

FARGO CITY COMMISSION AGENDA  
Monday, January 29, 2018 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/streaming](http://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](http://www.FargoND.gov/citycommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, January 16, 2018).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file the following Ordinances:
  - a. Amending Section 10-0304, of Article 10-03 of Chapter 10 of the Fargo Municipal Code Relating to Public Safety, Morals and Welfare.
  - b. Amending Section 25-1506, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
- 2. 2nd reading, waive reading and final adoption of an Ordinance Amending Section 25-1507 of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.
- 3. Pledged securities as of December 31, 2017.
- 4. Applications for Games of Chance:
  - a. Washington Elementary School PTA for a raffle on 4/13/18.
  - b. St. John Paul II Catholic Schools for a raffle on 4/28/18.
  - c. Dakota Southeast Chapter of Pheasants Forever, Inc. for a raffle on 3/4/18.
  - d. Red River Valley Figure Skating Club for a raffle on 3/11/18.
  - e. St. Mary's Cathedral for a raffle on 5/6/18.
  - f. NDSU Judging Club for a raffle on 3/7/18.
- 5. Tax exemptions for improvements made to buildings:
  - a. William C. and Laura L. Porter, 132 North Woodcrest Drive North (3 year).
  - b. Monica D. Olson and Chad M. Pederson, 41 Fremont Drive South (3 year).
  - c. Matthew E. and Stephanie G. Gruchalla, 2834 Lilac Lane North (3 year).
  - d. Anthony R. and Ann R. Kallod, 2955 Peterson Parkway North (3 year).
  - e. Gage A. Dargan, 1910 8th Street South (5 year).
  - f. Clark M. and Bonnie J. Kirkpatrick, 3641 Par Street North (5 year).
  - g. Keith G. and Dorothy M. Davis, 3002 Madison Avenue North (5 year).
  - h. Shawn M. and Julie J. Stoll, 93 18th Avenue North (5 year).
  - i. Kenneth L. and Karen B. Wilhelm, 1001 19th Avenue South (5 year).
  - j. Randy and Susan Axvig, 1641 5th Street North (5 year).
  - k. Star-Ann M. Schank, 1327 14th Street South (5 year).
  - l. Aaron M. Lockwood, 3005 11th Avenue North (5 year).
  - m. Trent M. and Rebecca L. Amundsen, 1541 8th Street South (5 year).

- n. Joel Hebert, 49 15th Avenue North (5 year).
  - o. Kari Bollingberg, 1246 3rd Street North (5 year).
  - p. Jeffrey and Christina Athy, 906 8th Street South (5 year).
  - q. SLM Properties I LLC, 1357 5th Street North (5 year).
- 6. Agreement for Services with Southeast Human Service Center for implementation of tobacco prevention activities (RFP17386).
  - 7. Purchase of Service Agreement with ND Department of Health for HIV prevention activities (CFDA #93.940).
  - 8. Grant Agreement with Lutheran Social Services of ND for refugee health services and interpreters.
  - 9. Notice of Grant Award with the ND Department of Health for syringe exchange program technical assistance (CFDA #93.940)..
  - 10. Community Development Block Grant Storefront Rehab project at 1303 1st Avenue North.
  - 11. Adopt Resolution Approving Agassiz Crossing 7th Addition.
  - 12. Purchase of one fire pumper from Spartan ERV in the amount of \$458,954.00 (PBC18071).
  - 13. Federal Aid Recommendations for Years 2018 to 2023 and submit to Metro COG.
  - 14. Request from Metro COG for additional planning studies to begin in 2018.
  - 15. Right of Way Dedication Agreement with Terry and Rhonda King.
  - 16. Bid advertisement for Project No. TM-18-A.
  - 17. Contract and bond for Project No. WW1708.
  - 18. Bills.
  - 19. Amendment No. 2 with SRF Consulting Group for Improvement District No. QN-17-A1.
  - 20. Create Improvement District Nos. AN-17-F and BR-18-C.

**REGULAR AGENDA:**

- 21. City Hall Project FF&E bid awards.
- 22. Public Hearings - 5:15 pm:
  - a. Renaissance Zone Project for Pixeled Brewing Co. for a commercial lease project located at 1100 NP Avenue.
  - b. Renaissance Zone Project for Pulling Dessert, LLC d/b/a The Silver Lining Creamery-Fargo LLC for a commercial lease project located at 123 Broadway North.
  - c. Valley View Second Addition (3900 56th Street South); approval recommended by the Planning Commission on 1/4/18:
    - 1. Zoning Change from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential.

2. 1st reading of rezoning Ordinance.
  - d. Timber Parkway Second Addition (4801 and 4951 Timber Parkway South); approval recommended by the Planning Commission on 10/3/17:
    1. Zoning Change to repeal and re-establish a C-O, Conditional Overlay, within the boundaries of the Timber Parkway Second Addition.
    2. 1st reading of rezoning Ordinance.
    3. Plat of Timber Parkway Second Addition.
  - e. CONTINUE to 2/12/18 - Transfer of a Class "AB" Alcoholic Beverage License from Mom's Kitchen Inc. d/b/a Tailgator's Sports Café at 1322 Main Avenue to Demeske Enterprises Inc. d/b/a Tailgator's/Mom's Kitchen.
23. Commissioner Piepkorn would like to discuss the burying of overhead power lines.
24. State Water Commission requests for Cost Reimbursement for FM Diversion Flood Project Costs:
- a. Costs totaling \$1,625,005.00.
  - b. Costs totaling \$1,792,502.00.

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](http://www.FargoND.gov/citycommission).



(21)

## OFFICE OF THE CITY ADMINISTRATOR

Bruce P. Grubb

January 25, 2018

## MEMORANDUM

**To:** Board of City Commissioners  
**From:** Bruce P. Grubb, City Administrator **BPG**  
**Re:** City Hall Construction – FF&E Bid Results

## Introduction:

At the May 22, 2017, Commission meeting, a project funding update on the new City Hall project was presented that included a placeholder for FF&E (furniture, fixtures and equipment). The overall budget for the City Hall project included a line item for FF&E in the amount of \$1,775,000. The City Commission approved a formal advertisement for bids and bids were opened on January 18, 2018.

## City Hall FF&amp;E Bid Results:

Competitive bids were received from the following FF&E vendors:

<u>Vendor</u>	<u>Location</u>
Hannaher's Workplace Interiors	Fargo, ND
Christianson's Business Furniture Plus	Fargo, ND
Interoffice Workspace Furniture and Design	Fargo, ND
Business Essentials	West Fargo, ND
Smartt Interior Construction	Fargo, ND

FF&E vendors were asked to submit a base bid amount, as well as, pricing for several bid alternates. The attached bid tabulation reflects the results from the bid opening. Based a thorough review of the bids and alternate pricing, the following FF&E bid awards are recommended.

<u>Vendor</u>	<u>Category</u>	<u>Bid Total</u>
Hannaher's Workplace Interiors	chairs, tables, cabinets, etc.	\$ 239,670.83
Christianson's Business Furniture Plus	workstations, chairs, tables, etc.	\$ 960,497.12
Interoffice Workspace Furniture and Design	chairs, benches, files, etc.	\$ 118,647.00
Business Essentials	lockers, erase boards, seating, etc.	\$ 33,494.84
Smartt Interior Construction	moveable walls	\$ 77,511.49
<b>Total</b>		<b>\$1,429,821.28</b>

Allowing for a 4.5% FF&E contingency, the budget line item for FF&E has been adjusted to \$1,495,000. As a result, the cost savings of \$280,000 has been added to the overall City Hall project contingency.

**Current Budget Summary:**

A current summary of the overall budget, updated to reflect the FF&E bid results, is as follows:

<b>Budget Category</b>	<b>Original Total</b>	<b>Current Total</b>	<b>Paid To-Date</b>
City Hall Construction	\$22,000,000	\$23,340,164	\$19,190,936
FF&E	\$ 1,775,000	\$ 1,495,000	\$ 0
Centennial Hall Demo	\$ 600,000	\$ 772,468	\$ 772,468
Professional Fees	\$ 1,400,000	\$ 1,605,027	\$ 1,605,027
Contingency (Misc)	\$ 1,940,767	\$ 503,108	\$ NA
<b>Total Budget</b>	<b>\$27,715,767</b>	<b>\$27,715,767</b>	<b>\$21,568,431</b>

**Suggested Motion:**

Approve the following bid awards for City Hall FF&E to the respective vendors as shown below:

<b><u>Vendor</u></b>	<b><u>Bid Total</u></b>
Hannaher's Workplace Interiors	\$ 239,670.83
Christianson's Business Furniture Plus	\$ 960,497.12
Interoffice Workspace Furniture and Design	\$ 118,647.00
Business Essentials	\$ 33,494.84
Smartt Interior Construction	\$ 77,511.49

Your consideration in this matter is greatly appreciated.

- C: Michael Redlinger, Assistant City Administrator  
 Kent Costin, Finance Director  
 Gregg Schildberger, Public Affairs Coordinator  
 Donna Winger, TL Stroh Architects  
 Hannaher's Workplace Interiors  
 Christianson's Business Furniture Plus  
 Interoffice Workspace Furniture and Design  
 Business Essentials  
 Smartt Interior Construction

**Pargo City Hall**  
**Furniture Bid Results - CBF Incentives**

January 23, 2018

Item #	Mfg	Description (Style)	Qty	Fabric	Hannahs Price Each	Hannahs Extended Price	Christiansons Price Each	Christiansons Extended Price	InterOffice Price Each	InterOffice Extended Price	Business Essent Price Each	Business Essent Extended Price	Smart Const.
1	First Office	Coact Loveseat w/o arms											
1A			9		\$ -	\$ -	\$ -	\$ -	\$ 1,058.00	\$ 9,522.00		\$ -	
1B			9		\$ -	\$ -	\$ -	\$ -	\$ 1,058.00	\$ 9,522.00		\$ -	
2	Sit On It	Lumin Sled Base	36		\$ 89.02	\$ 3,204.72	\$ -	\$ -	\$ -	\$ -		\$ -	
3	Hi5	Table Style: Island Collection	18		\$ 470.87	\$ 8,475.66		\$ -		\$ -		\$ -	
4	Community	Wood Bench w/ seat	7			\$ -		\$ -	\$ 1,159.00	\$ 8,113.00		\$ -	
5	Berco Designs	Round Table	17			\$ -	\$ 301.76	\$ 5,129.92		\$ -		\$ -	
6	Sit On It	Lumin Sled Base	90		\$ 89.02	\$ 8,011.80		\$ -		\$ -		\$ -	
7	Berco Designs	Anyways square table	3			\$ -	\$ 328.25	\$ 984.75		\$ -		\$ -	
8	Berco Designs	Anyways round table	3			\$ -	\$ 374.78	\$ 1,124.34		\$ -		\$ -	
9	Haworth	Very Chair: w/arms	39	1		\$ -	\$ 249.90	\$ 9,746.10		\$ -		\$ -	
			52	2		\$ -	\$ 226.23	\$ 11,763.96		\$ -		\$ -	
			54	3		\$ -	\$ 238.66	\$ 12,887.64		\$ -		\$ -	
			10	5		\$ -	\$ 226.44	\$ 2,264.40		\$ -		\$ -	
10	Haworth	Very Chair: w/arms	53	1		\$ -	\$ 353.50	\$ 20,503.00		\$ -		\$ -	
			60	2		\$ -	\$ 329.33	\$ 19,759.80		\$ -		\$ -	
			102	3		\$ -	\$ 329.07	\$ 33,566.14		\$ -		\$ -	
			8	5		\$ -	\$ 329.21	\$ 2,633.68		\$ -		\$ -	
11	Safco Products	Twixt Active Seating Chair	5			\$ -			\$ -	\$ -	\$ 117.02	\$ 585.10	
12	Herman Miller	Molded Plastic Armchair	34			\$ -		\$ -	\$ 385.00	\$ 13,090.00		\$ -	
13	OFS	Wyre Occasional Table	9			\$ -		\$ -	\$ 279.60	\$ 2,516.40		\$ -	
14	HBF	Trestle Lounge Series Chair	4			\$ -		\$ -	\$ 1,387.00	\$ 5,548.00		\$ -	
15	Paul Brayton Designs	Braylyn Lounge Series	1			\$ -		\$ -		\$ -	\$ 1,350.80	\$ 1,350.80	
16	Herman Miller	Noguchi Table	1			\$ -		\$ -	\$ 1,285.00	\$ 1,285.00		\$ -	
17	Davis Furniture	EKKO Table Series	2			\$ -	\$ 535.89	\$ 1,071.78		\$ -		\$ -	
18	Caroline Business Furniture	Modern Amenity end table	1			\$ -		\$ -	\$ 527.60	\$ 527.60		\$ -	
19	Cape Furniture	Albert side chair	2		\$ 674.07	\$ 1,748.14		\$ -		\$ -		\$ -	

C:\Users\bgubba\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\U2M3SESD\City Hall Furniture RFP - FINAL - Commission

Item #	Mfr	Description (Style)	Qty	Fabric	Hannahs Price Each	Hannahs Extended Price	Christiansons Price Each	Christiansons Extended Price	InterOffice Price Each	InterOffice Extended Price	Business Essent Price Each	Business Essent Extended Price	Smartt Const
20	Haworth	Office Furniture	15		\$ -	\$ -	\$ 2,903.05	\$ 43,545.75	\$ -	\$ -	\$ -	\$ -	
21	Haworth	Office Furniture	12		\$ -	\$ -	\$ 2,932.67	\$ 35,192.04	\$ -	\$ -	\$ -	\$ -	
22	Haworth	Office Furniture	1		\$ -	\$ -	\$ 4,152.42	\$ 4,152.42	\$ -	\$ -	\$ -	\$ -	
23	Haworth	Office Furniture	2		\$ -	\$ -	\$ 4,496.39	\$ 8,992.78	\$ -	\$ -	\$ -	\$ -	
24	Haworth	Office Furniture	1		\$ -	\$ -	\$ 4,466.39	\$ 4,466.39	\$ -	\$ -	\$ -	\$ -	
25	Haworth	Office Furniture	4		\$ -	\$ -	\$ 3,718.91	\$ 14,875.64	\$ -	\$ -	\$ -	\$ -	
26	Haworth	Office Furniture	2		\$ -	\$ -	\$ 3,710.14	\$ 7,420.28	\$ -	\$ -	\$ -	\$ -	
27	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,077.91	\$ 3,077.91	\$ -	\$ -	\$ -	\$ -	
28	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,437.43	\$ 3,437.43	\$ -	\$ -	\$ -	\$ -	
29	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,404.79	\$ 3,404.79	\$ -	\$ -	\$ -	\$ -	
30	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,194.67	\$ 3,194.67	\$ -	\$ -	\$ -	\$ -	
31	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,300.87	\$ 3,300.87	\$ -	\$ -	\$ -	\$ -	
32	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,208.72	\$ 3,208.72	\$ -	\$ -	\$ -	\$ -	
33	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,296.16	\$ 3,296.16	\$ -	\$ -	\$ -	\$ -	
34	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,080.57	\$ 3,080.57	\$ -	\$ -	\$ -	\$ -	
35	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,050.57	\$ 3,050.57	\$ -	\$ -	\$ -	\$ -	
36	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,159.35	\$ 3,159.35	\$ -	\$ -	\$ -	\$ -	
37	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,159.35	\$ 3,159.35	\$ -	\$ -	\$ -	\$ -	
38	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,104.35	\$ 3,104.35	\$ -	\$ -	\$ -	\$ -	
39	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,105.57	\$ 3,105.57	\$ -	\$ -	\$ -	\$ -	
40	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,104.35	\$ 3,104.35	\$ -	\$ -	\$ -	\$ -	
41	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,104.35	\$ 3,104.35	\$ -	\$ -	\$ -	\$ -	
42	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,104.35	\$ 3,104.35	\$ -	\$ -	\$ -	\$ -	
43	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,129.35	\$ 3,129.35	\$ -	\$ -	\$ -	\$ -	
44	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,180.57	\$ 3,180.57	\$ -	\$ -	\$ -	\$ -	
45	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,125.57	\$ 3,125.57	\$ -	\$ -	\$ -	\$ -	
46	Haworth	Office Furniture	1		\$ -	\$ -	\$ 3,513.57	\$ 3,513.57	\$ -	\$ -	\$ -	\$ -	

Item #	Mfgr	Description (Size)	Qty	Fabric	Hannahs Price Each	Hannahs Extended Price	Christiansons Price Each	Christiansons Extended Price	InterOffice Price Each	InterOffice Extended Price	Business Essent Price Each	Business Essent Extended Price	Smartt Const.
47	Haworth	Office Furniture	1			\$ -	\$ 3,395.16	\$ 3,395.16		\$ -		\$ -	
48	Haworth	Office Furniture	5			\$ -	\$ 2,413.17	\$ 12,065.85		\$ -		\$ -	
49	Haworth	Office Furniture	5			\$ -	\$ 2,413.37	\$ 12,066.85		\$ -		\$ -	
50	Haworth	Office Furniture	2			\$ -	\$ 2,578.21	\$ 5,156.42		\$ -		\$ -	
51	Haworth	Open Office Systems						\$ 488,676.54					
		First Floor:											
		Audit											
		Inspections											
		Engineering											
		Second Floor:											
		Planning & Development											
		Assessors											
		Human Resources											
		Engineering											
		Third Floor:											
		City Commission											
		Finance											
		IS											
52	Haworth	X-Series Storage	2			\$ -	\$ 399.78	\$ 799.56		\$ -		\$ -	
53	Haworth	X-Series Storage	3			\$ -	\$ 351.78	\$ 1,055.34		\$ -		\$ -	
54	Haworth	X-Series Storage	10			\$ -	\$ 436.76	\$ 4,367.60		\$ -		\$ -	
A		Finish: Silver Metallic											
B		Finish: Wilsonart	1			\$ -	\$ 609.91	\$ 609.91		\$ -		\$ -	
		Florence Walnut											
55	Haworth	X-Series Storage	6			\$ -	\$ 445.52	\$ 2,673.12		\$ -		\$ -	
56	Haworth	X-Series Storage	30			\$ -	\$ 673.95	\$ 20,218.50		\$ -		\$ -	
57	Haworth	X-Series Storage	2			\$ -	\$ 697.76	\$ 1,395.52		\$ -		\$ -	
58	Haworth	X-Series Storage	2			\$ -	\$ 239.81	\$ 479.62		\$ -		\$ -	
59	Haworth	X-Series Storage											
A		Finish: Silver Metallic	4			\$ -	\$ 286.88	\$ 1,147.52		\$ -		\$ -	
B		Finish: Wilsonart	2			\$ -	\$ 502.40	\$ 1,004.80		\$ -		\$ -	
		Florence Walnut											
60	Tennisco	Fixed Shelf Filing	20			\$ -		\$ -	\$ 331.00	\$ 6,620.00		\$ -	
61	Carolina Business Furniture	Modern Amenity	1			\$ -		\$ -	\$ 1,140.00	\$ 1,140.00		\$ -	
62	Great Openings	Laminate Lockers	2			\$ -		\$ -		\$ -	\$ 634.47	\$ 1,268.94	
63	Colesse	Free Stand table	1			\$ -	\$ 247.23	\$ 247.23		\$ -		\$ -	



Item #	Mfg	Description (Style)	Qty	Fabric	Hannahs Price Each	Hannahs Extended Price	Christiansons Price Each	Christiansons Extended Price	InterOffice Price Each	InterOffice Extended Price	Business Essent Price Each	Business Essent Extended Price	Smartt Const.
64	Haworth	Conference Table											
64A		36" dia	1										
64B		42" dia	1										
64C		48" dia	8										
64D		36"x72"	1										
65	Keilhauer	Flt stack chair	209										
66	Keilhauer	Flt Chair Dolly	5										
67	Mayline	Sync Tables size 30"x60"	27		\$ 701.53	\$ 18,941.31							
68	Mayline	Sync Tables size 24"x60"	12		\$ 688.29	\$ 8,259.48							
69	Hi5	Supreme 60" dia	1										
70	Hi5	Supreme conference tables											
70A		48"x120"	3										
70B		36"x72"	2										
70C		60"x144"	1										
70D		48"x96"	7										
70E		48"x144"	1										
71	Keilhauer	Vanilla Chair Option1	45		\$ 1,111.30	\$ 50,008.50							
	Davis	Body High Back Option2	45										
72	OFS	Impulse G2 Cassegoods	1		\$ 7,032.80	\$ 7,032.80							
73	OFS	Impulse G2 Wardrobe	1		\$ 1,789.60	\$ 1,789.60							
74	OFS	Impulse G2 Bookcase	2		\$ 765.50	\$ 1,531.00							
75	OFS	Meeting Room Conf Table	1		\$ 3,084.40	\$ 3,084.40							
76	OFS	Presentation Board	1		\$ 468.80	\$ 468.80							
77	Cartwright	Griffin chair	2		\$ 1,029.63	\$ 2,059.26							
78	OFS	Larson end table	1		\$ 484.00	\$ 484.00							
79	Haworth	X99 Chair w/arms	10										
80		Task Chair											
	Haworth Fern Task	Option A - no headrest	71										
	Haworth Fern Task	Option A - with headrest	36										
	Herman Miller Embody	Option A	108										
	Steelcase Gesture	Option A	108										

Item #	Migr	Description (Style)	Qty	Fabric	Hannahs Price Each	Hannahs Extended Price	Christiansons Price Each	Christiansons Extended Price	InterOffice Price Each	InterOffice Extended Price	Business Essent Price Each	Business Essent Extended Price	Smartt Const
81	Haworth Zody Task	Option B	108			\$ -		\$ -	\$ -	\$ -		\$ -	
A	Herman Miller Aeron 2	Option B	108			\$ -		\$ -	\$ -	\$ -		\$ -	
B	Steelcase Leap	Option B	108			\$ -		\$ -	\$ -	\$ -		\$ -	
C	Haworth Very Task	Option C	108			\$ -		\$ -	\$ -	\$ -		\$ -	
D	Herman Miller Mirra 2	Option C	108			\$ -		\$ -	\$ -	\$ -		\$ -	
E	Steelcase Think 2	Option C	108			\$ -		\$ -	\$ -	\$ -		\$ -	
F	Steelcase	X-Series Lateral File:											
G	30" w x 18" d 2-drawer		5		\$ 294.84	\$ 1,474.20		\$ -	\$ -	\$ -		\$ -	
H	30" w x 18" d 3-drawer		3		\$ 376.09	\$ 1,128.27		\$ -	\$ -	\$ -		\$ -	
I	30" w x 18" d 4-drawer		5		\$ 472.83	\$ 2,364.15		\$ -	\$ -	\$ -		\$ -	
J	30" w x 18" d 5-drawer		1		\$ 551.63	\$ 551.63		\$ -	\$ -	\$ -		\$ -	
K	42" x x 18" d 2-drawer		1		\$ 379.08	\$ 379.08		\$ -	\$ -	\$ -		\$ -	
L	42" w x 18" d 3-drawer		4		\$ 475.27	\$ 1,901.08		\$ -	\$ -	\$ -		\$ -	
M	42" w x 18" d 4-drawer		7		\$ 611.98	\$ 4,283.86		\$ -	\$ -	\$ -		\$ -	
N	42" w x 18" d 5-drawer		30		\$ 709.51	\$ 21,285.30		\$ -	\$ -	\$ -		\$ -	
O	Haworth Adaptables	Box/BoxFile	28			\$ -	\$ 197.12	\$ 5,519.36	\$ -	\$ -		\$ -	
P	Haworth Adaptables	File/File/Pedestal	4			\$ -	\$ 188.01	\$ 752.04	\$ -	\$ -		\$ -	
Q	Haworth	Height Adjustable Tables:											
R	84A	30"x54"	1			\$ -	\$ 1,006.05	\$ 1,006.05	\$ -	\$ -		\$ -	
S	84B	30"x70"	1			\$ -	\$ 1,043.31	\$ 1,043.31	\$ -	\$ -		\$ -	
T	Haworth	X-Series Storage											
U	A	30" w x 18" d 2-drawer	3		\$ -	\$ -	\$ 325.92	\$ 977.76	\$ -	\$ -		\$ -	
V	B	42" w x 18" d 2-drawer	2		\$ -	\$ -	\$ 411.40	\$ 822.80	\$ -	\$ -		\$ -	
W	C	42" w x 18" d 3-drawer	2		\$ -	\$ -	\$ 659.59	\$ 1,319.18	\$ -	\$ -		\$ -	
X	D	42" w x 18" d 4-drawer	6		\$ -	\$ -	\$ 729.04	\$ 4,374.24	\$ -	\$ -		\$ -	
Y	E	30" w x 18" d 4-drawer	1		\$ -	\$ -	\$ 576.99	\$ 576.99	\$ -	\$ -		\$ -	
Z	Haworth	X-Series Storage	11		\$ -	\$ -	\$ 328.27	\$ 3,610.97	\$ -	\$ -		\$ -	
AA	Will add per addendum	Lectern	2		\$ 10,918.83	\$ 21,837.66		\$ -	\$ -	\$ -		\$ -	
AB	Haworth Fern Task	Task Stool:											
AC	Herman Miller Embody	Option A	4		\$ -	\$ -	\$ 758.14	\$ 3,032.56	\$ -	\$ -		\$ -	
AD	Steelcase Gesture	Option A	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AE	Haworth Zody Task	Option B	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AF	Herman Miller Aeron 2	Option B	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AG	Steelcase Leap	Option B	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AH	Haworth Very Task	Option C	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AI	Herman Miller Mirra 2	Option C	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AJ	Steelcase Think 2	Option C	4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
AK	Nevers	Modified Symposia Present	1		\$ 49,850.16	\$ 49,850.16		\$ -	\$ -	\$ -		\$ -	
AL	Nevers	Valley Room Table	1		\$ 9,896.07	\$ 9,896.07		\$ -	\$ -	\$ -		\$ -	

Item #	Mfgr	Description (Style)	Qty	Fabric	Hannahs Price Each	Hannahs Extended Price	Christiansons Price Each	Christiansons Extended Price	InterOffice Price Each	InterOffice Extended Price	Business Essent Price Each	Business Essent Extended Price	Smartt Const.
90	Mayline	Sync Tables											
A		60" x 24"	18		\$ 367.17	\$ 6,609.06		\$ -		\$ -		\$ -	
B		24" x 48"	4		\$ 374.20	\$ 1,496.80		\$ -		\$ -		\$ -	
91	Will add per addendum	Reception Desk				\$ -		\$ -		\$ -		\$ -	
92	Haworth X-Series	Recycling / Trash bins	6			\$ -	\$ 931.33	\$ 5,587.98		\$ -		\$ -	
93	DIRTT	Moveable Walls	1			\$ -		\$ -		\$ -		\$ -	\$ 77,511.49
94	Deko Markerboard	Markerboards	26			\$ -		\$ -		\$ -		\$ -	
95	Artopex	Mediroom Tables	1		\$ 1,514.04	\$ 1,514.04		\$ -		\$ -		\$ -	
		TOTAL				\$ 239,670.83		\$ 999,629.64		\$ 118,647.00		\$ 33,494.84	\$ 77,511.49
		Volume Discount						\$ (40,000.00)					
		GRAND TOTAL				\$ 239,670.83		\$ 959,629.64		\$ 118,647.00		\$ 33,494.84	\$ 77,511.49

FFE Bid Award Amount \$ 1,428,953.80  
 4.4% FFE Contingency \$ 66,046.20  
 Total FFE Costs \$ 1,495,000.00  
 (Reception desk, appliances, ancillary equipment, media stage, room signage, planters, hinges/hardware for marker board)

Reception Desk \$ 25,000.00  
 Appliances & Ancill \$ 44,295.00  
 \$ 69,295.00

## City Hall Construction Report - Contractor Progress Payments (1/29/18)

Contract	Contractor	Bid Amount	Change Orders	Present Amount	Paid To-date	Balance
General	Olaf Anderson	\$ 16,442,900	\$ 694,105	\$ 17,137,005	\$ 14,122,418	\$ 3,014,587
Mechanical	Robert Gibb	\$ 3,447,000	\$ 99,138	\$ 3,546,138	\$ 3,156,220	\$ 389,918
Electrical	Sun Electric	\$ 2,607,000	\$ 50,021	\$ 2,657,021	\$ 1,912,298	\$ 744,723
<b>Total</b>		<b>\$ 22,496,900</b>	<b>\$ 843,264</b>	<b>\$ 23,340,164</b>	<b>\$ 19,190,936</b>	<b>\$ 4,149,228</b>

## PROJECT BUDGET SUMMARY

Budget Category	Original Total	Current Total	Paid To-Date
City Hall Construction	\$ 22,000,000	\$ 23,340,164	\$ 19,190,936
FF&E	\$ 1,775,000	\$ 1,495,000	\$ -
Centennial Hall Demo	\$ 600,000	\$ 772,468	\$ 772,468
Professional Fees	\$ 1,400,000	\$ 1,605,027	\$ 1,605,027
Contingency	\$ 1,940,767	\$ 503,108	\$ -
<b>Total Budget</b>	<b>\$ 27,715,767</b>	<b>\$ 27,715,767</b>	<b>\$ 21,568,431</b>

## CHANGE ORDER SUMMARY

General Contract		\$	694,105
#1	Addition of curtain wall windows.	\$	396,565
#2	Revisions to generator building to accommodate mechanical changes.	\$	3,260
#3	Removal of existing foundation that was not known prior to construction. Lower footings to accommodate underground piping. Connection of City Hall & Civic Center roof and sump drainage system to new storm sewer.	\$	26,160
#4	Provide additional point load to three joists per structural engineer.	\$	46,014
#5	Design revisions to third floor.	\$	18,918
#6	Commission chamber revisions to remove windows and replace with Pre-	\$	45,463

#7	Fin metal wall panels for televising clarity and security. Add a new downstream storm sewer defender manhole, water main extension and hydrant, reroute storm sewer to avoid transformer/conduits. Existing 12" and 15" pipes deeper than proposed storm sewer. To connect Civic Center roof drains, the first 5 manholes coming off 66" storm sewer on 3rd Ave. need to be extended. Also extend downstream defender manhole.	\$	61,866
#8		\$	26,049
#9	Labor and materials associated with revisions to the interior floor plans. Construct a fire pump room block wall enclosure & door. IS request to install 3/4" CDX plywood backing behind gypsum board.	\$	13,774
#10	Changes associated with Inspections Department request to add exterior pedestrian ramps to side entrance.	\$	46,706
#11	Geofoam foundation system.	\$	20,801
#12	Floor plan revisions to Commission offices.	\$	5,000
#13	Plywood backing behind gypsum board sheathing in IS Department.	\$	240
#14	Tile work trim change from stainless steel to aluminum with nickel finish.	\$	(23,168)
#15	Delete geo-foam at SE Chambers corner to accommodate wall and ramp. Provide heavier framing at Chambers.	\$	2,350
#16	Provide a 1-hour rating around beam at north Chamber wall. Eliminate some lockers and one bench in E107.	\$	(2,854)
#17	Change from single tier lockers to two tier lockers. Provide painted drywall access doors in Rooms W118 and Lobby A101. Finish change to bottom side of soffits at Chambers, Admin, IS, HR, etc.	\$	6,961
<b>Mechanical Contract</b>			<b>\$ 99,138</b>
#1	Addition of sump pits and domestic water service.	\$	13,222
#2	Pricing reduction for control dampers.	\$	(4,100)
#3	Design revisions to third floor and HVAC modifications.	\$	36,016
#4	Omit finned tube radiation, add CO/NO2 monitors and VFD	\$	20,956
#5	Revised ductwork routing and sizing associated with floor plan revisions. Revise boiler venting to achieve 4' separation per State inspector. Revise location of fire protection riser, fire pump, jockey pump, dry system valve and air compressor in the added fire pump room.	\$	13,072
#6	Revise air ductwork routing and RA opening locations in IS data center room.	\$	4,930
#7	Change location of natural gas meter and provide additional piping, etc.	\$	3,023

#8	Ductwork revisions at W106, W107, W108 and W128. Additional sprinklers at A/V room and stair 3-STR-D.	\$	5,627
#9	Fuel costs for temporary heating during winter construction.	\$	6,392
<b>Electrical Contract</b>		<b>\$</b>	<b>50,021</b>
#1	Relocate emergency generator for City Hall and Civic temporary power.	\$	12,960
#2	Design revisions to third floor.	\$	2,797
#3	Revise voltage of UPS to 480V in lieu of 208V.	\$	(3,341)
#4	Connect exhaust fan EF-8 to 20A/3P circuit breaker at HEM11 in lieu of 15A/3P circuit breaker at switchboard. Connect generator room damper motors to panel LEM11 in lieu of panel LG1.	\$	1,396
#5	IS requested revisions to training room. Floor plan revisions for lighting and lighting control.	\$	29,075
#6	Electrical work associated with the added fire pump room.	\$	1,857
#7	Floor plan revisions to Commission offices.	\$	1,359
#8	Rough-ins for future panic buttons in reception areas.	\$	1,744
#9	First floor office revisions for Inspections Department.	\$	2,174



PLANNING AND DEVELOPMENT  
200 Third Street North  
Fargo, North Dakota 58102  
Phone: (701) 241-1474  
Fax: (701) 241-1526  
E-Mail: [planning@fargond.gov](mailto:planning@fargond.gov)  
[www.fargond.gov](http://www.fargond.gov)

### MEMORANDUM

**TO:** Fargo City Commission  
**FROM:** Derrick LaPoint, Planner  
**DATE:** January 22, 2018  
**RE:** Renaissance Zone Project Lease Application

---

The following Renaissance Zone project application was reviewed and recommended for approval by staff per Renaissance Zone Authority Policy:

Pixeled Brewing Co. (Project 267-F) is proposing to lease commercial space located at 1100 NP Avenue. This project application met all of the State and local requirements for approval including that, the use is consistent with the goals and objectives as set forth within the Fargo Renaissance Zone Development Plan. The applicant is proposing to lease 6,400 square feet and is looking to occupy the space by April 2018. The applicant estimates a \$75,000 income tax exemption over the 5-year term.

According to the Renaissance Zone Development Plan, the prospective tenant must be leasing a space from a building that has been approved as a Renaissance Zone project. A Renaissance Zone application for *1026 NP Avenue* (234-F) was approved by the City of Fargo on March 31, 2014 and has also received final approval from the state on October 3, 2017.

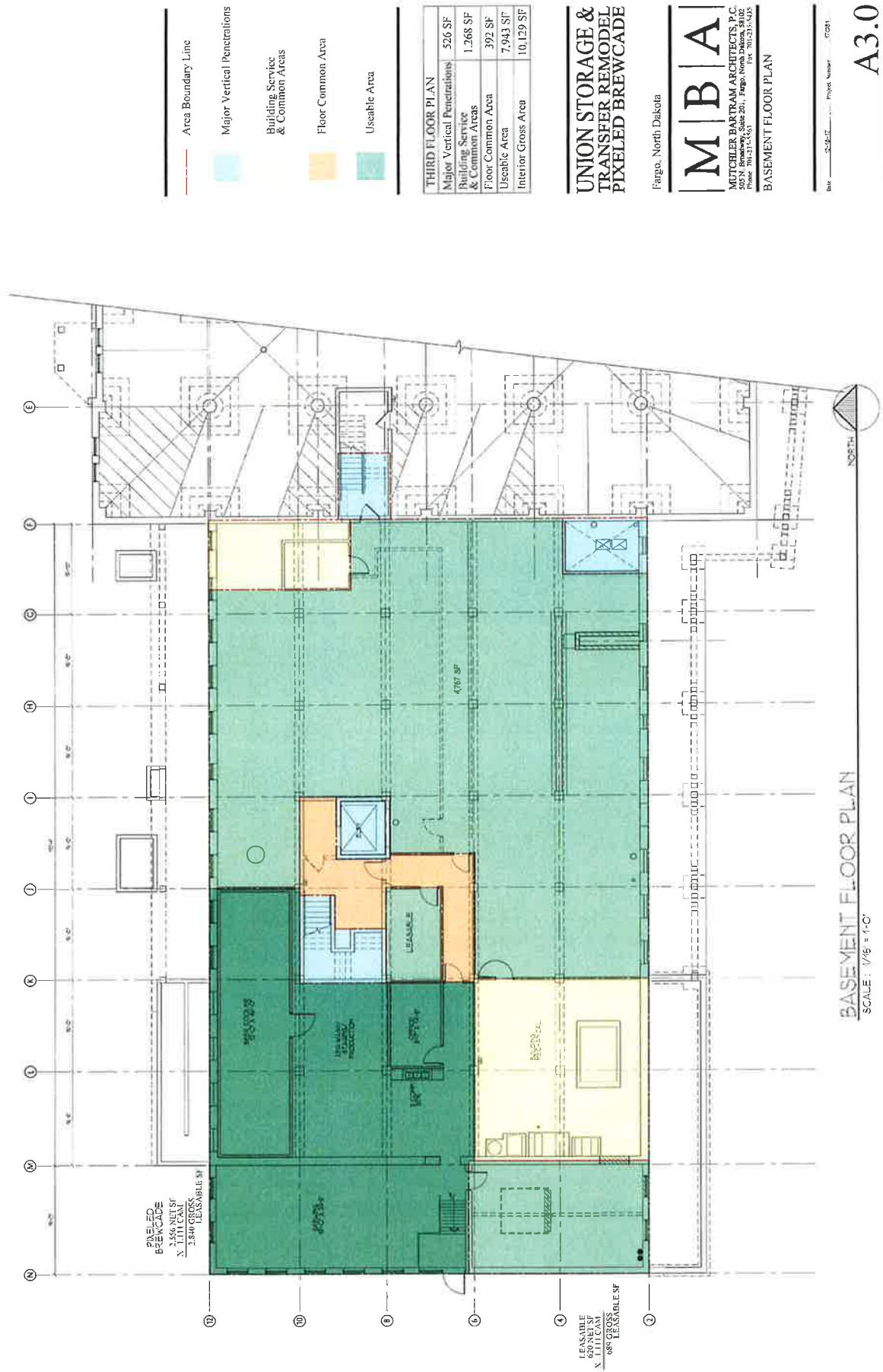
**Recommended Action: To approve the Renaissance Zone project application (Pixel Brewing Co.) for a lease project at 1100 NP Avenue and to grant state income tax exemptions as recommended by staff per Renaissance Zone Authority policy.**

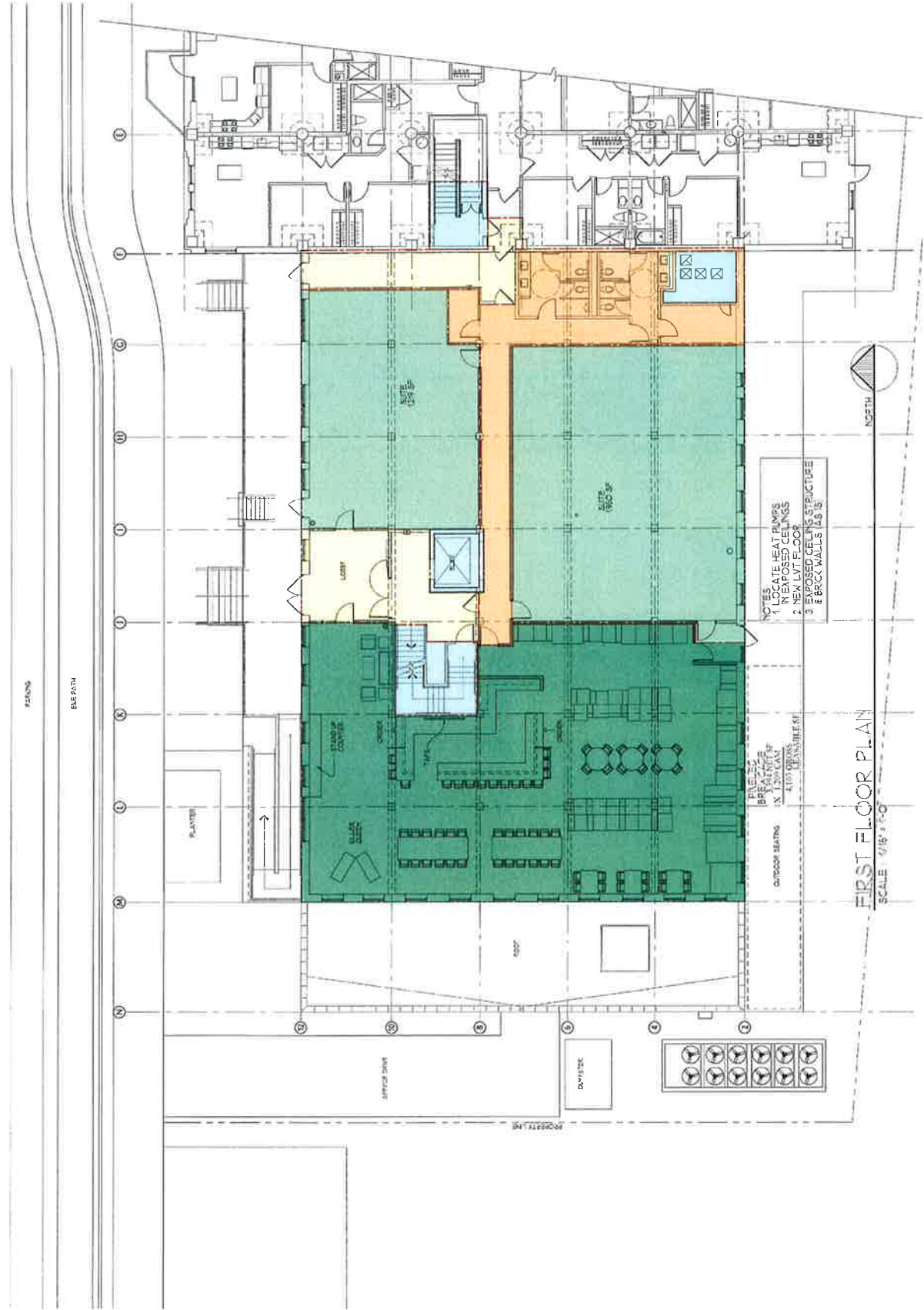
## Pixeled Brewing Co. Application for Renaissance Zone

1. Completion of Cover Sheet
2. 1100 NP Ave, Fargo ND 58102, RZ Block 17
  - a. Legal Description - See Attachment A
3. Current Property Owners: F. John Williams & Jessica Barner
4. Applicant: Pixeled Brewing Co. (S-Corp) John-Paul Klein (owner), Nick Hill (GM)
  - a. Mailing Address – 3433 Loberg DR, West Fargo, ND 58078
  - b. Phone – 952-255-9228 (Nick), 701-566-4250 (John-Paul)
  - c. Email – [nick.hill@pixeled.beer](mailto:nick.hill@pixeled.beer), [Johnpaul.klein@pixeled.beer](mailto:Johnpaul.klein@pixeled.beer)
  - d. Entity Type – S-Corp
5. Current Use – Vacant
6. Property description – See Attachment B for Floor Plan
  - a. Lot Area – 40,753 SF
  - b. Basement – 8,842 SF
  - c. 1<sup>st</sup> Floor – 7,941 SF
  - d. 2<sup>nd</sup> Floor – 8,703 SF
  - e. 3<sup>rd</sup> Floor – 8,500 SF
7. Project Description – Leased premise will be used to produce beer for onsite consumption. Approximately 3,000 SF in the basement for brewing, and 3400 SF 1<sup>st</sup> floor for Arcade entertainment and tap room. 1<sup>st</sup> year production will be under 1000 BBLs current inventory of games is 41. Food Trucks will be contracted to park nearby and on site.
  - a. Letter of Intent terms have been agreed upon. Lease to be signed upon completion of Renaissance Zone application.
  - b. Expected occupancy is April 2018, Lease to be signed upon completion of Renaissance Zone.
8. Pixeled Brewing Co. (PBC) is a unique nostalgic entertainment destination. There is currently nothing comparable to this concept in the local area. The closest retro arcade experience is Minneapolis, MN, Omaha, NE, or more recently, Sioux Falls, SD. PBC helps support The Renaissance Zone's Vision by providing a ground floor entertainment experience, that is walkable from bus stops and other downtown activities. This will attract customers who want to relieve stress by playing games from their adolescence. By providing this unique experience PBC will help revitalize a historic building that has been vacant for far too long.
9. Project Guidelines
  - a. High Priority Land Use
    - i. PBC is a specialty retail entertainment experience unlike nothing else in the area.
  - b. Targeted Areas
    - i. The Historic Union building has been vacant for a very long time.
  - c. Public Space
    - i. This space is designed to provide the public with a nostalgic social experience.
  - d. Investment
    - i. Total Investment for the project is \$460,000.
  - e. Relocation



- i. PBC is a startup and not relocating from another commercial space.
- 10. PBC is 100% owned by John-Paul Klein's personal investment.
- 11. Annual State Income Tax saved approximately \$15,000.
- 12. Tax Certificate requested from ND State Tax commissioner and will be provided as soon as received





A3.1



PLANNING AND DEVELOPMENT  
200 Third Street North  
Fargo, North Dakota 58102  
Phone: (701) 241-1474  
Fax: (701) 241-1526  
E-Mail: [planning@fargond.gov](mailto:planning@fargond.gov)  
[www.fargond.gov](http://www.fargond.gov)

## **MEMORANDUM**

**TO:** Fargo City Commission  
**FROM:** Derrick LaPoint, Planner  
**DATE:** January 22, 2018  
**RE:** Renaissance Zone Project Lease Application

---

The following Renaissance Zone project application was reviewed and recommended for approval by staff per Renaissance Zone Authority Policy:

Pulling Dessert, LLC dba The Silver Lining Creamery-Fargo LLC (Project 268-F) is proposing to lease commercial space located at 123 Broadway N. This project application met all of the State and local requirements for approval including that, the use is consistent with the goals and objectives as set forth within the Fargo Renaissance Zone Development Plan. The applicant is proposing to lease 3,279 square feet and is looking to occupy the space by March 1, 2018. The applicant estimates a \$6,735 income tax exemption over the 5-year term.

According to the Renaissance Zone Development Plan, the prospective tenant must be leasing a space from a building that has been approved as a Renaissance Zone project. A Renaissance Zone application for *DFI BE LLC* (256-F) was approved by the City of Fargo on February 27, 2017 and the application will be reviewed by the State for final approval.

**Recommended Action: To approve the Renaissance Zone project application (Pulling Dessert, LLC dba The Silver Lining Creamery-Fargo LLC) for a lease project at 123 Broadway N and to grant state income tax exemptions as recommended by staff per Renaissance Zone Authority policy.**

## CITY OF FARGO RENAISSANCE ZONE LEASE PROJECT APPLICATION

*Attn: This application must be approved by all local and state review entities prior to executing a lease.*

1. **Street address, legal description, and Renaissance Zone Block number of proposed project. If the proposed project involves more than one parcel, please provide relevant information for each parcel.**

123 Broadway  
Fargo, ND 58102  
Roberts Addition, Lots 1 & 2, Block 2  
Renaissance Zone Block #6

2. **Current property owner(s).**

DFI BE LLC  
210 Broadway, Suite 300  
Fargo, ND 58102  
Tax ID Number: [REDACTED]  
Phone: 701.237.2279

3. **Name of applicant(s), mailing address, Federal ID number or SSAN, and type of entity (partnership, LLC, S-corporation, etc.). Phone number and email address.**

Pulling Dessert, LLC dba The Silver Lining Creamery-Fargo LLC  
[REDACTED]  
4123 Prairie View Dr Rapid City SD 57701  
605-390-9513

4. **Current use of property.**

Vacant.

5. **Square footage of the lot, the building, and the space leased. List each floor separately and provide a floor plan of the leased space).**

Lot Size: 6,942 sf  
Basement: 7,070 sf  
First Floor: 6,902 sf  
Second Floor: 5,296 (3,885 without skyway)

1,438/SF leasable space on the 1<sup>st</sup> floor and 1,841/SF leasable space on the lower level. Please see floor plan attached.

6. **Project Description. Describe the anticipated tenant activities, scope of the activities that the tenant will undertake, and describe and the expected date of occupancy and lease.**

This property is located at one of the most visible locations in downtown in Downtown Fargo. This building is being renovated to create three storefronts in this historic building and face onto the future Block 9 Plaza. The addition of The Silver Lining Creamery -Fargo off of 2nd Ave N will add a new storefront and activity on this street. This business will an ice cream scoop shop and creamery; producing and selling ice cream.

The expected date of occupancy March 1, 2018

7. **Describe how the project enhances the stated Renaissance Zone goals and objectives, being as specific as possible. Describe how this project addresses the needs and interests of the community (see Attachment C).**

Activity Generators.

This project sits on one of the most prominent locations in downtown and along Broadway. A location that will become much more visible upon the completion of the plaza redesign. Adding multiple tenants to this location will drive greater activity. We also recognize and applaud the City's long term goal to connect the river, downtown, and the downtown campus along 2<sup>nd</sup> Ave. The redesign of north façade with three new storefronts will contribute to this effort of drawing pedestrian activity from Broadway and towards the riverfront.

Walkable Districts.

This project will enhance the overall walkability of downtown Fargo by creating a more inviting public realm and increasing the number of retailers. The public realm will be greatly improved with the new storefront along Broadway that will replicate a more historic design and provide a large expanse of glass to provide better visibility and more interesting streetscape. The ground floor façade along 2<sup>nd</sup> Ave currently provides no entries or windows. Redesigning the building with three new storefronts and multiple windows and doors will create much more interesting and inviting space for pedestrians. Subdividing the space from one to up to four retailers creates more destinations and draw to the area.

Ground Floor Uses.

The ground floor of the project will include a targeted mixed of retail and food and beverage. Kilbourne Group is being very careful to target the appropriate concepts to ensure they contribute to and complement the vibrancy of the plaza. We imagine unique retail concept, retailers geared towards families and kids, and food and beverage concepts would all complement the plaza.

Neighborhood Center.

This project will continue the ongoing efforts of the Renaissance Zone program goals of making Broadway, downtown's "Main Street." The redesign of the building will increase the amount of mixed uses and make it more pedestrianly friendly and inviting.

Transportation Issues.

The project is located along the most walkable street in the entire state. A Metro COG pedestrian counter at the intersection of Broadway and 2<sup>nd</sup> Ave averages daily counts of 600-1000+ and the surrounding businesses have Walk Scores® of 96. A Great Rides Bike Share station with 10 docks is located in the plaza that generated 7,218 bike checked ins/outs last season. Second Ave N is served by MatBus Routes 13, 13U, and 17 and a stop for the 15-minute FM Link circulator is 500 feet from this location. In addition, the Block 9 project will be constructing a ±350 parking on the block to the north, the Radisson parking garage is located one block to the east on 2<sup>nd</sup> Ave and new Roberts parking garage with 455 stalls will be constructed one block to the west on Roberts St.

Safe Streets – Safe Neighborhoods.

Buildings and storefronts with frequent windows and doors makes for a more inviting and interesting experience for pedestrians. Reintroducing windows and doors along 2<sup>nd</sup> and a larger storefront along Broadway will make both sidewalks more pedestrian friendly and active. This design will enhance the natural surveillance, both from the windows facing the street and additional businesses increasing foot traffic.

Placemeters® located near the 2<sup>nd</sup> Ave and Broadway intersection show marked differences in foot traffic of the surrounding sidewalks. The sidewalk in front of Toscana averages 1,876 pedestrians a day, whereas the Broadway sidewalk in front of this project averages only 488 and the 2<sup>nd</sup> Ave sidewalk along the plaza averages 286 pedestrian. It's our expectations that our project, along with the completion of the Block 9 project, a redesigned plaza, and efforts to connect Broadway to the riverfront, will increase the amount of traffic.

#### Downtown Entryways.

This project will continue the ongoing investment to revitalize and restore the historic appearance of the buildings along Broadway. The redesign of the buildings north façade will coincide with the redesign of the plaza and resulting visibility.

#### The Place to Be.

The increased number of storefronts, a historic restoration of the building, and a 2<sup>nd</sup> Ave façade that is more interesting and inviting will create a project that will be another small cog in the bigger wheel that represents the success of downtown. Every incremental improvement in downtown contributes to its overall success by increasing the number of offerings and unique experiences.

#### A Place Like No Other.

Kilbourne Group places great effort to respect the past with thoughtful renovation and repurposing of our properties. The Dakota Block building sits on one of the most prominent corners of downtown and one that will become even more prominent with surrounding development. The redesign will restore the building to its former glory with thoughtful renovations to better utilize the space.

#### Spruce up the area

Blank, windowless walls deactivate the streetscape. The reintroduction of windows and more importantly storefronts along the façade will help activate and draw pedestrians to this area.

#### Riverfront as an Asset.

While this property is not located on the riverfront, it will benefit from future redevelopment of the riverfront, civic quad, and 2<sup>nd</sup> Avenue corridor. Second Avenue has great potential to become a prominent pedestrian corridor. This corridor will be bookended by NDSU's downtown campus and the riverfront redevelopment, making Block 9 and the plaza a logical node connecting these two important downtown elements.

Great places have the ability to draw visitors along corridors by providing unique features at regular intervals. If designed correctly, the 2<sup>nd</sup> Ave corridor has the ability to create unique destinations between Broadway and the river. The plaza and the adjacent redesign of 2<sup>nd</sup> Ave into a pedestrian friendly shared space, the civic quad, and the river front redevelopment are logical nodes each about 800 feet apart. If the quad and riverfront are designed correctly as active spaces, they could help draw the Broadway pedestrian activity towards the river and vice versa.

#### 24 hours a day – 7 days a week – 365 days a year.

Anecdotal evidence suggests that downtown's pedestrian activity is greatest over the lunch hour on weekdays and during the evenings as many drawn to downtown for the food and beverage opportunities. Recent additions such as Sandy's Donuts have helped increase the activity on weekends, but generally weekend activity is fraction of what is seen on weekdays and evenings. Our Placemeters® data confirms this generally accepted viewpoint, showing a drop in both pedestrian and vehicular activity on the weekends. It will be expected the redesigned plaza and its programmed events will generate increased activity on weekends and the Red River Market is certainly increasing activity on Saturdays.

However, much of the drop-off can be contributed to lack of businesses open or with limited hours on weekends. Additionally, many of downtowns businesses cater to the over 21 crowd, with limited focus on merchandise or experiences for kids. Kilbourne Group has received considerable interest in this location from a variety of retail concepts, but it's our intent to increase the traffic and activity on weekends by trying to targeting retail concepts who focus on the underserved kid's demographic, which also would complement the plaza.

Connections and Coordination.

Increasing the number of businesses at this location and a redesigned storefront activating both Broadway and 2<sup>nd</sup> Ave will provide another node of activity to downtown. The design of the 2<sup>nd</sup> Ave façade is intended to connect this property with the redesigned plaza. We feel the west half of 2<sup>nd</sup> Ave could be redesigned in a way that it could be used as part of the plaza during large events, which would further strengthen this connection in downtown.

**8. Describe how the project fits under the Zone's development guidelines (Attachment D).**

High Priority Land Use

Our intent to target specialty retailers and specifically those concepts that could drive greater interest for families and kids would increase activity and provide another retail destination.

Target Areas

This property has remained vacant for more than a year. Upon closing on this property in late September we plan to move forward with a redesign that increases the number tenants and reactivates this important location in downtown.

Public Space

The improvements to the facades are not public space improvements, per say, but will instead make the sidewalk and public realm more interesting and inviting. As previously mentioned, we believe a redesigned 2<sup>nd</sup> Ave could provide a great opportunity for a unique public space.

Relocation

We are expecting any businesses locating in this building would either be new to Fargo or represent a second location for an existing business.

**9. List of public and private financial commitments. If the project is funded by the Renaissance Zone Fund, describe type of funding and amounts.**

Private funds are committed by The Silver Lining Creamery – Fargo and DFI BE LLC.  
No public funds will fund this project.

**10. Estimated tax impact of Zone incentives to the applicant: Estimate the potential annual income tax savings.**

Estimated potential annual income tax savings for The Silver Lining Creamery – Fargo is \$1347 .

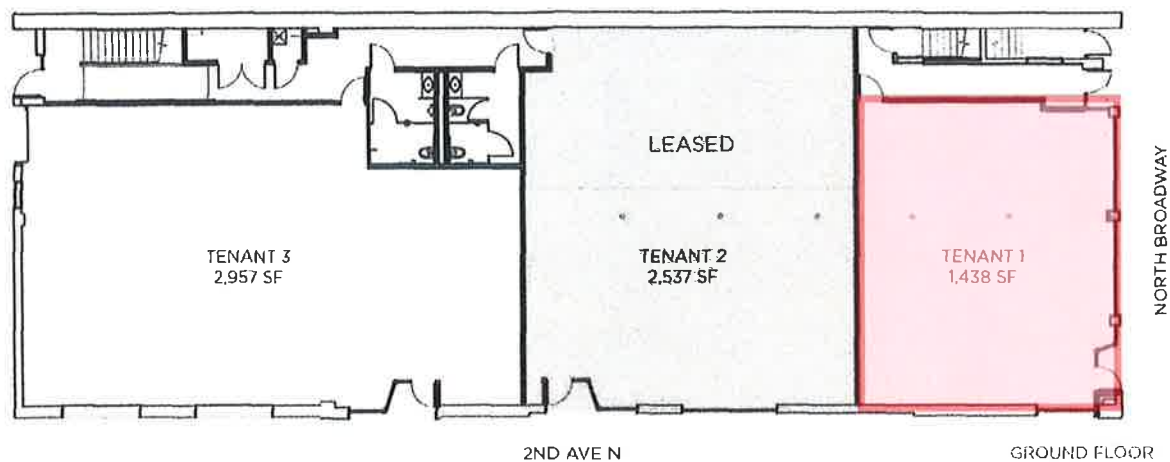
**11. Provide evidence that the applicant is current on state and local taxes (Certificate of Good Standing from State Tax Commissioner (see Attachment E) and receipt showing proof that local taxes have been paid.**



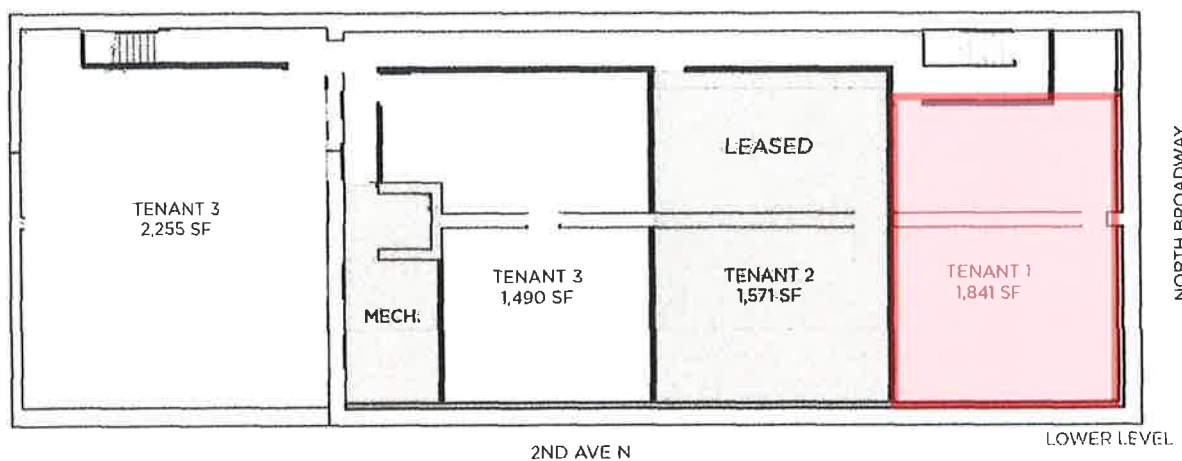
Please see attached. [COMPLETE AND ATTACH CERTIFICATE OF GOOD STANDING].

**Submit Project Proposals to:**  
Department of Planning and Development, 200 N 3<sup>rd</sup> Street, Fargo, ND 58102  
Phone 701-241-1474

Floor 1: Tenant 1 Premises shown below.



Lower Level: Tenant 1 Premises shown below.



22C

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Valley View Second Addition	<b>Date:</b>	12/26/2017
		<b>Update:</b>	01/22/2018
<b>Location:</b>	3900 56th Street South	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Lot 1, Block 1, Valley View Second Addition		
<b>Owner(s)/Applicant:</b>	Arbor Courts, LLC/Brian Kounovsky	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential)		
<b>Status:</b>	City Commission Public Hearing: January 29, 2018		

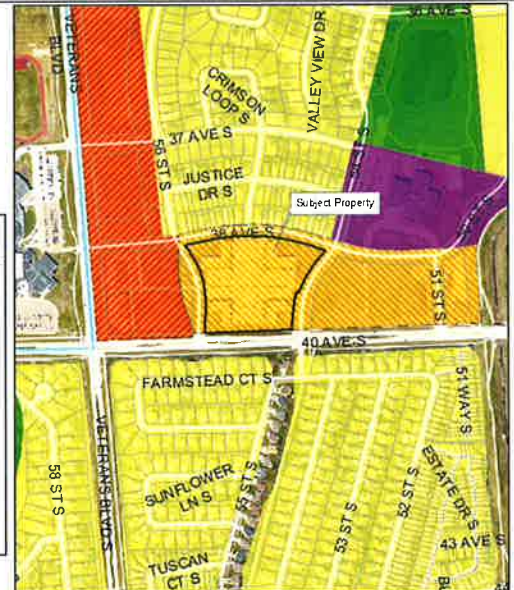
<b>Existing</b>
<b>Land Use:</b> Multi-Dwelling Structure
<b>Zoning:</b> MR-1, Multi-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 16 units per acre

<b>Proposed</b>
<b>Land Use:</b> No Change
<b>Zoning:</b> MR-3, Multi-Dwelling Residential
<b>Uses Allowed:</b> Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 24 units per acre

<b>Proposal:</b>
<p>The applicant is proposing a zone change from MR-1, Multi-Dwelling Residential, zoning district to MR-3, Multi-Dwelling Residential, zoning district in order to increase the allowable density on site. The property is located at 3900 56<sup>th</sup> Street South and encompasses 9.40 acres. The MR-3 zoning district would allow the applicant to have 24 units per acre as opposed to the 16 units per acre that is currently allowed. The applicant is proposing an additional 10 side by side units along 38 Avenue South in addition to the 150 units that are currently on site as depicted in the attached site plan.</p> <p>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.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-4, Single-Dwelling Residential with detached housing use</li> <li>• East: MR-3, Multi-Dwelling Residential with vacant land use</li> <li>• South: Across 40th Avenue South, SR-2, Single-Dwelling Residential with detached housing use</li> <li>• West: GC, General Commercial and LC, Limited Commercial with vacant land use</li> </ul>

## Area Plans

The 2003 Southwest Future Land Use Plan designates the area of this project as "Low/Medium Density or Medium/High Density".



## Schools and Parks:

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

**Neighborhood:** The subject property is located in the Brandt Crossing Neighborhood.

**Parks:** The project site is located approximately less than 150 feet west of Brandt Crossing Park, which has basketball courts, dog park, playgrounds, recreational trails, and a shelter.

**Pedestrian / Bicycle:** There are off-road bike facilities located along 38th Avenue South, 40th Avenue South and Brandt Crossing Park. These bike routes are components of the metro area bikeways system.

## Staff Analysis:

### Zone Change:

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

### Section 20-0906.F (1-4)

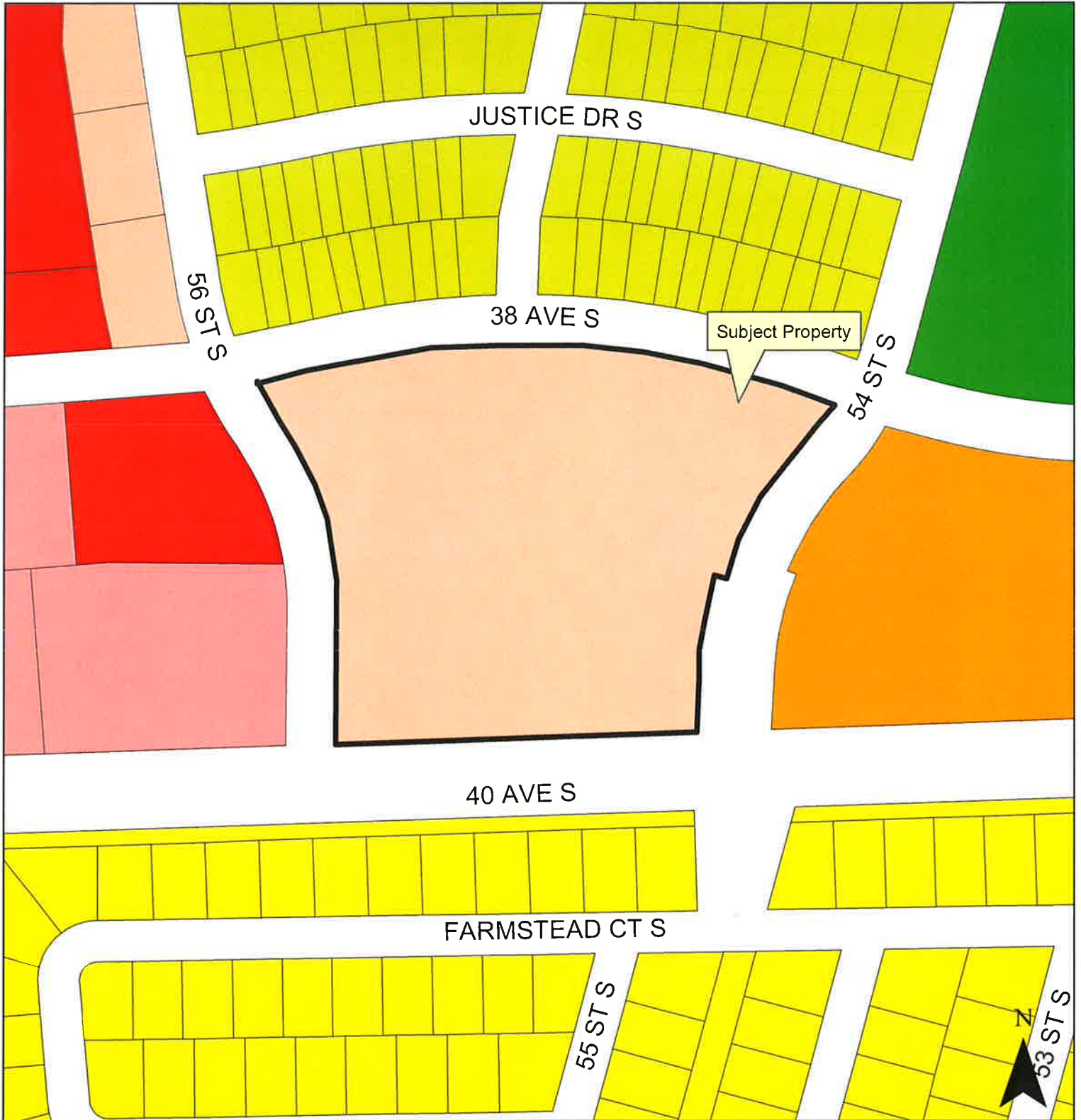
- 1. The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;**  
 Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property.  
**(Criteria Satisfied)**
- 2. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;**  
 The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have

<p>reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified.</p>
<p><b>(Criteria Satisfied)</b></p>
<p><b>3. The approval will not adversely affect the condition or value of property in the vicinity;</b>  Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, 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 verbal concerns or written comments regarding the proposed zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.</p>
<p><b>(Criteria Satisfied)</b></p>
<p><b>4. The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.</b>  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.</p>
<p><b>(Criteria Satisfied)</b></p>
<p><b>Planning Commission Recommendation: January 4, 2018</b></p>
<p>On January 4, 2018, with a 9-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed zoning change from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."</p>
<p><b>Staff Recommendation:</b></p>
<p>Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and approve the proposed zoning change from MR-1, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."</p>
<p><b>Attachments:</b></p>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> <li>3. Site Plan</li> </ol>

# Zone Change (MR-1 to MR-3)

## Valley View 2nd Addition

3900 56th Street South



### Legend

AG	DMU	LC	MHP	SP-2
GC	MR-1	MR-2	NZC	SP-3
GO	MR-3	UML	City Limits	SP-4
				SP-5

300

Fargo Planning Commission

January 4, 2018



## Zone Change (MR-1 to MR-3)

### Valley View 2nd Addition

3900 56th Street South









OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

2262

1 AN ORDINANCE REZONING A CERTAIN PARCEL OF LAND  
2 LYING IN VALLEY VIEW SECOND ADDITION  
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on January 4, 2018; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on January 29,  
11 2018,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lot One (1), Block One (1), Valley View Second Addition to the City of Fargo,  
16 Cass County, North Dakota;

17 is hereby rezoned from "MR-1", Multi-Dwelling Residential, District to "MR-3", Multi-Dwelling  
18 Residential, District;

19 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his  
20 office so as to conform with and carry out the provisions of this ordinance.  
21  
22  
23

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)

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:

22d

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Timber Parkway Second Addition	<b>Date:</b>	9/27/17
		<b>Update:</b>	01/23/18
<b>Location:</b>	4801 and 4951 Timber Parkway South	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	Lots 1 and 7, Block 1, Timber Parkway First Addition		
<b>Owner(s)/Applicant:</b>	Nate Vollmuth/PACES Lodging	<b>Engineer:</b>	Ulteig
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (repeal and reestablish a C-O, Conditional Overlay) and <b>Minor Subdivision</b> (Replat of Lots 1 and 7, Block 1, Timber Parkway First Addition, to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	City Commission Public Hearing: January 29, 2018		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> Retail Sales and Service; Outlet Mall
<b>Zoning:</b> GC, General Commercial, with a C-O, Conditional Overlay	<b>Zoning:</b> GC, General Commercial, with a C-O, Conditional Overlay
<b>Uses Allowed:</b> General Commercial allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del> , health care facilities, parks and open space, religious institutions, safety services, <del>adult entertainment centers</del> , offices, <del>off-premise advertising</del> , commercial parking, outdoor recreation and entertainment, retail sales and service, <del>self-storage</del> , <del>vehicle repair</del> , limited vehicle service, <del>aviation</del> , <del>surface transportation</del> , and major entertainment events.	<b>Uses Allowed:</b> General Commercial allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del> , health care facilities, parks and open space, religious institutions, safety services, <del>adult entertainment centers</del> , offices, <del>off-premise advertising</del> , commercial parking, outdoor recreation and entertainment, retail sales and service, <del>self-storage</del> , <del>vehicle repair</del> , limited vehicle service, <del>aviation</del> , <del>surface transportation</del> , and major entertainment events.
<b>Maximum Building Coverage Allowed:</b> 85%	<b>Maximum Building Coverage Allowed:</b> No change

<b>Proposal:</b>
<p>The applicant is proposing a minor subdivision and zoning map amendment in order to repeal the existing C-O, Conditional Overlay and reestablish a new C-O, Conditional Overlay on the subject property. The subject properties are located at 4801 and 4951 Timber Parkway South, and are legally described as Lots 1 and 7, Block 1, Timber Parkway First Addition.</p> <p>The original C-O on the subject property was intended for commercial development, however, the applicant has a more detailed development plan for the area with the construction of an outlet mall and other retail businesses. Currently, there are two different, but similar, conditional overlays associated with the properties, Ordinances 4908 and 5084. Staff and the applicant coordinated on the conditional overlay, and the proposed C-O maintains much of the original C-O requirements, while seeking to simplify and reduce ambiguity, and increase pedestrian circulation within the development. A draft of the proposed C-O language is attached to this staff report. The subdivision is intended to replat Lots 1 and 7, Block 1, Timber Parkway First Addition into three lots and one block to accommodate future development. Attached is a preliminary master plan provided by the applicant.</p> <p>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.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>North: Across Timber Parkway South is SR-2, Single-Dwelling Residential, SR-4, Single-Dwelling</li> </ul>

Residential and P/I, Public and Institutional with a park, and MR-3, Multi-Dwelling Residential with apartments;

- East: Directly east is GC, General Commercial with a C-O, Conditional Overlay with vacant land; Across Timber Parkway South is SR-4, Single-Dwelling Residential with attached;
- West: Interstate 29;
- South: Across 52nd Avenue South is Single-Dwelling Residential within the City of Frontier.

#### 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.

- Commercial
- Future School
- Industrial
- Low Med Res
- Med High Res
- Proposed Park
- Rural Res



#### Context:

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

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

**Parks:** Located across Timber Parkway South is Timber Creek Park, with trails and a playground.

The Timber Creek development as a whole includes park land dedication (approximately 9.86 acres). Currently, there are no other parks with programmed space or amenities proximal to this development; however, the shared use path and trail network is very strong in this area. The *Prairie Farms Addition* on the south-side of 52<sup>nd</sup> Avenue South, will include significant open space, programmed park acreage and bike/pedestrian connectivity from 52<sup>nd</sup> Avenue to 64<sup>th</sup> Avenue South.

**Pedestrian / Bicycle:** Off road bike facilities are located along Timber Parkway South and 52<sup>nd</sup> 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 regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property. **(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?**

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(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 that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, 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 verbal concerns or written comments regarding the proposed overlay zoning change. Staff finds that the approval 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)**

#### **Minor Subdivision**

The LDC stipulates that the following criteria is met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subdivision is intended to replat Lots 1 and 7, Block 1, Timber Parkway First Addition into three lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

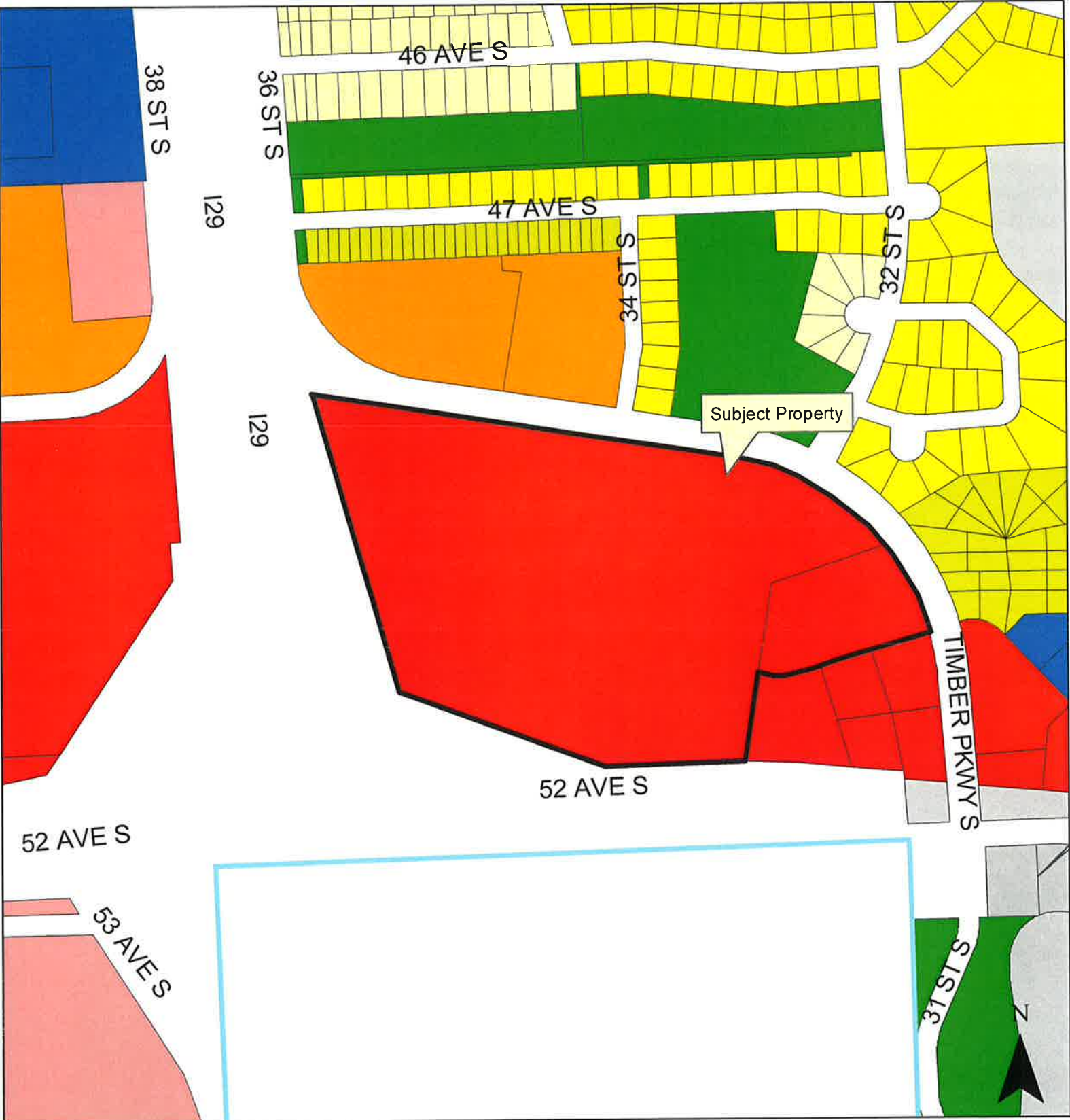
**Updated 1/23/2017:** After the Planning Commission meeting on October 3<sup>rd</sup>, the applicant clarified verbiage from the initial application regarding item B.a.iii Design Standards relating to ground floor facades within a certain distance of streets. This is intended to clarify the requirement and does not change the intent of this section of the Conditional Overlay.

<b>Planning Commission Recommendation:</b> October 3, 2017
<p>On October 3, 2017, with a 7-0 vote, the Planning Commission accepted the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) repeal and reestablish a C-O, Conditional Overlay, and 2) subdivision plat, <b>Timber Parkway Second Addition</b>, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4), Article 20-06, and all other applicable requirements of the LDC.</p>
<b>Staff Recommendation:</b>
<p>Suggested Motion: "To accept the findings and recommendations of staff and the Planning Commission, and hereby waive the requirement to receive the Ordinance one week prior to first reading and place the rezoning Ordinance on first reading, and approve the proposed: 1) zone change from repeal and reestablish a C-O, Conditional Overlay, and 2) subdivision plat, <b>Timber Parkway Second Addition</b>, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4), Article 20-06, and all other applicable requirements of the LDC."</p>
<b>Attachments:</b>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Location Map</li> <li>3. Preliminary Plat</li> <li>4. Preliminary Master Plan</li> </ol>



**Timber Parkway 2nd Addition**

4801 & 4951 Timber Pkwy S

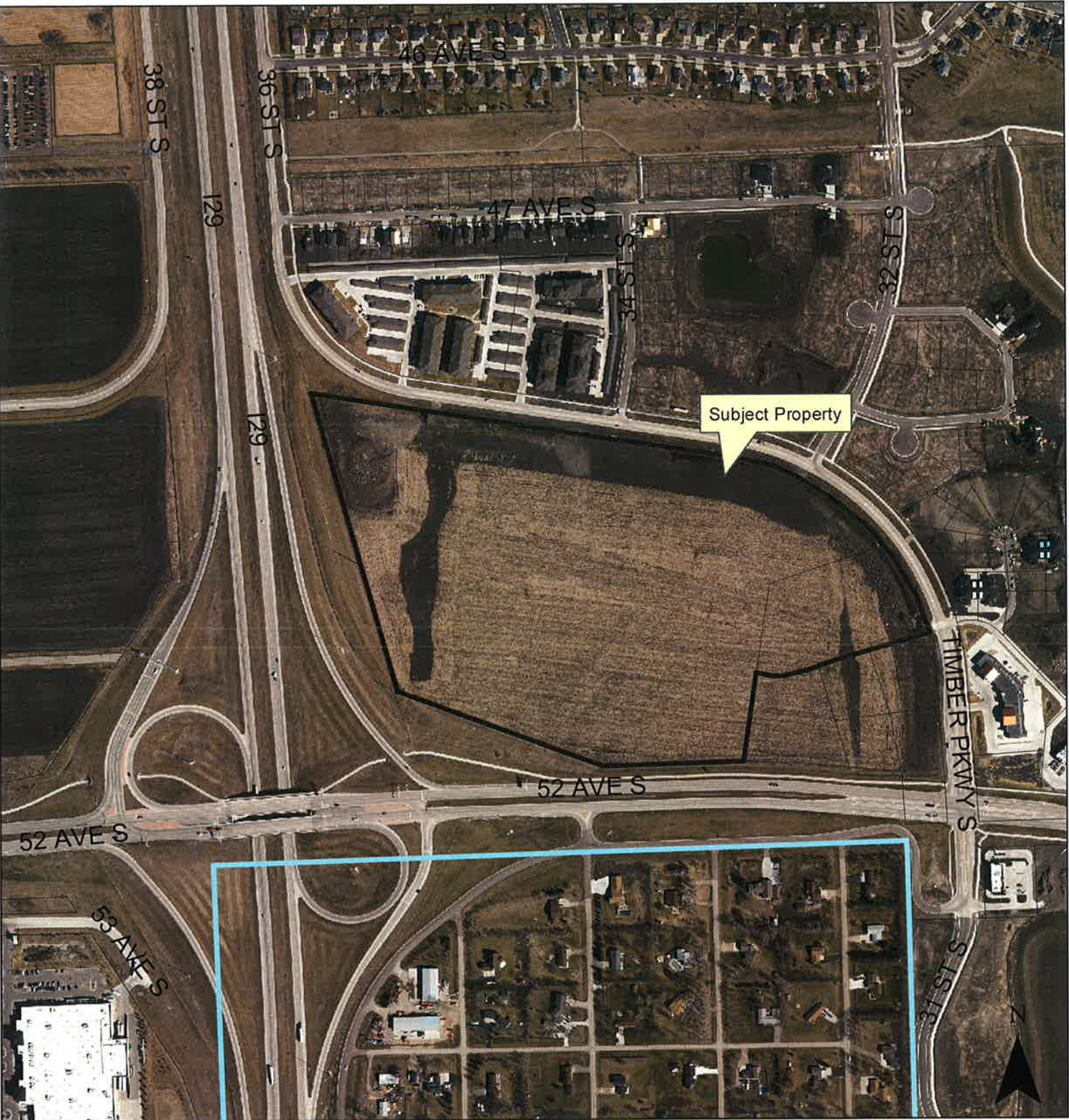




Plat (Minor) and Zone Change (Repeal and Re-establish C-O

Timber Parkway 2nd Addition

4801 & 4951 Timber Pkwy S





## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this 4th day of January, 2013.

Mark H. Bittner  
Mark H. Bittner, City Engineer

County of Cass                 ss  
On this 4<sup>th</sup> day of January, 2018, before me, a notary public with and for said County, personally appeared \_\_\_\_\_, known to me to be the person whose name appears on the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

KATHY CLARK  
 COUNTY CLERK  
 STATE OF NORTH CAROLINA  
 100 COMMERCE STREET, 12TH FLOOR  
 RALEIGH, NC 27601

FARGO CITY COMMISSION APPROVAL \_\_\_\_\_

Read this story of \_\_\_\_\_, 2017.

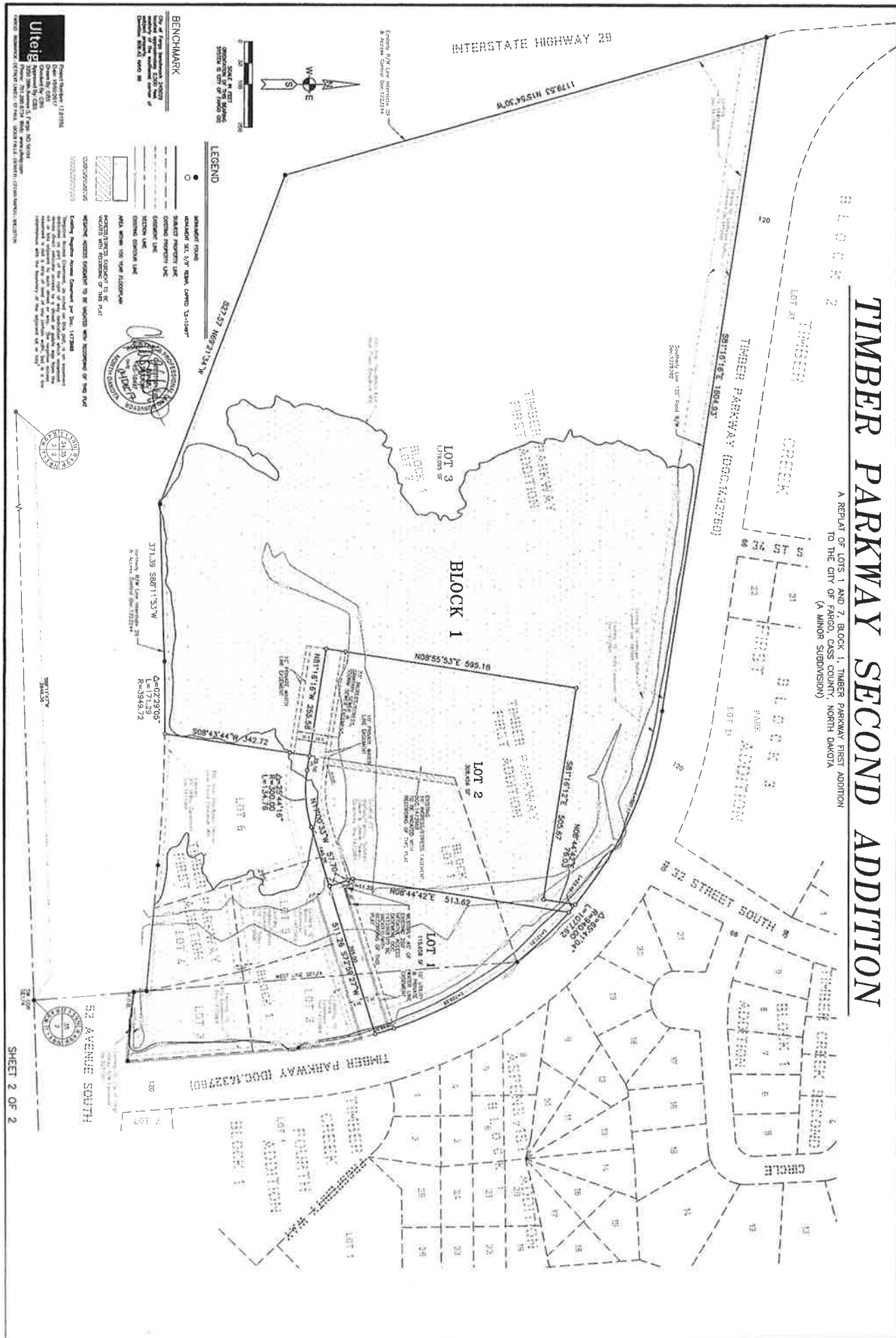
State of North Dakota } SS  
County of Cass }

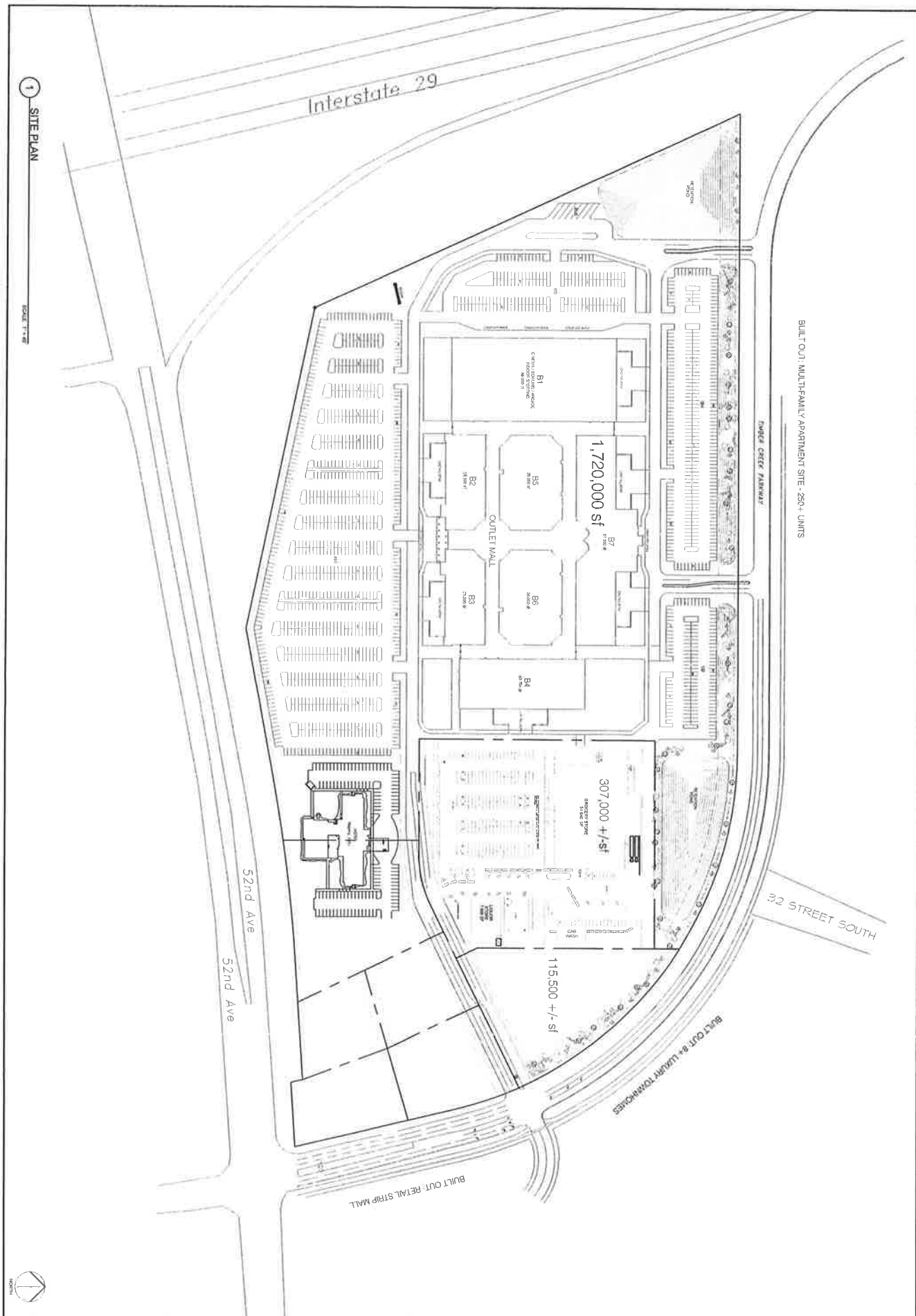
me, a noisy public man and of said County, personally, appointed Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a true act and deed.

SHEET 1 OF 2

# TIMBER PARKWAY SECOND ADDITION

A REPLAT OF LOTS 1 AND 7, BLOCK 1, TIMBER PARKWAY FIRST ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)





1 SITE PLAN

SCALE 1" = 40'



S1.1

SHEET DESCRIPTION:

PLAN

DATE

3/7/2014

PREPARED BY:

MEP/NATIONAL

PH. (701) 499-0212

FAX (701) 281-9801

4226 45TH ST. SOUTH

FARGO, ND 58104

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

DATE: 3/7/2014

PROJECT NO. 1400000000

DATE: 3/7/2014

BY: [Signature]

CHECKED BY: [Signature]

**GROCERY STORE  
AT TIMBER CREEK**  
4801 TIMBER PARKWAY SOUTH  
FARGO, NORTH DAKOTA

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

22d2

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
2 LYING IN TIMBER PARKWAY SECOND ADDITION  
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

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

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on January 29, 2018; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on October 3,  
11 2017,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 All of Timber Parkway Second Addition to the City of Fargo, Cass County, North  
16 Dakota;

17 that is currently zoned as a "GC", General Commercial, District with a "C-O", Conditional Overlay  
18 will hereby retain the "GC", General Commercial, District zoning and the "C-O", Conditional  
19 Overlay is repealed and re-established to read as follows:

20 A. Description

- 21 a. This C-O, Conditional Overlay, district is primarily intended to encourage high-  
22 quality, durable, and long-lasting investments.

23 B. Design Standards

a. Building Massing

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

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

- 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 total 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 lengths. Attached or adjacent permanent wall projections that screen maintenance/loading/delivery/dumpster areas that exceed 9 feet in height shall count as projections and recesses.
  - iii. Ground floor facades that are within 200' 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 right-of-ways or parking lots shall be designed with a similar level of design detail, respective to building massing and building materials.
- b. Building Materials
- i. All walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, EIFS, fiber cement, curtain walls, glass, high quality pre-stressed concrete systems, architectural metal panels, colored precast concrete panels, or similar high quality material as may be approved by the Zoning Administrator. All materials shall be durable and have a multi-generational life span.
  - ii. Prohibited materials shall be steel siding exceeding 25% of building elevation, untreated CMU's, ceramic tile walls, highly reflective wall treatments, exposed neon or color tubing that is not used in an accent capacity, un-textured concrete, untreated concrete masonry unit, or un-colored precast concrete panels; unless otherwise approved by the Zoning Administrator.
- c. Screening of Dumpsters/Refuse Containers and Loading Areas
- i. Dumpsters
    - 1. Lot 3: Dumpster and loading areas that are attached or adjacent to the primary structure shall be screened on three sides by permanent

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

walls. The fourth side shall be screened a minimum of 40% from perpendicular view by permanent walls. Permanent walls shall be a minimum of 9 feet in height.

2. Lots 1 and 2: Dumpster and loading areas that are attached or adjacent to the primary structure shall be screened on three sides by permanent walls. Permanent walls shall be a minimum of 9 feet in height.

ii. Stand-alone outdoor dumpster areas shall be screened on three sides by permanent walls. The fourth side shall be screened by a metal gate. Permanent walls shall be a minimum of 8 feet in height.

d. Screening of Rooftop and Ground Level Mechanical Equipment

i. Rooftop mechanical equipment shall be 50% concealed from public view, when viewing angle is from the Finish Floor elevation, measured at 150' from the exterior wall.

ii. All ground level HVAC units and utility boxes shall be screened from view by a structure, wall, fence or landscaping.

e. Parking Lot Landscaping

i. A minimum of 10% of the internal surface area of the parking lot shall be landscaped with plantings, but shall be allowed to be reduced to 5% with approved landscape buffer as outlined in subparagraph B.(f)(i).

f. Landscape Buffer

i. A 50-foot landscape easement was dedicated in March 2014 by Document Number 1412948 on file with the Cass County Recorder's Office along the north side of the development. The developer shall be required to submit a landscape plan for this easement area which shall include a combination of trees and landscaped berms. And the overall landscape plan shall be approved by the Zoning Administrator. The developer intends this buffer to provide a high quality transition between residential and commercial properties while also providing an added aesthetic element to the development. If, in the opinion of the Zoning Administrator, the proposed landscape plan meets the intended objective and is reflective of high quality design and materials; the requirement for landscaping internal to parking lots as contemplated under subparagraph 2.(f)(ii) of Ordinance Number 4908 shall be reduced from 10 percent to 5 percent. The landscaping plan shall be implemented within the easement area within 12

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

month following issuance of any building permit as described in  
Ordinance Number 4908. Trees shall be of minimum 2-inch caliper.

C. Prohibited Uses

- a. Within the Use Category for Retail Sales/Service and Office, sales and leasing of consumer vehicles including passenger vehicles, light/medium trucks and other recreational vehicles that includes outdoor storage/display/sales are prohibited
- b. Detention Facilities
- c. Adult Entertainment Center
- d. Self-Service Storage
- e. Vehicle Repair (excluding tire sales)
- f. Industrial Service
- g. Manufacturing and Production
- h. Warehouse and Freight Movement, excluding furniture/appliance stores from the prohibition
- i. Wholesale Sales
- j. Aviation/Surface Transportation

D. Site Design

- a. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
  - i. Any public sidewalk system along the perimeter streets adjacent to the development, or along the perimeter of the lot
  - ii. Primary entrances of other buildings on the site
  - iii. Adjacent pedestrian origins and destinations – including but not limited to transit stops, residential development, office buildings, and retail buildings – where deemed practical and appropriate by the Zoning Administrator.

E. Signage

- a. Off-premise Signs and digital billboards shall be prohibited.
- b. Advertising of businesses within said development is not considered off-premise advertising.



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

c. Unless otherwise specified above, all other provisions within the Sign Code 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.

(SEAL)

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor


First Reading:  
Second Reading:  
Final Passage:

24a

## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: KENT COSTIN, DIRECTOR OF FINANCE** 

**RE: STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL**

**DATE: January 17, 2018**

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.

As requested previously by the City Commission, the costs related to the Oxbow Hickson Bakke levee are being presented separately from the rest of the Metro Flood Diversion expenses. This request includes only the OHB levee related costs for December 2017.

**Suggested Motion:**

Approve a State Water Commission request for cost reimbursement for Fargo-Moorhead Metropolitan Area Flood Risk Management Project costs totaling \$1,625,005.

January 17, 2018

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 #59 pursuant to the terms and conditions of House Bill 1020 for costs incurred on the OHB Levee project from December 1, 2017 to December 31, 2017. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$1,625,005.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$179,674,062	\$3,250,011	50%	\$1,625,005	\$129,200,933

**Project Narrative, this request:**

Project Number	Project Description
V01204	Commercial relocation assistance for Oxbow Country Club
V01701	Pay Application #6 for WP 43E.2D – Residential Demolition – Schnell Drive and Riverbend Road
V04401	Pay Application #3 for WP 43CD – OHB Ring Levee Phases C and D
V05001	Utility relocation for O/H/B ring levee project

We certify that \$78,689,391 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. 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 HB 1020. Copies of their approval letters are included.

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

Sincerely,



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.

**FM Metropolitan Area Flood Risk Management Project**  
**Summary of Cash Disbursements Eligible for SWC Funding**  
**December 2017 - OHB Levee Related Costs**


Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	12/21/2017	283708	MEYER CONTRACTING INC	(191,336.04)	OHB RING LEVEE PHASES C/D	V04401	OHB RING LEVEE PHASES C&D
			<b>Total Retainage</b>	<b>(191,336.04)</b>			
790-7930-429.67-12	12/28/2017	283836	CASS COUNTY JOINT WATER RESOURCE DI	452,361.56	OXBOW GOLF & COUNTRY CLUB	V01204	Cass Joint Water OCC
790-7930-429.67-12	12/28/2017	283836	CASS COUNTY JOINT WATER RESOURCE DI	166,816.33	OXBOW GOLF & COUNTRY CLUB	V01204	Cass Joint Water OCC
			<b>Total LERRDS - North Dakota - Commercial Buildings</b>	<b>619,177.89</b>			
790-7930-429.73-20	12/28/2017	283836	CASS COUNTY JOINT WATER RESOURCE DI	45,395.10	SCHMIDT AND SONS CONSTRUCT	V01701	ND LAND PURCH-OUT OF TOWN
			<b>Total LERRDS - North Dakota - Site Improvements</b>	<b>45,395.10</b>			
790-7952-429.73-52	12/21/2017	283708	MEYER CONTRACTING INC	2,670,106.18	OHB RING LEVEE PHASES C/D	V04401	OHB RING LEVEE PHASES C&D
			<b>Total O/H/B Construction - Flood Control</b>	<b>2,670,106.18</b>			
790-7952-429.73-70	12/14/2017	283450	CASS RURAL WATER USERS DIST	106,667.50	UTILITY RELOCATION	V05001	OHB LEVEE UTILITY RELOCATE
			<b>Total O/H/B Construction - Utilities</b>	<b>106,667.50</b>			
			<b>Total Expense for Period</b>	<b>3,250,010.63</b>			

246

## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

**TO:** BOARD OF CITY COMMISSIONERS

**FROM:** KENT COSTIN, DIRECTOR OF FINANCE 

**RE:** STATE WATER COMMISSION COST REIMBURSEMENT APPROVAL

**DATE:** January 17, 2018

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 \$1,792,502.



January 17, 2018

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 #58 pursuant to the terms and conditions of House Bill 1020 for costs incurred from December 1, 2017 to December 31, 2017 on the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. These costs are summarized in the attached cost summaries and are supported by detailed disbursement records included within this submission.

The total amount of the claim for reimbursement is \$1,792,502.

State Funds Available	Amount Spent Previous Request	Amount Spent This Period	State Cost Share	Reimbursement Request This Period	Balance of State Funds
\$310,500,000	\$177,881,560	\$222,923	100%	\$222,923	
		3,139,159	50%	1,569,579	
		<b>\$3,362,082</b>		<b>\$1,792,502</b>	<b>\$130,825,938</b>

**Project Narrative, this request:**


Project Number	Project Description
V01701	Land for Diversion Inlet, Phase 1A, and WP 38 Upstream Mitigation
V02812	Pay Application #22 for WP 42F.1S 2 <sup>nd</sup> St North Floodwall, South of the Pump Station
V02818	Partial Retainage Release for Mickelson Levee Extension
V02823	Pay Application #2 for WP42G – General Landscaping & Plantings along In-Town Flood Walls
V04201	Traffic Control at Inlet Construction Site
V04301	Pay Application #2 for WP28A – County Roads 16 & 17 Realignment

We certify that \$78,689,391 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of HB 1020. 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 HB 1020. Copies of their approval letters are included.

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

Sincerely,

  
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.

**FM Metropolitan Area Flood Risk Management Project**  
**Summary of Cash Disbursements Eligible for SWC Funding**  
**December 2017**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-206.10-00	12/21/2017	283684	INDUSTRIAL BUILDERS INC	21,944.03	Retainage PO 183957	V02818	MICKELSON LEVEE EXTENSION
790-0000-206.10-00	12/7/2017	283272	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	(5,957.77)	LANDSCAPE & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
790-0000-206.10-00	12/7/2017	283359	RILEY BROTHERS CONSTRUCTION	(44,485.56)	CO RD 16 & 17 REALIGNMENT	V04301	CR16 & CR17 REALIGNMENT
			<b>Total Retainage</b>	<b>(28,499.30)</b>			
790-7930-429.71-30	12/28/2017	283836	CASS COUNTY JOINT WATER RESOURCE DI	200,135.00	THE TITLE COMPANY - OIN 1223 Ohnstad	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	12/28/2017	283836	CASS COUNTY JOINT WATER RESOURCE DI	25,755.00	THE TITLE COMPANY - OIN 1955 Haux	V01701	ND LAND PURCH-OUT OF TOWN
790-7930-429.71-30	12/28/2017	283836	CASS COUNTY JOINT WATER RESOURCE DI	2,433,020.59	THE TITLE COMPANY - OIN 230 Cossette	V01701	ND LAND PURCH-OUT OF TOWN
			<b>Total LERRDS - North Dakota - Land</b>	<b>2,658,910.59</b>			
790-7950-429.38-99	12/28/2017	283838	CASS COUNTY TREASURER	1,480.00	REIMB NORTHSTAR SAFETY	V04201	DUST/TRAFFIC CONTRL-INLET
			<b>Total ND Construction - Other Services</b>	<b>1,480.00</b>			
790-7950-429.73-52	12/21/2017	283684	INDUSTRIAL BUILDERS INC	201,656.42	2 ST N FLOODWALL	V02812	2ND ST NORTH FLOODWALL
790-7950-429.73-52	12/21/2017	283684	INDUSTRIAL BUILDERS INC	(35,476.96)	CITY OF FARGO SHARE OF PROJ	V02812	2ND ST NORTH FLOODWALL
			<b>Total ND Construction - Flood Control</b>	<b>166,179.46</b>			
790-7950-429.73-59	12/7/2017	283359	RILEY BROTHERS CONSTRUCTION	444,855.53	CO RD 16 & 17 REALIGNMENT	V04301	CR16 & CR17 REALIGNMENT
			<b>Total ND Construction - Street &amp; Roadway System</b>	<b>444,855.53</b>			
790-7950-429.73-66	12/7/2017	283272	HOFFMAN & MCNAMARA NURSERY&LANDSCAP	119,155.47	LANDSCAPE & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
			<b>Total ND Construction - Landscaping</b>	<b>119,155.47</b>			
			<b>Total Expense for Period</b>	<b>3,362,081.75</b>			