project led by United Way | Industrial Park

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As employers of over 19,588 individuals in the Industrial Park, we ask you invest in this pilot effort to alleviate barriers to employment for many of our employees and support the workforce transportation pilot project.

Respectfully,

Ken Doggett
Director of HR
Northern Pipe Products
1302 39th Street NW
Fargo, ND 58102-3214
May 1, 2019

Dear Fargo City Commission:

This is a letter of support for the workforce transportation pilot project led by United Way of Cass-Clay (United Way). United Way has taken the initiative to collaborate with City of Fargo officials, Metro Area Transit (MAT Bus), and local nonprofit community partners to explore opportunities to increase access and reduce barriers to meet the demands of the workforce in our community. Through this initiative, United Way has identified the need for reliable public transportation services and is proposing the City of Fargo pilots an on-demand bus service to the Industrial Park in order to reduce barriers individuals face to entering and remaining in our workforce.

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As employers of over 19,588¹ individuals in the Industrial Park, we ask you invest in this pilot effort to alleviate barriers to employment for many of our employees and support the workforce transportation pilot project.

Respectfully,

Brad Keller, President/CEO
GPK Products, Inc.

¹ Source: Internal Employee Count
DATE: May 1st, 2019

TO: Fargo City Commission

FROM: Division of Vocational Rehabilitation

RE: Letter of Support for Workforce Transportation Pilot Project led by United Way | Service Providers

Dear Fargo City Commission:

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Through discussions and meetings led by United Way, we have learned there are many employees who rely on public transportation as a means to travel to work in this area. This is why we support this pilot effort to increase reliable transportation services for the clients we serve that are employed in the Industrial Park.

Proposed solution:

- TapRide bus service added to meet demands of employees
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We believe having accessible, reliable transportation added to the Industrial Park will not only be a benefit to the current workforce, but is essential to our clients to maintain sustainable employment as well.

we ask you invest in this pilot effort to alleviate barriers to employment for many of our clients and support the workforce transportation pilot project

Respectfully,

[Signatures]

Shana Davis, MSW/CSW

Rebecca Martin, MSW

CT MLD, CRC

Casey Howell, MS, CRC
May 5, 2019

To: Fargo City Commission

Re: Letter of Support for Workforce Transportation Pilot Project led by United Way

Dear Fargo City Commission:

Please accept this letter as Greater Fargo Moorhead Economic Development Corporation’s (GFMEDC) support for the Workforce Transportation Pilot Project. United Way has taken the initiative to collaborate with City of Fargo officials, Metro Area Transit (MAT Bus), the Greater Fargo Moorhead Economic Development Corporation and additional non-profit partners to increase access to workforce transportation and reduce barriers to realize the full potential of the workforce in our community. Through this initiative, United Way has identified the need for reliable public transportation services and is proposing the City of Fargo pilots an on-demand bus service to the Industrial Park in order to reduce barriers individuals face to entering and remaining in our workforce.

A main economic target of GFMEDC is primary-sector companies – those who bring new wealth to our region from a larger regional, national and international customer base. One of the leading challenges for many of the employers in this market is workforce, being able to attract and retain talent can be difficult. As an organization, we understand the importance of collaborating with the private and public sectors to most effectively and efficiently make this the place that someone chooses to live, work and play.

Through our collaboration and partnership with the United Way on this initiative, we have learned there are many employees who rely on public transportation to travel to work in this area. This is why we support this pilot effort to increase reliable transportation services for employees working in the Industrial Park.

Proposed solution:
- TapRide bus service added to meet demands of employees
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We believe having accessible, reliable transportation added to the Industrial Park will not only be a benefit to the current workforce but is essential to employers as well.

As stated earlier, our organization is very pleased to see United Way taking the lead on proposing this Workforce Transportation Pilot Project. GFMEDC has been a close partner of United Way on variety of workforce initiatives and it has been a great pleasure to collaborate to provide workforce solutions for the Fargo Moorhead region.

Respectfully,

Joe Raso
President & CEO
Veterans Health Administration
2101 Elm Street North
Fargo, ND 58102

April 30, 2019

Dear Fargo City Commission,

This is a letter of support for the workforce transportation pilot project led by United Way of Cass-Clay (United Way). United Way has taken the initiative to collaborate with City of Fargo officials, Metro Area Transit (MAT Bus), and local nonprofit community partners to explore opportunities to increase access and reduce barriers to meet the demands of the workforce in our community. Through this initiative, United Way has identified the need for reliable public transportation services and is proposing the City of Fargo pilots an on-demand bus service to the Industrial Park in order to reduce barriers individuals face to entering and remaining in our workforce.

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We believe having accessible, reliable transportation added to the Industrial Park will not only be a benefit to the current workforce, but is essential to our clients to maintain sustainable employment as well. We ask you invest in this pilot effort to alleviate barriers to employment for many of our clients and support the workforce transportation pilot project.

Respectfully,

Angela Heil, MA, CSP
Vocational Rehabilitation Specialist
Fargo VA Health Care System
701-239-3700 ext.9-4429
May 6, 2019

Dear Fargo City Commission:

This is a letter of support for the workforce transportation pilot project led by United Way of Cass-Clay (United Way). United Way has taken the initiative to collaborate with City of Fargo officials, Metro Area Transit (MAT Bus), and local nonprofit community partners to explore opportunities to increase access and reduce barriers to meet the demands of the workforce in our community. Through this initiative, United Way has identified the need for reliable public transportation services and is proposing the City of Fargo pilots an on-demand bus service to the Industrial Park in order to reduce barriers individuals face to entering and remaining in our workforce.

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Respectfully,

Bryan Bossert
Manager, Operations

¹ https://www.rrcосново/ru/ru/0846181096/08382218.546
May 9, 2019

Fargo City Commissioners
City of Fargo
225 4 Street North
Fargo, ND 58102

Dear Fargo City Commissioners,

Thank you for considering this letter as support for the workforce transportation pilot project led by United Way of Cass-Clay.

Clarice and her granddaughter resided with us in 2018 before moving into their apartment. While staying at YWCA, Clarice obtained employment in Industrial Fargo and absolutely loved her work on the assembly line. To get to work on time, she would take a cab to ground transportation center, to save one hour she would lose on the bus, ride the bus to the stop nearest her employer, and then walk over 30 minutes to get to work. While her employer praised her for her hard work ethic and positive attitude, she soon lost this job due to consistently being late to work.

Lack of reliable transportation is one of the most prominent barriers for women in our programming who are seeking to obtain employment. A large majority of women residing at YWCA Cass Clay rely on MATbus for their means of travel, limiting the shifts and locations they are able to work. Added transportation support to and from Industrial Fargo will help to alleviate this transportation barrier and offer a wider variety of job opportunities that pay a higher wage.

YWCA Cass Clay’s Education and Employment Department exists to help women effectively break the cycles of poverty and homelessness. In 2018, those employed were earning an average wage of just $11.09 per hour. Most job opportunities in Industrial Fargo offer a starting wage notably higher than this average.

Job seekers in our programming are resilient, hard workers with great potential to benefit the ongoing workforce needs of industrial Fargo. Your investment in this pilot effort is an investment in a woman’s journey to sustainable, family-sustaining employment.

Sincerely,

[Signature]

Erin Prochnow
CEO, YWCA Cass Clay
Dear Fargo City Commission:

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Respectfully,

Kelsey Kasten
Employee Services Administrator, SHRM – CP

May 29, 2019

Honorable Board of City Commissioners
City of Fargo
Fargo, ND

Re: Project No. FM-14-13

Dear Commissioners:

Bids were opened at 11:30 AM on Wednesday, May 29, 2019, for Copperfield Court/Oakcreek Flood Risk Management Project, Project No. FM-14-13, located at Oakcreek and Copperfield Court Neighborhoods to the south of 40th Avenue South. The project reaches are located along the east side of Cass County Drain 27 (Rose Coulee) in an area to the west of 25th Street.

The base bid was as follows:

Key Contracting $ 971,016.90

The base bid with Alternate was as follows:

Key Contracting
Additional cost of: $ 166,370.00

$1,137,386.90

Engineer’s Base Bid Estimate: $1,069,063.40

The special assessment escrow is not required.

As was discussed at the last City Commission meeting following an Executive Session, the base bid with alternative includes the construction of permanent flood protection on the Wieland property located at 4033 Copperfield Court and would complete the necessary permanent protection, would eliminate the need for temporary measures in this area in a flood event and subsequent re-bid of a project for the lone property would not be necessary.

Thus, presented to you today are two possible contracting actions: (1) Base bid plus alternate; and (2) Base bid, which does not include removal of the structure.
SUGGESTED ALTERNATIVE MOTIONS:

(1) I move to award the contract for Copperfield/Oakcreek Flood Risk Management Project No. FM-14-13 to Key Contracting in the amount of $1,137,386.90, which sum includes the bid alternate to proceed with the permanent flood protection on the property located at 4033 Copperfield Court which requires removal of the structure, finding that the best interests of the public are served by the completion of the permanent flood protection measures at this time; or

(2) I move to award the contract for Copperfield/Oakcreek Flood Risk Management Project No. FM-14-13 to Key Contracting in the base bid amount of $971,016.90.

Sincerely,

[Signature]

Brenda E. Derrig
City Engineer

BED/jmg
MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: MAY 20, 2019

SUBJECT: ARTS AND CULTURE COMMISSION APPOINTMENTS

The terms of Tracy Walvatne, Tracy Jordre and Deb Williams expired on June 1, 2019.

All three are willing to continue their service on the Board and I am recommending their reappointments for three-year terms.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointments of Tracy Walvatne, Tracy Jordre and Deb Williams for three-year terms ending June 1, 2022.
MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY

DATE: MAY 20, 2019

SUBJECT: APPOINTMENTS TO THE COMMUNITY DEVELOPMENT COMMITTEE

The terms of Linda Klebe and Samantha McDonald as public members on the Community Development Committee expired on December 31, 2018. Both Ms. Klebe and Ms. McDonald are willing to continue their service on the Board.

I am, therefore, recommending the reappointment of Linda Klebe and Samantha Kundinger to serve as public members on the Community Development Committee for three-year terms ending December 31, 2021.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: To approve the reappointment of Linda Klebe and Samantha McDonald as public members on the Community Development Committee for three-year terms ending December 31, 2021.

mmappt19cdc