

FARGO CITY COMMISSION AGENDA
Tuesday, May 28, 2024 - 5:00 p.m.

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

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 13, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for the St. Monica’s Montessori relocation/expansion project to the ND Opportunity Fund.
- 2. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 5-0406(1) of Article 5-04 of Chapter 5 of the Fargo Municipal Code Relating to the Fargo Police Advisory and Oversight Board; 1st reading, 5/13/24.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 4-0101.1 of Article 4-01 of Chapter 4 of the Fargo Municipal Code Relating to the General Provisions Governing City Officials and Employees; 1st reading, 5/13/24.
- 4. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 4-0402 of Article 4-04 of Chapter 4 of the Fargo Municipal Code Relating to Authorizing the City Commission to Approve Program of Interfund Loans; 1st reading, 5/13/24.
- 5. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 25-1504.1 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages; 1st reading, 5/13/24.
 - a. Resolution Regarding Ordinance Amendment Pertaining to Owner and General Manager Background Investigations and Implementation.
- 6. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 20-0401 of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code) Relating to Use Regulations.
- 7. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 24-1509.1 (D) of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages and an Ordinance Amending Section 25-1506 (CC) of Article 25-15 of Chapter 25 of the Fargo Municipal Code relating to Alcoholic Beverages.
- 8. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Sections 25-1501, 25-1503 and 25-1509 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.

9. Receive and file the Notice of Appeal from a Decision of a Local Governing Body Pursuant to NDCC 28-34-01 regarding Liquid Hospitality, LLC d/b/a Windbreak Saloon.
10. Site Authorizations for Games of Chance:
 - a. Fargo Metro Baseball Association at Applebee's Grill & Bar-13 Ave.
 - b. Fargo Metro Baseball Association at Applebee's Grill & Bar-45 St.
 - c. Fargo Metro Baseball Association at Applebee's Grill & Bar-North Fargo.
 - d. Fargo Metro Baseball Association at Empire Tavern.
 - e. Red River Human Service Foundation at Blarney Stone on Broadway.
 - f. Sharehouse, Inc. at Bismarck Tavern.
 - g. Sharehouse, Inc. at Rick's Bar.
 - h. Sharehouse, Inc. at The Round Up Saloon.
 - i. Sharehouse, Inc. at Woody's.
 - j. West Fargo Events at Holiday Inn/Spirits Lounge.
 - k. West Fargo Hockey Association at Fort Noks.
11. Applications for Games of Chance:
 - a. Brave the Shave for a raffle on 6/22/24.
 - b. FM AM Rotary for a sports pool 9/9/24-12/30/24.
 - c. North Dakota CPA Society for a raffle 6/17/24-6/18/24.
 - d. UND Alumni Association & Foundation for a raffle board on 6/26/24.
12. Extension of the Class "A-8" Alcoholic Beverage License for BFG, Inc. d/b/a Borrowed Bucks Roadhouse until 12/31/24.
13. Variance Acknowledgement and Liability Waiver with Troy and Amelia Peterson in the Limited Disturbance Zone Setback Area for proposed construction and improvement of property at 6405 13th Street North and 6411 13th Street North.
14. Bid award to Reede Construction, Inc. in the amount of \$10,696,257.57 for Improvement District No. PR-24-A1.
15. Bid award to Master Construction Company, Inc. in the amount of \$187,545.00 for Improvement District No. AN-24-A1.
16. Amendment No. 5 in the amount of \$9,095.00 for Improvement District No. BR-22-A0.
17. Encroachment Agreement with Magellan Pipeline Company, L.P. (Improvement District No. BN-23-G1).
18. Contract and bond for Improvement District No. PR-24-H1 (Asphalt Paving Rehab/Reconstruction).
19. Contract and bond for Improvement District No. BN-23-F (New Paving and Utility Construction).
20. Bid award to Border States Paving, Inc. in the amount of \$65,887.80 for Project No. UR-24-G1.
21. Bid advertisement for Project No. PR-24-F.

22. Change Order No. 1 for a 30-day time extension to the Interim Completion Date for Project No. NR-23-A3.
23. Change Order No. 2 for a 30-day time extension to the Interim Completion Date for Project No. NR-23-A2.
24. Final Balancing Change Order No. 2 in the amount of \$0.00 for Project No. ER-23-A1.
25. Certificate of Substantial Completion for Newman Outdoor Field 2021-2022 Project (RFQ18084).
26. Items from the FAHR Staff meeting:
 - a. Receive and file General Fund - YTD April 2024 Budget to Actual.
 - b. Budget adjustment in the amount of \$3,804.00 for Fire Department's Hometown Heroes grant award to General Supplies for the purchase of two ice water suits
27. Authorization to apply for a State Homeland Security Grant to purchase security cameras and supporting network infrastructure for Fire Department stations (CFDA #96.067).
28. Notice of Grant Award Amendment with the ND Department of Health and Human Services for PHEP-City Readiness Initiative (CFDA #93.069).
29. Notice of Grant Award Amendment with the ND Department of Health and Human Services for PHEP-Statewide (CFDA #93.069).
30. Resolution approving Plat of Harvest Church Addition.
31. Authorization to apply for a State Homeland Security Grant for vehicle barriers for special events (CFDA #96.067).
32. Authorization to apply for a State Homeland Security Grant to purchase equipment and technology that provides real-time intelligence to law enforcement. (CFDA #97.067)
33. 2024 Mosquito Control Agreement with Cass County (EX24219).
34. Tree Injection Services - 2024 Agreement with Carr's Tree Service (RFQ24223).
35. Solid Waste Management Agreement for Private Haulers with J-1 Excavation & Roll Off.
36. Amendment No. 1 to Apex Engineering Task Order No. WA04 in the amount of \$216,272.00 and time extension to November 29, 2024 for Project No. WA1910.
37. Change Order No. 2 with Phoenix Fabricators and Erectors, LLC in the amount of \$47,820.00 for Project No. WA1910.
38. Task Order No. 11 with AE2S in the amount of \$261,500.00 for Project No. WW1707.
39. Bills.

REGULAR AGENDA:

40. Recommendations for appointments to the Board of Appeals.

PUBLIC HEARINGS - 5:15 pm:

41. **PUBLIC HEARING** – Application for a Class “FA” Alcoholic Beverage License for KHP Fargo LLC d/b/a Kpot Korean BBQ & Hot Pot to be located at 4410 17th Avenue South.
42. **PUBLIC HEARING** – CONTINUE to 6/10/24 – Application for a Class “CW” Alcoholic Beverage License for PKPham Inc d/b/a The Nail Company to be located at 2911 45th Street South.
43. Bid award to Dirt Dynamics in the amount of \$3,256,380.61 for Improvement District No. BN-23-G1.
44. Authorization to Transfer Ownership of 69 4th Street North to Fargo Housing and Redevelopment Authority.
45. Waive requirement to receive and file an Ordinance one week prior to 1st reading and 1st reading of an Ordinance Amending Section 11-0209 of Article 11-02 of Chapter 11 of the Fargo Municipal Code Relating to Public and Sanitary Nuisances.
46. Resolution Amending Governance Policies of the Board of City Commissioners of the City of Fargo.
47. Liaison Commissioner Assignment Updates.
48. Resident Comments.

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


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



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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: MAY 28, 2024

SUBJECT: APPOINTMENTS TO THE BOARD OF APPEALS

A vacancy has existed on the Board of Appeals with the resignation of Michael Wild. His term expired on June 30, 2023. In addition, David Obermiller whose term would have expired on June 30, 2024 has also resigned his position.

Mark Lundberg and David Vig have submitted their applications indicating interest in serving on the Board and I am recommending their appointments. I have attached copies of their applications for your information.

Your favorable consideration of these recommendations will be greatly appreciated.

RECOMMENDED MOTION: To approve the appointments of Mark Lundberg and David Vig to the Board of Appeals for a five-year terms ending June 30, 2028 and June 30, 2029, respectively.

Attachments
mmappt24boa

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, May 21, 2024 1:27 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[Mark Lundberg]
Mailing Address:
[REDACTED]
City:
[Fargo]
State:
[North Dakota]
Zip:
[58102]
Work Phone:
[REDACTED]
Home Phone:
[REDACTED]
E-mail:
[REDACTED]

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

[Board of Appeals]

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

[The have decades of experience reviewing building code compliance on commercial and institutional projects and completing code reviews for projects within our office. I think my experience would help the City of Fargo]

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

[6-8]

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

[Yes, I was on Board of Adjustment for years.]

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

[A licensed architect in MN and ND and am very familiar with the IBC and other model building codes]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, May 21, 2024 4:30 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[David Vig]
Mailing Address:
[REDACTED]
City:
[Fargo]
State:
[ND]
Zip:
[58104]
Work Phone:
[REDACTED]
Home Phone:
[BLANK]
E-mail:
[REDACTED]

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

[Board of Appeals]

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

[It assists in guiding a local industry and field of service that I am passionate about and live in.]

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

[Approximately 6 hrs]

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

[I have not been on any city boards, however have worked in an industry this one pertains to for about 25 years.]

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

[I am a licensed mechanical engineer and have been in the building HVAC, fire protection, and plumbing consulting industry for about 25 years.]

We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.

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NOTICE OF HEARING

Application for Alcoholic Beverage License

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, May 28, 2024, at 5:15 o'clock p.m. to consider an application for a Class "FA" Alcoholic Beverage License for KHP Fargo LLC d/b/a Kpot Korean BBQ & Hot Pot to be located at 4410 17th Avenue South.

Any interested person may appear and will be heard.

City Auditor's Office

MEMORANDUM

TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Kpot Korean BBQ & Hot Pot

DATE: May 15, 2024

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

License Class: FA – Full service– bar allowed, food sales must exceed alcohol
Business Name: Kpot Korean BBQ & Hot Pot
Location: 4410 17th Avenue South
Applicants: Yanlan Ouyang

This application is for the issuance of a Class FA liquor license. This is a full service Korean BBQ restaurant located in the old Johnny Carino's.

No concerns were found in the background check. The background check was approved by the Police Chief. Staff & Liquor Control recommend approval of the issuance of a Class FA alcoholic beverage license to KHP Fargo LLC d/b/a Kpot Korean BBQ & Hot Pot. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class FA alcoholic beverage license to KHP LLC d/b/a Kpot Korean BBQ & Hot Pot.



FARGO POLICE DEPARTMENT

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

CRIMINAL INVESTIGATIONS DIVISION

MEMORANDUM

To: Chief David Zibolski

From: Sergeant Jerrod Wagner *JW*

Date: 04.22.2024

RE: Alcoholic Beverage License Application, Class "FA", Kpot Korean BBQ & Hot Pot

Application for a class "FA" Alcoholic Beverage License from

KHP Fargo LLC "Kpot Korean BBQ & Hot Pot, Located at 4410 17th Ave S Fargo ND 58103.

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

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

The following information was discovered through this investigation:

OUYANG, YANLAN

Criminal History -

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

- A public search of NY State was attempted but there was a \$95 dollar charge for a public criminal records search.

Credit History -

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

Investigation Notes

This application is for a class "FA" alcoholic beverage license (Authorizes the licensee to sell On-sale only, Bar is allowed Beer, Wine and Spirits) for KHP Fargo LLC "Kpot Korean BBW & Hot Pot".

Business Location

Kpot Korean BBW & Hot Pot is located at 4410 17th Ave S Fargo ND 58103. Other businesses in the area with alcoholic beverage licenses are Hilton Garden Inn, Happy Harrys, Wild Bills.

Conclusion

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

Sgt. Jerrod Wagner

J. Wagner 347

RECEIVED
FARGO POLICE DEPARTMENT

APR 24 2024

MATT CHRISTENSEN
LIEUTENANT
REF: *CAPT AHLFELDT*

RECEIVED
FARGO POLICE DEPARTMENT

APR 25 2024

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

- FORWARD
- INFORMATIONAL

RECEIVED
FARGO POLICE DEPARTMENT

APR 25 2024

TRAVIS STEFONOWICZ
ASSISTANT CHIEF OF POLICE
REF: *Chief Zibolski - LCB*

RECEIVED
FARGO POLICE DEPARTMENT

APR 30 2024

DAVID B ZIBOLSKI
CHIEF OF POLICE
REF: *S. SPRAGUE* *DZ*

+ Appraiser

NEW APPLICATION FOR AN ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: KHP Fargo LLC

(Must match State of North Dakota registration name)

DBA Name: Kpot Korean BBQ & Hot Pot

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

Business location address: 4410 17th Ave S, Fargo ND 58103

Mailing address: 4410 17th Ave S, Fargo ND 58103

Business E-mail address: fargo@thekpot.com

Local Manager E-mail address: ouyang888yl@gmail.com

Best Contact Phone number: (516)419-0772

Anticipated Date of Opening: July 1 2024

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

The following section to be completed by City Staff:

Date Received: 4/17/24

Class of License: FA

Investigations Fee Paid (\$250) Yes No

Date Paid: 4/18/24 Check/CC # CC

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation

Denial Recommendation

David B. J...
Chief of Police

04-30-24
Date

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May 22, 2024

Honorable Board of City
Commissioners
City of Fargo
Fargo, ND

Re: Improvement District No. BN-23-G1

Dear Commissioners:

Bids were opened at 11:45 am on Wednesday, May 22, 2024, for New Paving and Utility Construction, Improvement District No. BN-23-G1, located as follows: Veterans Industrial Park - On 53rd Street North & 23rd Avenue North between 19th Avenue North and 57th Street North.

The bids were as follows:

Dirt Dynamics	\$3,256,380.61
Northern Improvement Co	\$3,427,969.60
Dakota Underground Co Inc	\$3,469,181.99
Park Construction Company	\$3,974,925.65
J.R. Ferche Inc	\$4,035,828.76
Engineers Estimate	\$3,403,996.00

Private financial security is not needed.

One protest was received amounting to 45.10% of the Improvement District.

On May 13, 2024, the Fargo City Commission determined the protest to be insufficient.

This office recommends award of the contract to Dirt Dynamics in the amount of \$3,256,380.61 as the lowest and best bid.

Sincerely,



Thomas Knakmuhs, PE
City Engineer



Engineer's Statement Of Cost
Improvement District # BN-23-G1
New Paving And Utility Construction

Veterans Industrial Park - On 53rd Street North & 23rd Avenue
 North between 19th Avenue North and 57th Street North

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

NOW THEREFORE Thomas Knakmuhs, do hereby certify as follows:

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

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

New Paving and Utility Construction Improvement District # BN-23-G1 of the City of Fargo, North Dakota.

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Paving					
1	Topsoil - Strip & Spread	CY	10,839.00	4.00	43,356.00
2	Excavation	CY	7,701.00	10.00	77,010.00
3	Subcut	CY	4,494.00	4.50	20,223.00
4	Subgrade Preparation	SY	13,483.00	1.80	24,269.40
5	F&I Woven Geotextile	SY	13,483.00	1.80	24,269.40
6	F&I Class 5 Agg - 10" Thick	SY	13,483.00	14.00	188,762.00
7	F&I Edge Drain 4" Dia PVC	LF	5,338.00	9.00	48,042.00
8	F&I Curb & Gutter Standard (Type II)	LF	5,338.00	29.00	154,802.00
9	Rem & Repl Curb & Gutter	LF	60.00	115.00	6,900.00
10	F&I Pavement 10" Thick Doweled Conc	SY	10,785.00	92.00	992,220.00
11	Rem & Repl Pavement 10.5" Thick Reinf Conc	SY	45.00	230.00	10,350.00
12	F&I Sidewalk 4" Thick Reinf Conc	SY	703.00	85.00	59,755.00
13	F&I Sidewalk 6" Thick Reinf Conc	SY	10.00	125.00	1,250.00
14	F&I Det Warn Panels Cast Iron	SF	24.00	57.00	1,368.00
15	F&I Asphalt Pavement FAA 43 w/ PG58H-34	Ton	350.00	136.00	47,600.00
16	Casting to Grade - Blvd	EA	21.00	250.00	5,250.00
17	Casting to Grade - w/Conc	EA	16.00	1,130.00	18,080.00
18	GV Box to Grade - Blvd	EA	14.00	250.00	3,500.00
19	Mulching Type 1 Hydro	SY	23,000.00	0.52	11,960.00
20	Seeding Type C	SY	23,000.00	0.47	10,810.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
Paving Total					1,749,776.80
Sanitary Sewer					
21	F&I Manhole GB	EA	10.00	2,400.00	24,000.00
22	F&I Manhole 4' Dia Reinf Conc	EA	9.00	7,100.00	63,900.00
23	F&I 1-1/4" Trench Found Rock 4" thru 12" Dia	LF	2,481.00	0.01	24.81
24	Connect Pipe to Exist Structure	EA	1.00	6,400.00	6,400.00
25	F&I Pipe SDR 26 - 8" Dia PVC	LF	503.00	54.00	27,162.00
26	F&I Pipe SDR 35 - 12" Dia PVC	LF	2,301.00	62.00	142,662.00
27	F&I Pipe w/GB SDR 35 - 12" Dia PVC	LF	179.00	113.00	20,227.00
28	F&I Pipe C900 DR 18 - 12" Dia PVC	LF	123.00	96.00	11,808.00
29	Burst Pipe 8" to 12" Dia	LF	148.00	280.00	41,440.00
30	F&I Pipe w/GB C900 DR 18 - 12" Dia PVC	LF	25.00	175.00	4,375.00
31	Connect Sewer Service	EA	4.00	1,000.00	4,000.00
32	F&I Pipe SDR 26 - 6" Dia PVC	LF	220.00	43.00	9,460.00
Sanitary Sewer Total					355,458.81
Signing					
33	Traffic Control - Minor	LS	1.00	1,400.00	1,400.00
34	Construction Signing	SF	12.00	21.00	252.00
35	F&I Sign Assembly & Anchor	EA	5.00	115.00	575.00
36	F&I Diamond Grade Cubed	SF	40.10	31.00	1,243.10
Signing Total					3,470.10
Storm Sewer					
37	F&I Manhole 4' Dia Reinf Conc	EA	2.00	3,400.00	6,800.00
38	F&I Manhole 5' Dia Reinf Conc	EA	4.00	6,100.00	24,400.00
39	F&I Manhole 6' Dia Reinf Conc	EA	8.00	7,500.00	60,000.00
40	Remove Manhole	EA	1.00	1,000.00	1,000.00
41	F&I Inlet - Double Box (DBI) Reinf Conc	EA	12.00	5,400.00	64,800.00
42	Connect Pipe to Exist Structure	EA	1.00	2,500.00	2,500.00
43	F&I Pipe 12" Dia	LF	516.00	52.00	26,832.00
44	F&I Pipe 15" Dia	LF	145.00	62.00	8,990.00
45	F&I Pipe 18" Dia	LF	110.00	68.00	7,480.00
46	F&I Pipe 21" Dia	LF	88.00	81.00	7,128.00
47	F&I Pipe 24" Dia	LF	10.00	84.00	840.00
48	F&I Pipe 27" Dia	LF	355.00	110.00	39,050.00
49	F&I Pipe 30" Dia	LF	1,095.00	123.00	134,685.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
50	F&I Pipe 36" Dia	LF	507.00	157.00	79,599.00
51	F&I Pipe 42" Dia	LF	236.00	202.00	47,672.00
52	F&I Pipe 24" Dia Corr Steel	LF	110.00	58.50	6,435.00
53	Remove Pipe All Sizes All Types	LF	60.00	16.00	960.00
54	F&I Flared End Section 30" Dia Reinf Conc	EA	1.00	1,480.00	1,480.00
55	F&I Flared End Section 24" Dia Corr Steel	EA	2.00	1,700.00	3,400.00
56	F&I Pipe w/GB 15" Dia	LF	50.00	101.00	5,050.00
57	F&I Pipe w/GB 18" Dia	LF	195.00	105.00	20,475.00
58	F&I Pipe w/GB 24" Dia	LF	39.00	121.00	4,719.00
59	F&I Pipe w/GB 27" Dia	LF	168.00	146.00	24,528.00
Storm Sewer Total					578,823.00
Street Lights					
60	F&I Feed Point	EA	1.00	18,000.00	18,000.00
61	F&I Base 6' Deep Reinf Conc	EA	16.00	2,100.00	33,600.00
62	F&I Conductor #6 USE Cu	LF	8,310.00	3.65	30,331.50
63	F&I Innerduct 1.5" Dia	LF	2,756.00	8.40	23,150.40
64	F&I Luminaire Type A	EA	16.00	840.00	13,440.00
65	F&I Pull Box	EA	1.00	1,575.00	1,575.00
66	F&I Light Standard Type A	EA	16.00	5,250.00	84,000.00
Street Lights Total					204,096.90
Water Main					
67	F&I Fittings C153 Ductile Iron	LB	1,476.00	10.00	14,760.00
68	F&I Hydrant	EA	9.00	6,700.00	60,300.00
69	Connect Pipe to Exist Pipe	EA	1.00	750.00	750.00
70	F&I Pipe C900 DR 18 - 6" Dia PVC	LF	55.00	45.00	2,475.00
71	F&I Pipe C900 DR 18 - 12" Dia PVC	LF	2,654.00	80.00	212,320.00
72	F&I Tapping Sleeve & Valve 16"x12"	EA	1.00	10,300.00	10,300.00
73	F&I Gate Valve 6" Dia	EA	9.00	2,500.00	22,500.00
74	F&I Gate Valve 12" Dia	EA	4.00	5,600.00	22,400.00
75	F&I Hydrant Ext. 6" High	EA	2.00	1,500.00	3,000.00
76	F&I Hydrant Ext. 12" High	EA	2.00	1,700.00	3,400.00
Water Main Total					352,205.00
Miscellaneous					
77	Site Grading	SY	750.00	2.00	1,500.00
78	Stormwater Management	LS	1.00	2,000.00	2,000.00

Line	Description	Unit	Quantity	Unit Price (\$)	Amount (\$)
79	Temp Construction Entrance	EA	2.00	2,000.00	4,000.00
80	Inlet Protection - New Inlet	EA	14.00	260.00	3,640.00
81	Inlet Protection - Existing Inlet	EA	6.00	235.00	1,410.00
Miscellaneous Total					12,550.00
Total Construction in \$					3,256,380.61

Engineering	10.00%	325,638.06
Admin	4.00%	130,255.22
Legal	3.00%	97,691.42
Interest	4.00%	130,255.22
Contingency	5.00%	162,819.03
Total Estimated Costs		4,103,039.56
Special Assessments		4,103,039.56
Unfunded Costs		0.00

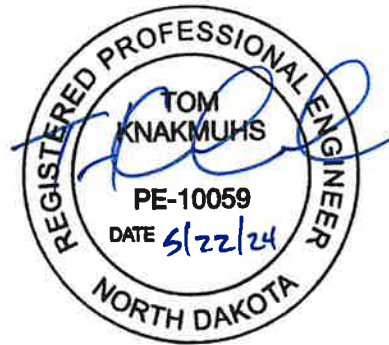
IN WITNESS THEREOF, I have hereunto set my hand and seal

Date: 05/22/2024



Thomas Knakmuhs


City Engineer





MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: NICOLE CRUTCHFIELD 

DATE: MAY 23, 2024

RE: AUTHORIZATION OF TRANSFERRING OWNERSHIP OF 69 4TH STREET NORTH TO FARGO HOUSING AND REDEVELOPMENT AUTHORITY

In 1986, the City of Fargo acquired the building located at 69 4th Street North and in 1994 renovated the building to provide approximately 22 single room occupancy (SRO) subsidized housing units that were managed by the Fargo Housing and Redevelopment Authority (FHRA) through a leasing contract. Both the acquisition and renovation was funded by Housing and Urban Development (HUD) using Community Development Block Grant (CDBG) dollars.

In approximately 2018, FHRA discontinued leasing rooms in the SRO building due to significant repair and environmental issues that made the building uninhabitable for residential living. The commercial tenant of the bottom floor vacated the building in approximately 2021.

Acknowledging that affordable housing is a community priority as outlined in recent planning efforts including the [2022 Fargo Affordable Housing Analysis by Maxfield](#) and the [2023 Regional Housing Study](#), it is recommended that the City begin to detail a plan to transfer ownership of the building to FHRA for the purpose to renovate the building to reestablish the 22 residential units for income qualifying residents. Due to HUD funding regulations, if the building is sold, the income from the sale is required to be returned to the City of Fargo to be counted as CDBG program income for redistribution to CDBG qualifying activities. The assessed value of the building is \$1,293,800.

The Fargo Housing and Redevelopment Authority approached the City of Fargo with this request approximately two years ago, as they desired to integrate this into their strategic planning efforts. They desire to provide 22 units of affordable housing with subsidy available to extremely low-income persons in the Fargo Downtown district. This meets their strategic goal of increasing availability of affordable housing. Further, they are planning to utilize un-utilized units available in their Faircloth Limit. Chris Brungardt, CEO of Fargo Housing and Redevelopment Authority, will be present at the City Commission meeting to address questions.

On May 20, the FAHR Committee heard this request as introduced by the Planning Department and recommended forwarding this request to the City Commission with their support. If the recommended motion is approved, the Planning Department will work with the City Attorney and Chris to bring forward an agreement for authorization by the Mayor and City Commission.

RECOMMENDATION: Authorize the City Attorney and the Planning Director to coordinate an agreement with Fargo Housing and Redevelopment Authority in order to transfer ownership of 69 4th Street North As-Is; and to return with agreement for execution by the City Commission at a later date.

CITY ATTORNEY

Nancy J. Morris

ASSISTANT CITY ATTORNEYS

Ian R. McLean • Alissa R. Farol • William B. Wischer

May 23, 2024

45

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

**RE: Amending Section 11-0209 of Article 11-02 of Chapter 11 of the Fargo Municipal Code
relating to Public and Sanitary Nuisances**

Mayor and Commissioners,

Presented for your consideration is an ordinance revision addressing the number of amplified sound permits that may be issued for a property located within 500 feet of a residential zoning district. This ordinance has been the topic of discussion for several years now, as you may recall. The number of amplified sound permits was increased from one to five during the Covid Emergency Declaration. A request was made last year to keep the number at five permits every 30 days. Due to the timing of the request and the issuance of several permits due to an oversight, the ordinance was amended to allow five permits every 30 days again, but the ordinance change had a sunset provision of September 30, 2023, at which time the number of permits reverted back to one. The sunset was imposed in order to allow time for public input and to gauge the public reaction to the increased number of permits. An open house was held on April 25, 2024, to discuss all things noise, including the number of permits that may be issued. Several musicians and the owner of Tailgators requested the opportunity to continue its summer concert series on Thursday evenings on the patio, for which permits had been previously issued. Other discussion topics included noise monitoring and enforcement, which are addressed in other sections of the ordinance.

Because of the timing of the ordinance changes and the desire to continue events this summer, the only ordinance change being presented to you at this time is the number of amplified sound permits that may be secured by properties within 500 feet of a residential zoning district. The remaining sound ordinance amendments require additional discussion and amendments, and are a much heavier lift from an ordinance revision, training and enforcement perspective.

The proposed ordinance change is a compromise, of sorts. The amendment provides for four permits every 30 days, but further provides that the permits must be at least five days apart, recognizing that consecutive concerts could be disruptive to the neighboring residential properties. There are no limitations as to the number of permits properties not within 500 feet

Board of City Commissioners
May 23, 2024
Page 2

of a residential zoning district may secure, but the Chief of Police does have discretion to revoke or deny under certain circumstances.

Given that summer is upon us, I am presenting this ordinance change as a waive receipt and file and placing it on for first reading. Please note that Fargo Municipal Code § 1-0203 does address amendment after first reading: "After the first reading and before final passage, ordinances may be amended and shall then be put upon their second reading and final passage. In the event that any ordinance is amended between first and second reading, final passage shall not be had for at least one week after second reading, except that such requirement may be waived with the concurrence of at least two-thirds of the qualified and existing members of the board of city commissioners present at the meeting."

SUGGESTED MOTION: I move to waive the receipt and filing of the enclosed ordinance one week prior to first reading and that this be the first reading, by title, of An Ordinance Amending Section 11-0209 of Article 11-02 of Chapter 11 of the Fargo Municipal Code relating to Public and Sanitary Nuisances.

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

Regards,

A handwritten signature in blue ink, appearing to read "Nancy J. Morris".

Nancy J. Morris

Enclosure

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING
2 SECTION 11-0209 ARTICLE 11-02
3 OF CHAPTER 11 OF THE FARGO MUNICIPAL CODE
4 RELATING TO PUBLIC AND SANITARY NUISANCES

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

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

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

12 WHEREAS, the Board of City Commissioners deems it necessary and appropriate to
13 implement such authority by the adoption of this ordinance;

14 NOW, THEREFORE,

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

16 Section 1. Amendment.

17 Section 11-0209 of Article 11-02 of Chapter 11 of the Fargo Municipal Code is hereby
18 amended as follows:
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OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 **11-0209. - Application for permit for sound amplifying equipment used outdoors- Permit**
2 **Required.**

3 No person shall use or maintain any sound amplifying equipment outdoors without first having
4 obtained a permit.

5 A. Application— A complete application for a permit must be submitted to the chief of
6 police or his authorized designee in a form established by the chief of police, along
7 with a non-refundable fee that has been established by resolution of the board of city
8 commissioners. The application must be made at least 30 days in advance of the
9 requested permit date unless a waiver is granted by the chief of police. The application
10 shall contain the following information or, in lieu thereof, a detailed statement of the
11 reason why such information cannot be furnished:

- 12 1. The name, address and telephone number of the applicant;
- 13 2. The address and a site plan showing the location of the property where the
14 sound amplifying equipment will be used, a listing of the type of sound
15 amplifying equipment and the direction to which the amplified sound will be
16 directed.
- 17 3. The date and time period the sound amplifying equipment will be used.
- 18 4. A statement that the applicant understands the requirements of this chapter and
19 agrees to comply with all applicable requirements.

20 B. Regulations for Use.— The following regulations apply to all permits issued pursuant
21 to Section 11-0209.

- 22 1. The only sound permitted shall be music or human speech or both.
- 23 2. No permits shall be issued for any property located within a residential zoning
district. For the purpose of this section the Downtown Mixed-Use Zoning
District is not considered residential.
3. Permits are valid for the day or days listed on the permit only.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 4. Permits issued for any property where the source of the sound is located within
2 500 feet of a residential zoning district shall be valid for no longer than one day.

3 5. With respect to any permit for a property where the source of the sound is
4 within 500 feet of a residential zoning district, no more than ~~five~~ four (4)
5 permits may be issued every 30 days; each permit shall be at least five (5) days
6 from any other permit. (effective from the date of enactment hereof until
7 September 30, 2023, at which time the number of permits shall revert back to
8 one permit every 30 days).

9 C. Waiver—The requirement of filing an application at least 30 days before the event may
10 be waived by the chief of police upon a showing that the 30-day period may
11 substantially burden protected rights, including rights of speech and assembly as to
12 matters of public concern.

13 D. Issuance of Permit— The chief of police has the discretion to grant or deny a permit
14 that pertains to a property for which a permit has been revoked within the prior 24-
15 month period. In deciding whether to deny a permit on such grounds, the chief of police
16 shall consider:

- 17 1. Whether the ownership of the property has changed since a prior permit was
18 denied.
- 19 2. What steps, if any, the property owner has taken to correct the violation which
20 led to the permit revocation.

21 With respect to all other applications for permits, the chief of police shall issue a permit
22 to any applicant who has submitted a properly completed application along with the
23 applicable fee unless such permit is prohibited because the application pertains to
property in a residential zoning district.

E. Revocation— A permit may be revoked by the chief of police upon:

1. Violation of one or more regulations of the permit;
2. Material misrepresentation of fact in the permit application; or

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 3. Material change in any of the circumstances relied upon by the chief of
2 police in granting the permit.

3 4. A permit may be revoked at any time, even after the permitted event, if
4 the chief of police learns of any violation listed above.

5 F. Exemptions— The following shall be exempt from the requirement of obtaining a
6 permit under this section:

7 1. Community events and festivals permitted by Section 18-0314 of the Fargo
8 Municipal [Code];

9 2. Other community-wide events or festivals;

10 3. An event that is open to the general public for which no admission is charged
11 and when the purpose for the event is generally not for commercial gain; and,

12 4. All land and property owned by the Park District is exempt from the
13 requirements of this section.

14 The chief of police is authorized to determine whether a proposed event is exempt
15 pursuant to this subsection, and shall consider the factors provided under Section 18-
16 0314.C. of the Fargo Municipal Code in making such determination. The Fargo
17 Moorhead Marathon, currently operated by Fargo Marathon, Inc., is hereby deemed to
18 be a community-wide event that is exempt.

19 G. Appeal—The applicant or any person actually or potentially aggrieved by the issuance
20 or denial of a permit or the granting or denial of an exemption may appeal said decision
21 to the board of city commissioners.

22 Section 2. Penalty.

23 A person who willfully violates this ordinance is guilty of an infraction. Every person,
firm or corporation violating an ordinance which is punishable as an infraction shall be punished
by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke
the suspension thereof.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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Section 3. Effective Date.

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

Timothy J. Mahoney, M.D., Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:
Publication:



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May 28, 2024

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

Commissioners:

Enclosed for your consideration is a Resolution Amending the Governance Policies of the Board of City Commissioners as it relates to two matters the City Commission has recently discussed. These include:

- Expectations for decorum in the City Commission Chambers; and
- Persons interested by way of financial or other direct impacts in a specific City Commission agenda item to be recognized by the Chair.

The approval of the proposed resolution will establish that all entrants to City Hall be advised that signs, posters, and other displays will not disrupt the business proceedings of the City Commission Chambers and that disruptive persons may be removed. Further, the Director of Facilities Management will be directed to create and post signs outside of the building advising that signs, posters, or other displays disruptive to the business proceedings of the City Commission Chambers will result in removal of the person displaying the signs, posters, or other displays.

Further, the proposed resolution amends the Governance Policies to clarify that the Chair may recognize interested persons or representatives to speak to matters on the City Commission agenda without the requirement to pre-register to speak or to limit their comments to 2 ½ minutes. Speakers for these items will be encouraged to limit their comments to 3 minutes and will be permitted to engage in dialogue with the City Commission.

Suggested Motion: I move to adopt the Resolution Amending the Governance Policies of the Board of City Commissioners, as presented.

Thank you for your consideration of this matter.

Sincerely,

Dr. Timothy J. Mahoney
Mayor

COMMISSIONER _____ introduced the following resolution and moved its adoption:

**Resolution Amending Governance Policies of the Board of
City Commissioners of the City of Fargo**

WHEREAS, the Board of City Commissioners adopted Governance Polices on April 29, 2024, establishing policies for the guidance of commissioners and citizens; and

WHEREAS, the Board of City Commissioners recognized and acknowledged at the time of adoption of the Governance Policies that the policies represented a living document, which would likely be amended and revised frequently in order to capture the intentions of this body to govern; and

WHEREAS, since the adoption of the Governance Policies there have been matters raised during City Commission meetings that warrant prompt attention and clarification, including decorum in the City Commission Chambers and the ability of persons interested by way of financial or other direct impacts in a specific agenda item to be recognized by the Chair.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Fargo that the Governance Policies attached hereto ARE HEREBY AMENDED, as follows:

1. The Board of City Commissioners of the City of Fargo has a paramount interest in ensuring that the City Commission business meetings proceed in an orderly and efficient manner, free of disruption. In order to accomplish this goal, the board of city commission deems it necessary to amend its Governance Policies and direct the placement of Notice to the Public that no signs, banners or other displays of any kind will be permitted in the City Commission Chambers when the City Commission is in session.
2. The Facilities Director is directed to create and post signs outside of the building advising all intended entrants that signs, posters and other displays disruptive to the business proceedings will result in the removal of the person displaying the same from the City Commission Chambers, as follows:

ATTENTION: No signs, posters or other displays allowed inside the building. Interruption of speakers and/or government business will not be tolerated. Anyone who interrupts a speaker or the proceedings of a government meeting may be removed.

3. As a further amendment to the Governance Policies adopted on April 29, 2024, the board of City Commissioners intends to clarify when persons may speak on an agenda topic. Persons with a direct or pecuniary interest in the matter on the agenda is exempt from the public comment requirement of pre-registering to speak, and the time

limitation of 2 ½ minutes. The Chair may recognize the interested person or representative, and allow the person to speak to the matter directly. The speaker is encouraged to limit their comments to 3 minutes, and may engage in dialogue or be asked questions by the City Commissioners. This amendment is meant to codify and clarify a pre-existing practice of recognizing interested parties, including developers and incentive applicants.

Dated this ____ day of _____, 2024.

Dr. Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER _____, and upon roll call vote, the following voted in favor thereof: COMMISSIONERS _____. The following were absent and not voting: _____, and the following voted against the same: _____, whereupon the resolution was declared duly passed and adopted.