

FARGO CITY COMMISSION AGENDA
Tuesday, November 12, 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, October 28, 2024).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. Letter of Support for the RKAK Project to the ND Opportunity Fund Consortium.
- 2. 1st reading of an Ordinance Amending Article 11-09, of Chapter 11, of the Fargo Municipal Code, Relating to Littering of Public Places by Contractors.
- 3. 2nd reading, waive reading and final adoption of an Ordinance Annexing a Certain Parcel of Land Lying in a Portion of the West Half of Section 4, Township 138 North, Range 49 West of the 5th Principal Meridian in Cass County, North Dakota; 1st reading, 10/28/24.
- 4. 2nd reading, waive reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Southwest Fargo Mission Second Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 10/28/24.
- 5. Appeal of the decision of the District Court regarding Liquid Hospitality, LLC d/b/a Windbreak Saloon vs. Board of City Commissioners of the City of Fargo-Case No. 09-2024-CV-01023.
- 6. Receive and file the Order, Complaint and Cass County Jail Inmate Grievance Form from Willshaun Devon Boxley.
- 7. Applications for Games of Chance:
 - a. Benefit for Shannyn Mack for a raffle 12/1/24; Public Spirited Resolution.
 - b. El Zagal Shrine Arab Patrol for a raffle on 3/14/25.
 - c. NDSU Dance Team for a raffle on 12/6/24.
 - d. NDSU Men's Lacrosse Club for a raffle on 3/8/25.
 - e. Oak Grove Lutheran School for a raffle board on 11/15/24.
- 8. Developer Agreement with Lepine Holdings, LLC for MLTB Addition.
- 9. Stockpile Storage Agreement (Southwest Regional Pond - Phase 2) with Keith A. Ernst and Linda Vogle, as Trustees of the Fred M. Hector, Jr. Revocable Trust under agreement dated September 27, 2017.
- 10. Negative Final Balancing Change Order No. 1 in the amount of -\$9,163.12 for Project No. PR-24-C1.

11. Negative Final Balancing Change Order No. 2 in the amount of -\$42,665.40 for Project No. SR-24-B1.
12. Change Order No. 3 for an 18-day time extension to the final completion date for Project No. TR-23-A1.
13. Permanent Easement (Lift Station) and Termination of Easement (Lift Station) with Dakota Commerce Center 5 LLC for Improvement District No. BN-23-F1.
14. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with Keith A. Ernst and Linda Vogle, as Trustees of the Fred M. Hector, Jr. Revocable Trust under agreement dated September 27, 2017 (Improvement District No. FP-19-A1).
15. Bid award to Master Construction Company, Inc. in the amount of \$3,403,624.90 for Improvement District No. BR-25-A1.
16. Bid award to Border States Paving, Inc. in the amount of \$13,300,910.09 for Improvement District No. FP-19-A4.
17. Bid award and Agreement with Osgood Cleaning Services, LLC for cleaning services at City Hall and Sky Commons West Wing (RFP24019).
18. Items from the FAHR Meeting:
 - a. Receive and file Sales Tax update.
 - b. Receive and file the donation for the 2025 Benefits Fair.
 - c. Authorization to close out ARPA Fund 255 at year-end 2024 and related budget adjustments as presented.
 - d. Grant Award and Acceptance of the 2025 Project Safe Neighborhoods Grant Program in the amount of \$33,300.00 and related budget adjustments.
 - e. Acceptance of the FY 2024 State Homeland Security Grant Program in the amount of \$474,000.00 and related budget adjustments.
 - f. Request to overfill the January 2025 Fargo Police Academy class with six sworn Police Officer positions.
 - g. Bid award for scrap meter liquidation to the selected vendors within the Preferred Buyers group (RFP23125).
 - h. Commercial Real Estate Advisory Agreement with Goldmark Commercial Real Estate Inc. for advisory services on the sale of City property west of the landfill.
19. Agreement for Provision of Environmental Health Services for the City of West Fargo.
20. Memorandum of Understanding between Local Public Health Units of Region V in North Dakota.
21. Contract Agreement for Services with the American Lung Association.
22. Amendment to the Findings of Fact, Conclusions and Order for property located at 1011/1013 University Drive North.
23. Authorization to apply for the 2025 Grant funds under the Infrastructure Investment and Jobs Act framework.
24. Resolution approving Plat of MLTB Addition.

25. Direct the City Attorney's Office to draft revisions to Fargo Municipal Code Section 8-0602.
26. Task Order from Stantec in the amount of \$83,535.00 (Project No. SW 24-06).
27. Resolutions Prescribing Rates and Charges for Water Utility and Water Reclamation Utility Service and Resolution Authorizing Storm Water Service Charge.
28. First Amendment to Water Service Agreement with the City of West Fargo.
29. Second Amendment to Agreement and Release with Cass Rural Water Users District.
30. Amendment of Resolution Authorizing the Issuance and Sale of an Amended and Restated \$98,000,000.00 City of Fargo Sales Tax and Water Revenue Bond, Series 2013B.
31. First Amendment to Sewer Agreement with the City of West Fargo.
32. Resolutions of Governing Body of Applicant - Resolution Authorizing filing of application with the ND Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act to support Engineering led DOT projects.
33. Change Orders for Project No. WW1707:
 - a. No. 1 in the amount of \$3,164.59.
 - b. No. 2 in the amount of \$119,206.80 and time extensions to the substantial and final completion dates.
34. Change Order No. 7 in the amount of \$852,825.00 for Project No. WW1701.
35. Bills.

REGULAR AGENDA:

36. Presentation on the 2025 Legislative Session.

PUBLIC HEARINGS - 5:15 pm:

37. **PUBLIC HEARING** – Application for an ownership change for a Class “Z” Alcoholic Beverage License for Vault Partners LLP d/b/a Fort Noks located at 52 Broadway North; continued from the 10/28/24 Regular Meeting.
38. Construction Update.
39. Recommendations for Federal Aid Transportation Alternatives Project Applications for the years 2028 and 2029.
40. Recommendation for the Shared Use Path as part of the 17th Avenue South reconstruction project.
41. Recommendations for appointments to the following Board and Commission:
 - a. Growth Initiative Fund Board of Directors.
 - b. Planning Commission.
42. Liaison Commissioner Assignment Updates.

43. **RESIDENT COMMENTS** (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).

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.



36

November 12, 2024

To: Board of City Commissioners
Fr: Michael Redlinger, City Administrator
Re: 2024 Statewide Election Summary & Preview of the 2025 Legislative Session

The City Commission is asked to receive a presentation from City Administration and Special Assistant City Attorney Terry Effertz of Integrity Public Affairs. Ms. Effertz will provide a summary of the 2024 statewide election results; her role assisting the City of Fargo in the 2025 Legislative Session, and a recap of priorities the City will be advocating for and monitoring in the 2025 Session.

Following remarks by Ms. Effertz, Commissioners will have an opportunity to ask questions and provide input into 2025 legislative priorities for the City of Fargo.

Recommended Action: No action is requested of the City Commission; this will be a presentation and discussion only.

37

MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Application – Fort Noks
DATE: November 1, 2024

The following application for a liquor license issuance was received by the Auditor's office and reviewed by the Liquor Control Board, at the October 28, 2024 Commission meeting the application was sent back to staff to gather additional information.

License Class: Z –full alcohol, no food sales required, bar allowed
Business Name: Vault Partners LLP d/b/a Fort Noks
Location: 52 Broadway North
Applicants: Anthony Lavoy & Cole Jirik

No significant concerns for Cole Jirik, he has an approval recommendation from the Liquor Control Board and the Police Chief. Anthony Lavoy has re-submitted an updated application listing his previous criminal record. He included a letter explaining it is his responsibility to submit an accurate application. He also indicates that in 2021 in his application to purchase the license/business, the information was listed and the license was approved by Chief Zibolski. Mr. Lavoy verbally indicated he thought the application was to remove Jim Buus and Brent Kuehne and add Cole Jirik. We have a denial recommendation from the Police Chief, the Liquor Control Board voted to approve the issuance of a Class Z alcoholic beverage license to Vault Partners LLP d/b/a Fort Noks. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class Z alcoholic beverage license to Vault Partners d/b/a Fort Noks.



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: 06.04.2024

RE: Alcoholic Beverage License Application, Class "Z", Fort Nok's

Application for a class "Z" Alcoholic Beverage License from
Vault Partners LLP "Fort Nok's", Located at 52 Broadway N Fargo ND 58102.

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:

Anthony Michael Lavoy

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 the following criminal history that was not disclosed on the background packet.

- A search of ND Courts shows a 2015 DUI arrest for Lavoy. This case was later pled down to reckless driving which Lavoy pled Guilty. This alcohol related citation was not listed on the background packet.
- A search of MN Public records shows a 2010 conviction for Disorderly conduct in Mahnomen County. This misdemeanor offense was not listed on the background packet.

Credit History -

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

Cole Barton Jirik

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.

Credit History -

Cole Jirik'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 "Z" alcoholic beverage license (Authorizes the licensee to sell Spirits, beer, wine, on-sale) for Vault Partners LLP (Fort Nok's)

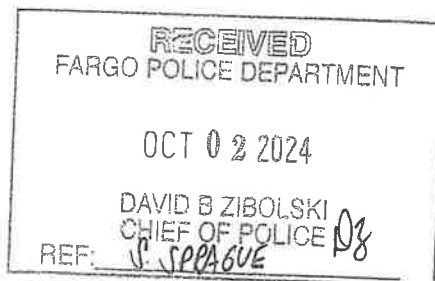
Business Location

Fort Nok's is located at 52 Broadway N. Other businesses in the area with alcoholic beverage licenses are The Old Broadway, Sports Bar.

Conclusion

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

J. Wagner 347



COLE JIRIK - RECOMMEND APPROVAL

ANTHONY LAVOY - DENIED PURSUANT TO ARTICLE 25-15, SECTION 25-15(1) FARGO MUNICIPAL CODE AS FOLLOWS: - QUESTIONS 3 & 4 WERE FALSE STATEMENTS. ALSO, PURSUANT TO 25-15 (10).

TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Vault Partners LLP
(Must match State of North Dakota registration name)

DBA Name: Fort Nok's

License Transferred From: Same LLP, new partner

****Applicant must include letter from current license holder approving transfer of license****

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

Business location address: 52 Broadway N, Fargo, ND. 58102

Mailing address: PO Box 2051, Fargo, ND. 58107

Business E-mail address: noks@fortnoks.com

Local Manager E-mail address: noks@fortnoks.com

Best Contact Phone number: (612) 703-3411

Anticipated Date of Opening: currently open / new partner change

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: 5/30/24 Class of License: 2

Investigations Fee Paid (\$250) Yes No Date Paid: 5/30/24 Check/CC # 5346

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation
COLE JIRIK

Denial Recommendation
ANTHONY LAVOY

David B. Jirik
Chief of Police

10-02-24
Date



CITY COMMISSION ACTION
10/28/24 Continued to
11/12/24

AUDITOR'S OFFICE

Fargo City Hall
225 4th Street North
PO Box 2471
Fargo, ND 58108

Phone: 701.241.8108 | Fax: 701.241.8184
www.FargoND.gov

MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Application – Fort Noks
DATE: August 21, 2024

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

License Class: Z –full alcohol, no food sales required, bar allowed
Business Name: Vault Partners LLP d/b/a Fort Noks
Location: 52 Broadway North
Applicants: Anthony Lavoy & Cole Jirik

No significant concerns for Cole Jirik, he has an approval recommendation. Anthony Lavoy has a denial recommendation from the Chief, the Liquor Control Board voted to approve the issuance of a Class Z alcoholic beverage license to Vault Partners LLP d/b/a Fort Noks. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the issuance of a Class Z alcoholic beverage license to Vault Partners d/b/a Fort Noks.



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: 06.04.2024

RE: Alcoholic Beverage License Application, Class "Z", Fort Nok's

Application for a class "Z" Alcoholic Beverage License from
Vault Partners LLP "Fort Nok's", Located at 52 Broadway N Fargo ND 58102.

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:

Anthony Michael Lavoy

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 the following criminal history that was not disclosed on the background packet.

- A search of ND Courts shows a 2015 DUI arrest for Lavoy. This case was later pled down to reckless driving which Lavoy pled Guilty. This alcohol related citation was not listed on the background packet.
- A search of MN Public records shows a 2010 conviction for Disorderly conduct in Mahnommen County. This misdemeanor offense was not listed on the background packet.

Credit History -

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

Cole Barton Jirik

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.

Credit History -

Cole Jirik'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 "Z" alcoholic beverage license (Authorizes the licensee to sell Spirits, beer, wine, on-sale) for Vault Partners LLP (Fort Nok's)

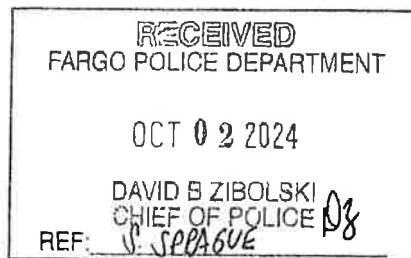
Business Location

Fort Nok's is located at 52 Broadway N. Other businesses in the area with alcoholic beverage licenses are The Old Broadway, Sports Bar.

Conclusion

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

J. Wagner 347



COLE JIRIK - RECOMMEND APPROVAL

*ANTHONY LAVOY - DENIED PURSUANT TO ARTICLE 25-15, SECTION 25-15(9) FARGO MUNICIPAL CODE AS FOLLOWS:
- QUESTIONS 3 & 4 WERE FALSE STATEMENTS. ALSO, PURSUANT TO 25-15 (10).*

TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Vault Partners LLP

(Must match State of North Dakota registration name)

DBA Name: Fort Nok's

License Transferred From: Same LLP, new partner

****Applicant must include letter from current license holder approving transfer of license****

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

Business location address: 52 Broadway N, Fargo, ND. 58102

Mailing address: PO Box 2051, Fargo, ND. 58107

Business E-mail address: noks@fortnoks.com

Local Manager E-mail address: noks@fortnoks.com

Best Contact Phone number: (612) 703-3411

Anticipated Date of Opening: currently open / new partner change

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: 5/30/24

Class of License: 2

Investigations Fee Paid (\$250) Yes No

Date Paid: 5/30/24 Check/CC # 5346

Police Department review completed by: _____ Date: _____

(Attached recommendation report):

Approval Recommendation
COLE JIRIK

Denial Recommendation
ANTHONY LAVOY

[Signature]
Chief of Police

10-02-24
Date

NOTICE OF HEARING

37

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 Monday, October 28, 2024, at 5:15 o'clock p.m. to consider an application for an ownership change for a Class "Z" license for Vault Partners LLP d/b/a Fort Nok's located at 52 Broadway North.

Any interested person may appear and will be heard.

City Auditor's Office

38

November 4, 2024

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

Re: Construction Update

Dear Commissioners,

On November 12th, 2024, I will be providing an update on the progress of construction projects overseen by the Engineering Department. This will be an informational update only, with no action required.

Sincerely,



Tom Knakmuhs, PE
City Engineer

39

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: 2028 & 2029 Federal Aid Transportation Project Applications

Location: Citywide

Date of Hearing: 11/4/2024

<u>Routing</u>	<u>Date</u>
City Commission	<u>11/12/2024</u>
PWPEC File	<u>X</u>
Project File	<u>Jeremy Gorden</u>

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding recommendations for Federal Aid Transportation Project Applications.

Metro COG and the NDDOT are currently soliciting project applications for years 2028 and 2029. There are approximately \$870,000 available in 2028 and \$880,000 available in 2029. The following projects are what we would like to submit:

- Shared use path along Drain 27/Deer Creek Addition from 52nd Avenue S to 59th Avenue S – Phase 1
- Low level pedestrian/bicycle crossing within Drain 53 near 58th Avenue S
- Shared use path along Drain 27/Deer Creek Addition from Veterans Boulevard to 63rd Street on GSR property – Phase 2
- Shared use path along Drain 53 from 64th Avenue S to 73rd Avenue S

On a motion by Tim Mahoney, seconded by Nicole Crutchfield, the Committee voted to recommend approval of the Project Submittal List as shown and direct staff to prepare the necessary State and Federal Grant Applications for Metro COG review.

RECOMMENDED MOTION

To approve the Project Submittal List as shown and direct staff to prepare the necessary State and Federal grant applications for Metro COG review.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: _____

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 Letter of Credit required (per policy approved 5-28-13)

	<u>Yes</u>	<u>No</u>
	N/A	N/A
	N/A	N/A
	N/A	N/A

COMMITTEE

Tim Mahoney, Mayor
 Nicole Crutchfield, Director of Planning
 Steve Dirksen, Fire Chief
 Brenda Derrig, Assistant City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 Tom Knakmuhs, City Engineer
 Susan Thompson, Finance Director

<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:

Tom Knakmuhs, P.E.
City Engineer

Memorandum

To: Members of PWPEC
From: Jeremy M. Gorden, PE, PTOE
Division Engineer – Transportation
Date: November 1, 2024
Re: Recommendations for Federal Aid Transportation Alternatives Project Applications
Years 2028 and 2029

Metro COG and the NDDOT are currently soliciting project applications for the Transportation Alternatives program for years 2028 and 2029. There is roughly \$870,000 available in 2028 and roughly \$880,000 available in 2029.

Last year we were successful in receiving funding for a new shared use path to run on the south side of the Water Reclamation Facility between Broadway and the new Bison Village shared use path.

This year the following projects are what we'd like to move forward with:

- Shared use path along Drain 27/Deer Creek Addition from 52nd Avenue S to 59th Avenue S – Phase 1
- Low Level pedestrian/bicycle crossing within Drain 53 near 58th Avenue S
- Shared use path along Drain 27/Deer Creek Addition from Veterans Boulevard to 63rd Street on GSR property – Phase 2
- Shared use path along Drain 53 from 64th Avenue S to 73rd Avenue S

I look forward to a good discussion on these projects and ideas.

Recommended Motion

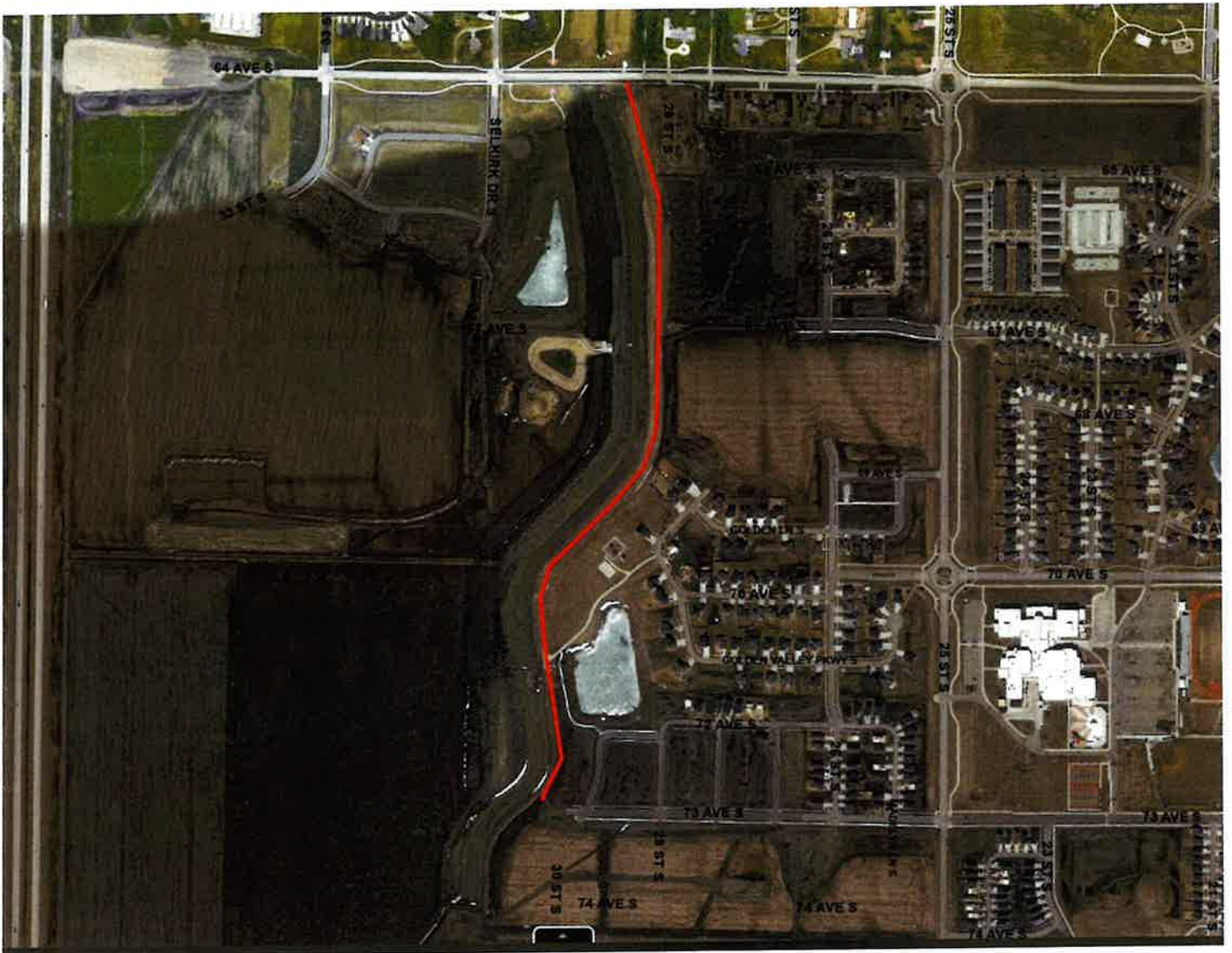
To approve the 'Project Submittal List' as shown and direct staff to prepare necessary federal grant applications for Metro COG consideration.

Attachments

PROJECT SUBMITTAL LIST

Entity: City of Fargo		Contact Person: Jeremy Gorden		Phone Number: 241-1529						
Date: November 1, 2024										
FISCAL YEAR	FUNDING CATEGORY ⁽¹⁾	FUNCTIONAL CLASSIFICATION ⁽²⁾	INVESTMENT STRATEGY ⁽³⁾	RECOMMENDED AS PART OF A STUDY?	PROJECT LOCATION	PROJECT CONSTRUCTION COST				NON-PARTICIPATING (water & sewer)
						TOTAL	FEDERAL	STATE	LOCAL	
2028	TAP	NA	New	Yes	Drain 27/Deer Creek Shared Use Path - Phase 1	\$ 1,082,954	\$ 866,363	\$ -	\$ 216,591	\$ -
2029						\$ 1,169,590	\$ 935,672	\$ -	\$ 233,918	\$ -
2028	TAP	NA	New	Yes	Low Level Pedestrian/Bicycle Crossing - Drain 53	\$ 1,014,623	\$ 811,698	\$ -	\$ 202,925	\$ -
2029						\$ 1,095,793	\$ 876,634	\$ -	\$ 219,159	\$ -
2028	TAP	NA	New	Yes	Drain 27/Deer Creek Addition Shared Use Path - Phase 2	\$ 658,200	\$ 526,560	\$ -	\$ 131,640	\$ -
2029						\$ 710,856	\$ 568,685	\$ -	\$ 142,171	\$ -
2028	TAP	NA	New	Yes	Drain 53 - 64th Ave S to 73rd Ave S Shared Use Path	\$ 962,651	\$ 770,121	\$ -	\$ 192,530	\$ -
2029						\$ 1,039,663	\$ 831,730	\$ -	\$ 207,933	\$ -







PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

40

Type: Design Decision – Shared Use Path

Location: 17th Ave S, University Dr – 25th St

Date of Hearing: 11/4/2024

<u>Routing</u>	<u>Date</u>
City Commission	<u>11/12/2024</u>
PWPEC File	<u>X</u>
Project File	<u>Jason Leonard</u>

The Committee reviewed a communication from Division Engineer, Jason Leonard, regarding design decisions for the shared use path that is part of the reconstruction of 17th Avenue South.

The design calls for a shared use path to be placed on one side of the street. It was determined that installing the path on the south boulevard was not feasible due to the high costs associated with relocating private utilities. Placing the path on the north side has also raised concerns about its impact on existing trees. While a 10-foot wide path was preferred, an 8-foot wide path would minimize the number of trees needing to be removed.

An investigation to evaluate the species and diameter of the affected trees showed that 6 of the 7 larger trees (greater than 12 inches in diameter) affected by the 10-foot path compared to the 8-foot path are Ash trees, a species vulnerable to the emerald ash borer. All except one of the other affected trees are less than 5 inches in diameter when comparing the difference between an 8-foot wide and a 10-foot wide path. Based on this analysis, it is recommended to proceed with the preferred 10-foot wide shared use path.

An open house public input meeting was held on September 18, 2024, to discuss the overall project. There weren't many comments regarding the impact to the trees. Staff is recommending to construct a 10-foot wide shared use path on the north boulevard and replant new trees once the path is completed.

On a motion by Nicole Crutchfield, seconded by Tim Mahoney, the Committee voted to support the design decision for the construction of a 10-foot wide shared use path on the north boulevard with new trees being planted upon completion.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve the 10-foot wide shared use path on the north boulevard and plant new trees once the path is completed.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: Federal/Local

Developer meets City policy for payment of delinquent specials Yes No

Agreement for payment of specials required of developer N/A

Letter of Credit required (per policy approved 5-28-13) N/A

COMMITTEE

Tim Mahoney, Mayor

Nicole Crutchfield, Director of Planning

Steve Dirksen, Fire Chief

Brenda Derrig, Assistant City Administrator

Ben Dow, Director of Operations

Steve Sprague, City Auditor

Tom Knakmuhs, City Engineer

Susan Thompson, Finance Director

<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTEST:



Tom Knakmuhs, P.E.
City Engineer

C: Kristi Olson

Memorandum

To: PWPEC

From: Jason Leonard, Division Engineer

Date: November 4, 2024

Re: Design Decision for Shared Use Path on 17th Avenue South between University Drive South and 25th Street South

Background:

Engineering is planning to reconstruct 17th Avenue South, between University Drive South and 25th Street South, during the 2027 construction season as part of Improvement District BR-26-G1.

Figure 1: Project limits for 17th Avenue South



Before entering the design phase, a corridor study was conducted to assess the needs of this section. The study's preferred alternative was to install a 10-foot wide shared use path on one side of the street. The City of Fargo Engineering staff, in collaboration with Moore Engineering's design team, determined that installing the path on the south boulevard was not feasible due to the high costs associated with relocating private utilities. Consequently, the design team decided to install the shared use path on the north side of the street for the entire length of the project.

Tree Impact Considerations:

Choosing the north side for the path raised concerns about its impact on existing trees. While a 10-foot path was preferred, an 8-foot wide path was also considered to minimize tree removal. Moore Engineering conducted an analysis to assess the impact of both path widths on the existing trees.

The analysis revealed that installing an 8-foot wide path would require the removal of 23 trees, whereas a 10-foot wide path would result in the removal of 41 trees, a difference of 18 trees. Given the significant impact, we conducted a further investigation to evaluate the species and diameter of the affected trees.

The investigation showed that 6 of the 7 larger trees (greater than 12 inches in diameter) affected by the 10-foot path compared to the 8-foot path are Ash trees, a species vulnerable to the emerald ash borer. All **except** one of the other affected trees are less than 5 inches in diameter when comparing the difference between an 8-foot wide and a 10-foot wide path. Based on this analysis, it is recommended to proceed with the preferred 10-foot wide shared use path.

An open house public input meeting was held on September 18, 2024 to discuss the overall project gather input from the residents. A project website with a presentation of the project and an online form to submit comments was made available to residents who were unable to attend the open house public input meeting. There weren't many comments regarding the impact to the trees aside from one property owner who said this is the third time the boulevard trees were being removed since he has lived in his house.

Attached to this memorandum is a draft design decision document for the project that contains background information on the path vs. trees decision.

Recommended Motion:

Construct 17th Avenue South with a 10-foot wide shared use path on the north boulevard and replant new trees once the path is completed.

RECONSTRUCTION

Project No.

PCN

TMA-SU-8-983(069)

24237

17th Avenue S

From University Dr to 25th Street S

Fargo, North Dakota

DRAFT DECISION DOCUMENT

Prepared by

CITY OF FARGO
FARGO, NORTH DAKOTA

CITY ENGINEER
THOMAS KNAKMUHS, PE

Principal Author: Moore Engineering, Inc.
Environmental Reviewer: Kent Leben, Local Government Division

Principal Author: Moore Engineering, Inc.
Environmental Reviewer: Kent Leben, Local Government Division
October 2024

17th Ave S Reconstruction

Fargo, ND

CERTIFICATION

This document
is preliminary
and not for
construction or
implementation
purposes.

PRELIMINARY

A. Project Description

Highway: 17th Avenue S
 District: Fargo
 Limits: University Dr to 25th Street S

Figure 1 – Project Location Map



Table 1 - Traffic Data

	Year	Passengers	Trucks	Totals
Current	2024	6,705	35	6,740
Forecast	2044	9,140	50	9,190

B. Project Schedule

Project: TMA-SU-8-984(181)
 Bid Ready: 1/1/2026

C. Purpose of Project

New/Reconstruction: The purpose of the project is to reconstruct 17th Avenue S between University Drive and 25th Street, replace underground utilities including storm sewer, sanitary sewer, and watermain, upgrade street lighting, traffic signals, and pedestrian crossing facilities near Fargo South High School. The project will also include reconstruction of pedestrian sidewalks and the conversion of an existing sidewalk to a 10 ft-wide shared use path for bicyclists and pedestrians.

D. Need for Project

The pavement and portions of the underground infrastructure along 17th Avenue S have reached the end of its useful life and are in need of replacement. The area surrounding this corridor is primarily residential, with Fargo South High School, Lewis and Clark Elementary School, and the Tharoldson Little League Baseball complex located along this segment of 17th Avenue S. This area is heavily utilized by pedestrians and does not have any dedicated bicycle facilities. The 17th Avenue Corridor Study dated April 2019 identified speeding as a noted problem along this segment of the corridor. Approximately 90% of vehicles were exceeding the posted speed limit by more than 7 miles per hour. This creates safety concerns for cyclists and pedestrians.

Existing Conditions: 17th Avenue S is a two-lane roadway with 4.5-ft pedestrian sidewalks on both sides of the road. A series of thin overlays have kept the surface quality of pavement in this segment in fair condition, however the road has begun to deteriorate and will require reconstruction. There are no designated bicycle facilities in this segment of 17th Avenue S to serve the two adjacent schools, as well as the sports facilities publicly used at each school in addition to the Little League complex.

Deficiencies: The watermain in the drinking water distribution system is Asbestos Cement Pipe that becomes brittle with age and is prone to watermain breaks. Portions of the sanitary sewer collection system have sags in the main that can lead to backups into basements. The east half of the storm sewer system is undersized for current design standards. The pavement condition is deteriorating and requires continual repairs. There is a lack of bicycle facilities within the corridor.

E. Scope of Work

2024-2027 STIP:	\$10,000,000
2024 Documented CatEx:	\$

Notes:

F. Overview of Alternatives

Alternative A: No Build

North Boulevard

*Alternative B1: Keep 4.5 ft sidewalk
Alternative B2: Widen to 8 ft shared use path
Alternative B3: Widen to 10 ft shared use path*

South Boulevard

*Alternative C1: Keep 4.5 ft sidewalk
Alternative C2: Widen to 8 ft shared use path
Alternative C3: Widen to 10 ft shared use path*

G. Description of Alternatives

Alternative A: No Build

This option involves not moving forward with the 17th Avenue S Reconstruction project.

Pros: Lowest initial cost

Cons: Does not address the purpose and need of the project and leaves the pavement, underground utilities, and pedestrian facilities in their current condition

Alternative B1: Keep 4.5 ft sidewalk

This option involves replacing out-of-compliance portions of the existing 4.5 ft sidewalk including:

- Curb ramps
- Changes in Level (vertical change in level greater than ¼ inch)
- Horizontal Openings (gap less than ½ inch)
- Cross-slope exceeding 2.1%

Replacing sections of sidewalk would not require the removal of any existing boulevard trees. Also, no existing private utilities would be affected.

Pros: Corrects ADA deficiencies, no tree or utility impacts

Cons: Does not provide bicycle facilities within corridor if path not added to south boulevard

Alternative B2: Widen to 8 ft shared use path

This option involves removing the existing 4.5 ft sidewalk and replacing with an 8 ft shared use path. Widening to an 8 ft path would require the removal of a total of **23 trees**. Also, no existing private utilities would be affected.

Tree Species	Number Removed
Hackberry	1
Marshall Seedless Ash	1
Redmond Linden	2
American Linden	1
Mountain Frost Pear	7
Red Splendor Crab	1
Prairiefire Crab	3
Japanese Tree Lilac	2
Spring Snow Crab	3
American Elm	2
TOTAL	23

Tree Size	Number Removed
0" – 2"	1
3" – 5"	6
6" – 11"	13
+12"	3
TOTAL	23

Highlights: 1 tree in conflict with path is an Ash tree, which is +12" in diameter.

Pros: Provides bicycle facilities within corridor, less impact than 10' wide option

Cons: Tree impact and path narrower than preferred width

Alternative B3: Widen to 10 ft shared use path

This option involves removing the existing 4.5 ft sidewalk and replacing with a 10 ft shared use path. Widening to a 10 ft path would require the removal of a total of **41 trees**. Also, no existing private utilities would be affected.

Tree Species	Number Removed
Hackberry	3
Summit Ash	2
Newport Ash	1
Littlelead Linden	2
Ironwood	2
Marshall Seedless Ash	2
Redmond Linden	2
American Linden	1
Prairie Spire Ash	1
Mountain Frost Pear	8
Red Splendor Crab	1
Prairiefire Crab	3
Japanese Tree Lilac	2
Spring Snow Crab	8
American Elm	2
Ivory Silk Tree Lilac	1
TOTAL	41

Tree Size	Number Removed
0" – 2"	5
3" – 5"	11
6" – 11"	15
+12"	10
TOTAL	41

Highlights: 6 trees in conflict with path are Ash trees, 5 of which are +12" in diameter.

Pros: Provides bicycle facilities within corridor

Cons: Tree impacts

Alternative C1: Keep 4.5 ft sidewalk

This option involves replacing out-of-compliance portions of the existing 4.5 ft sidewalk including:

- Curb ramps
- Changes in Level (vertical change in level greater than ¼ inch)
- Horizontal Openings (gap less than ½ inch)
- Cross-slope exceeding 2.1%

Replacing sections of sidewalk would not require the removal of any existing boulevard trees. Also, no existing private utilities would be affected.

Pros: Corrects ADA deficiencies, no tree or utility impacts

Cons: Does not provide bicycle facilities within corridor if path is not added to north boulevard

Alternative C2: Widen to 8 ft shared use path

This option involves removing the existing 4.5 ft sidewalk and replacing with an 8 ft shared use path. Widening to an 8 ft path would require the removal of a total of **54 trees**. Also, multiple existing private utilities would be affected including power poles, cabinets, pedestals, and vaults, resulting in added relocation costs.

Tree Species	Number Removed
Newport Ash	3
Marshall Seedless Ash	2
Green Ash	12
Summit Ash	2
Redmond Linden	5
American Linden	3
Boulevard Linden	1
Harvest Gold Linden	1
Prairie Horizon Alder	2
Urban Pinnacle Oak	1
American Elm	2
Princeton American Elm	2
Prairie Expedition Elm	1
Bur Oak	6
Northern Acclaim Honey-Locust	1
Fall Fiesta Maple	1
Green Mountain Sugar Maple	1
Autumn Blaze Maple	2
Hackberry	5
Ironwood	1
TOTAL	54

Tree Size	Number Removed
0" – 2"	5
3" – 5"	4
6" – 11"	17
+12"	28
TOTAL	54

Highlights: 19 trees in conflict with path are Ash trees, 18 of which are +12" in diameter.

Pros: Provides bicycle facilities within corridor, less impact than 10' wide option

Cons: Tree impact and utility impact and path narrower than preferred width

Alternative C3: Widen to 10 ft shared use path

This option involves removing the existing 4.5 ft sidewalk and replacing with a 10 ft shared use path. Widening to a 10 ft path would require the removal of a total of **77 trees**. Also, multiple existing private utilities would be affected including power poles, cabinets, pedestals, and vaults, resulting in added relocation costs.

Tree Species	Number Removed
Newport Ash	3
Marshall Seedless Ash	2
Green Ash	15
Kindred Ash	1
Summit Ash	2
Redmond Linden	5
American Linden	3
Boulevard Linden	1
Greenspire Linden	1
Frontyard Linden	2
Harvest Gold Linden	1
Prairie Horizon Alder	3
Urban Pinnacle Oak	1
Japanese Tree Lilac	1
American Elm	2
Accolade Elm	2
Princeton American Elm	3
Prairie Expedition Elm	1
Bur Oak	6
Northern Acclaim Honey-Locust	2
Fall Fiesta Maple	1
Silver Maple	1
Emerald Lustre Maple	1
Green Mountain Sugar Maple	1
Autumn Blaze Maple	2
Hackberry	11
Ironwood	2
TOTAL	77

Tree Size	Number Removed
0" – 2"	13
3" – 5"	7
6" – 11"	25
+12"	32
TOTAL	77

Highlights: 23 trees in conflict with path are Ash trees, 20 of which are +12" in diameter.

Pros: Provides bicycle facilities within corridor

Cons: Tree and utility impacts

H. Comparison of Alternatives:

The desire to extend the bicycle network through the 17th Avenue S corridor leads to addition of a shared use path in either the north or south boulevard. The difference in alternatives for adding a path to either boulevard are tree and utility impacts. A combination of Alternative B options and Alternative C options may be selected, with one of the selections being a shared use path.

An 8 ft shared use path is allowable in situations when bicycle and pedestrian traffic is expected to be low, the path will not be regularly subjected to maintenance vehicle loading conditions that would cause pavement edge damage, and the corridor has physical constraints.

For added context, the path network to the west is anticipated to be located on the south side of 17th Avenue S due to the available Right-of-Way and connection to the existing 10 ft path under Interstate 29 at 35th St S roughly 0.8 miles to the west of this project. The path network to the east of the project is undetermined but the existing 10 ft path into Lindenwood Park is located on the north of 17th Avenue S, roughly 0.5 miles to the east. Crossing 17th Avenue S on the west side of 25th St is an acceptable option.

Lastly, in coordination with Fargo Public Schools and Fargo Park District to acquire a permanent easement, the north boulevard options allow the path alignment to shift 2 ft to the north up to the property line, to avoid impacting 37 trees.

In the attachments, site photos with projected path alignments show the tree and utility impacts for reference.

	Alternative	Tree Impact	Utility Impact
	<i>A – No Build</i>	<i>0</i>	<i>None</i>
North Boulevard	<i>B1 – Keep 4.5 ft sidewalk</i>	<i>0</i>	<i>None</i>
	<i>B2 – Widen to 8 ft shared use path</i>	<i>23</i>	<i>Minor</i>
	<i>B3 – Widen to 10 ft shared use path</i>	<i>41</i>	<i>Minor</i>
South Boulevard	<i>C1 – Keep 4.5 ft sidewalk</i>	<i>0</i>	<i>None</i>
	<i>C2 – Widen to 8 ft shared use path</i>	<i>54</i>	<i>Major</i>
	<i>C3 – Widen to 10 ft shared use path</i>	<i>77</i>	<i>Major</i>

I. Executive Decisions

1. Do you concur with the project concepts as proposed?

Yes

No

2. Which alternate should proceed with the project?

Alternative A – No-Build Alternative

North Boulevard (Select One)

Alternative B1 – Keep 4.5 ft sidewalk (*0 tree impacts*)

Alternative B2 – Widen to 8 ft shared use path (*23 tree impacts*)

Alternative B3 – Widen to 10 ft shared use path (*41 tree impacts*)

South Boulevard (Select One)

Alternative C1 – Keep 4.5 ft sidewalk (*0 tree impacts*)

Alternative C2 – Widen to 8 ft shared use path (*54 tree impacts*)

Alternative C3 – Widen to 10 ft shared use path (*77 tree impacts*)

Amendments/Comments for Project No. TMA-SU-8-984(181):

Timothy J. Mahoney, Mayor
City of Fargo, North Dakota

Date

Attachments





NORTH BOULEVARD

May 22, 2024 2:35:22 PM
46.85444N 96.80157V
Farg
Taken by Dylan Dun

14th St

W

N

E

Google



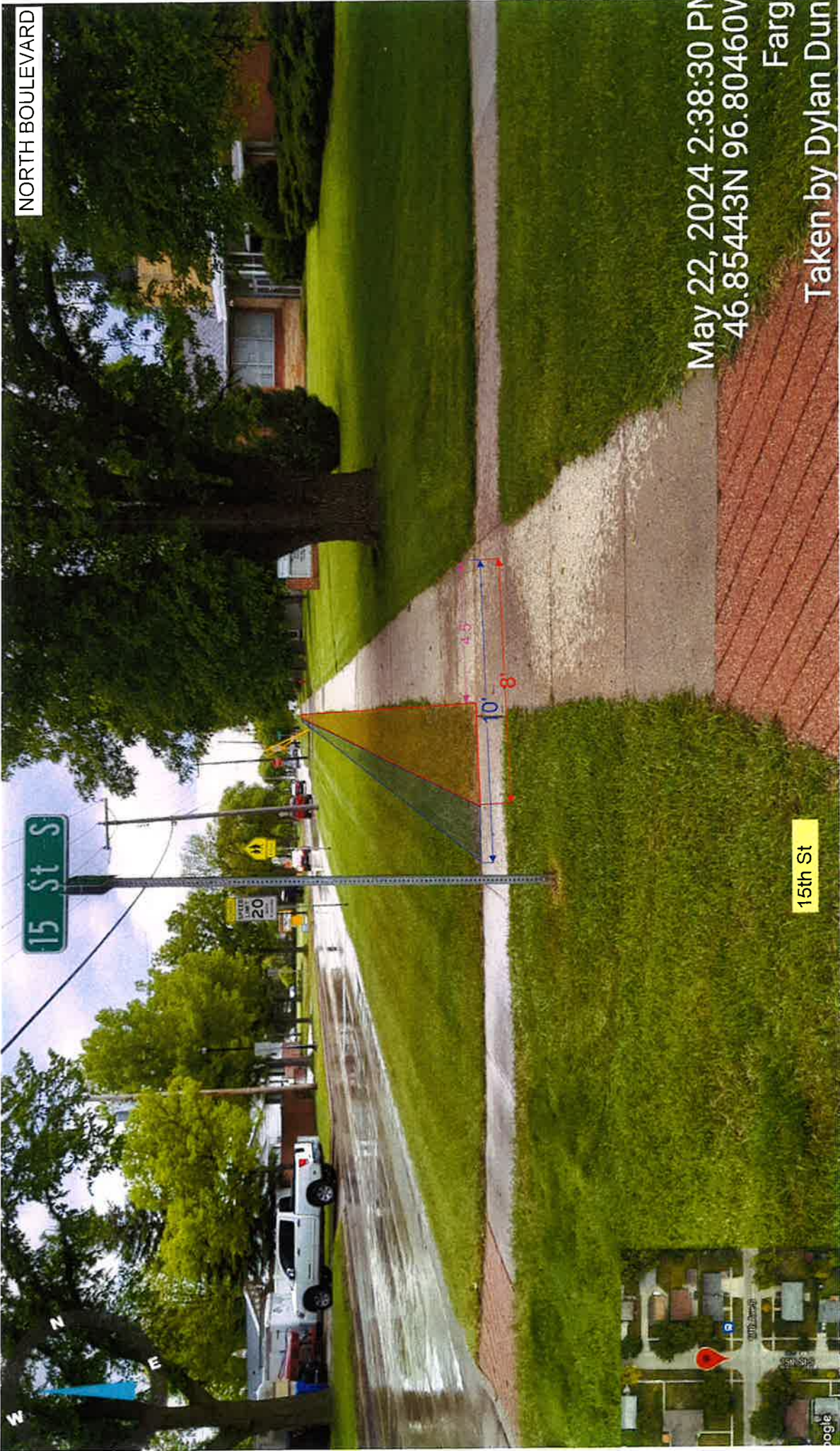
NORTH BOULEVARD

14 1/2 St S

14 1/2 St

May 22, 2024 2:37:16 PM
46.85442N 96.80307W

Farg
Taken by Dylan Dun



NORTH BOULEVARD

15 St S

15th St

May 22, 2024 2:38:30 PM
46.85443N 96.80460W

Fargo
Taken by Dylan Dun

10'
8'
4.5'









NORTH BOULEVARD

17th St S
17th Ave S

W E

May 22, 2024 2:43:22 PM
46.85441N 96.80912W

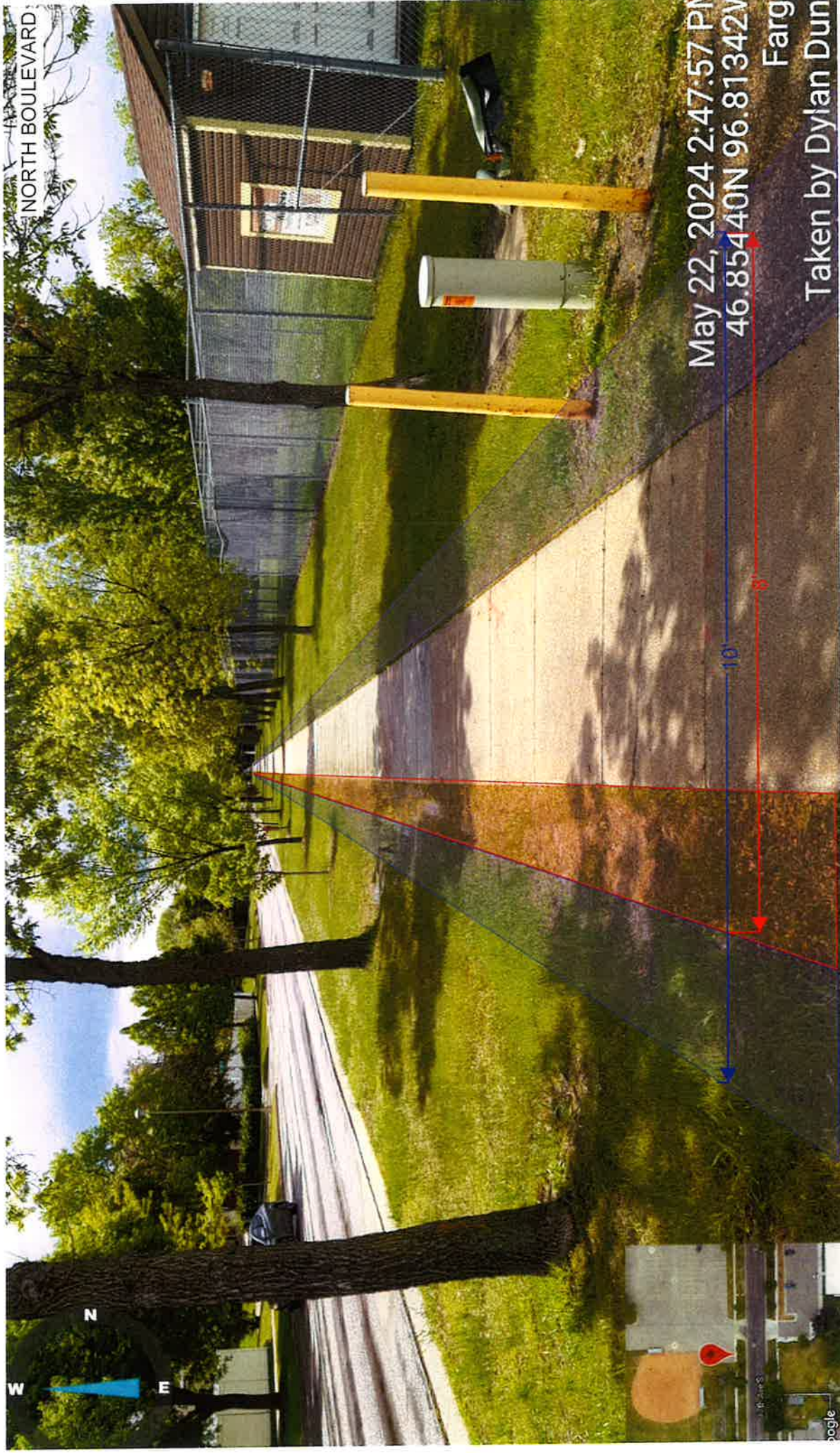
17th St

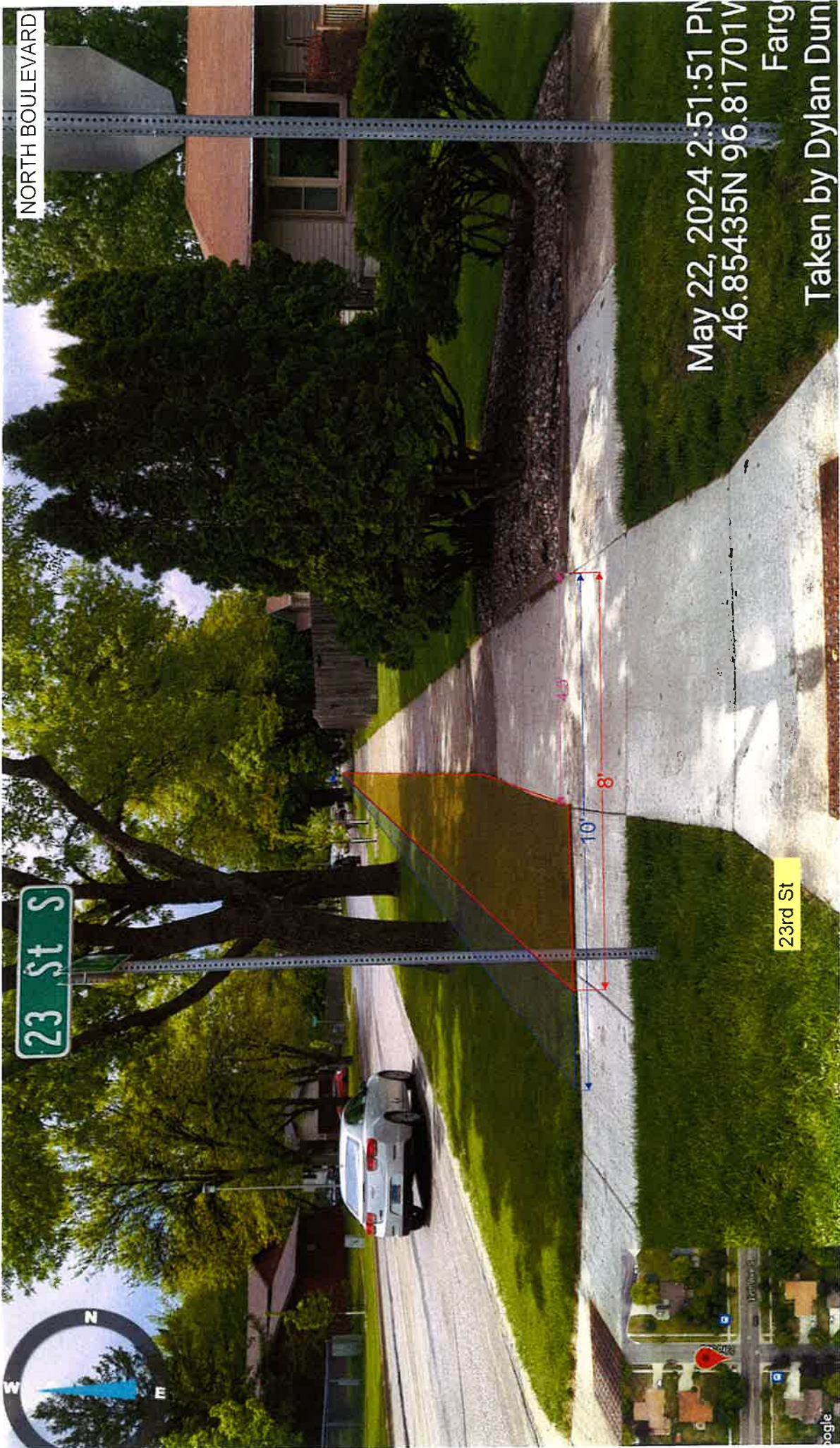
Taken by Dylan Dun

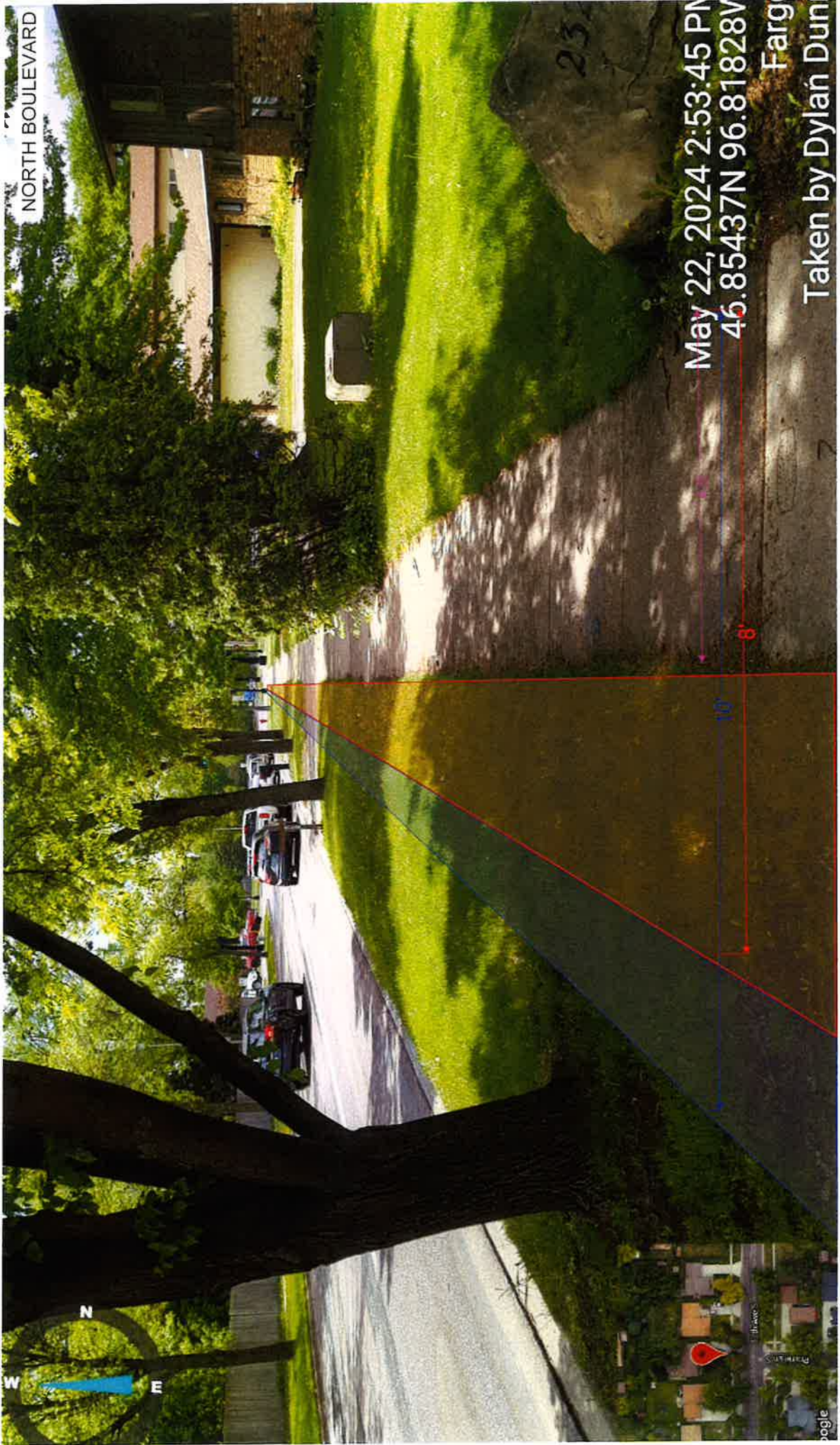


Google











SOUTH BOULEVARD

May 22, 2024 2:31:28 PM
46.85426N 96.79915W

Taken by Dylan Dun



10'
6'

Google



SOUTH BOULEVARD

13 1/2 St

May 22, 2024 2:32:21 PM
46.85425N 96.80006V

Taken by Dylan Dun



Google



SOUTH BOULEVARD

May 22, 2024 2:33:56 PM
46.85429N 96.80071W
Taken by Dylan Dun
Fargo



Google



SOUTH BOULEVARD

14th St

May 22, 2024 2:34:56 PM
46.85425N 96.80158W
Taken by Dylan Dunn
Fargo



SOUTH BOULEVARD

May 22, 2024 2:36:07 PM
46.85426N 96.80220W
Fargo

Taken by Dylan Dun





SOUTH BOULEVARD

15th St

May 22, 2024 2:39:06 PM
46.85424N 96.80460W

Fargo

Taken by Dylan Dün





SOUTH BOULEVARD

May 22, 2024 2:40:19 PM
46.85425N 96.80611W
Taken by Dylan Dun

16th St



LAWRENCE & COMPANY
 28 E PARKWAY, SUITE 100
 FARGO, ND 58103
 701.785.1234

google



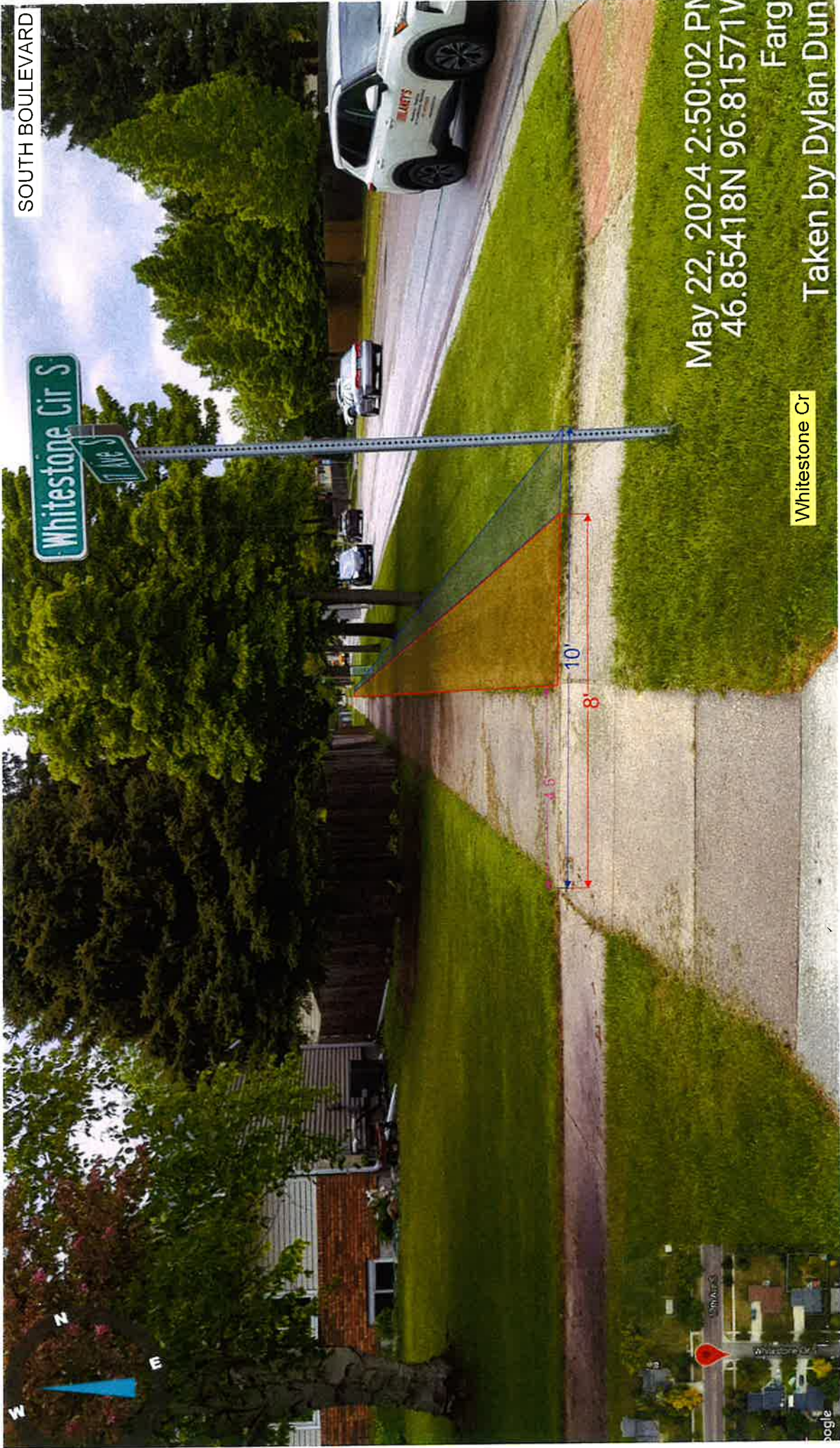
SOUTH BOULEVARD

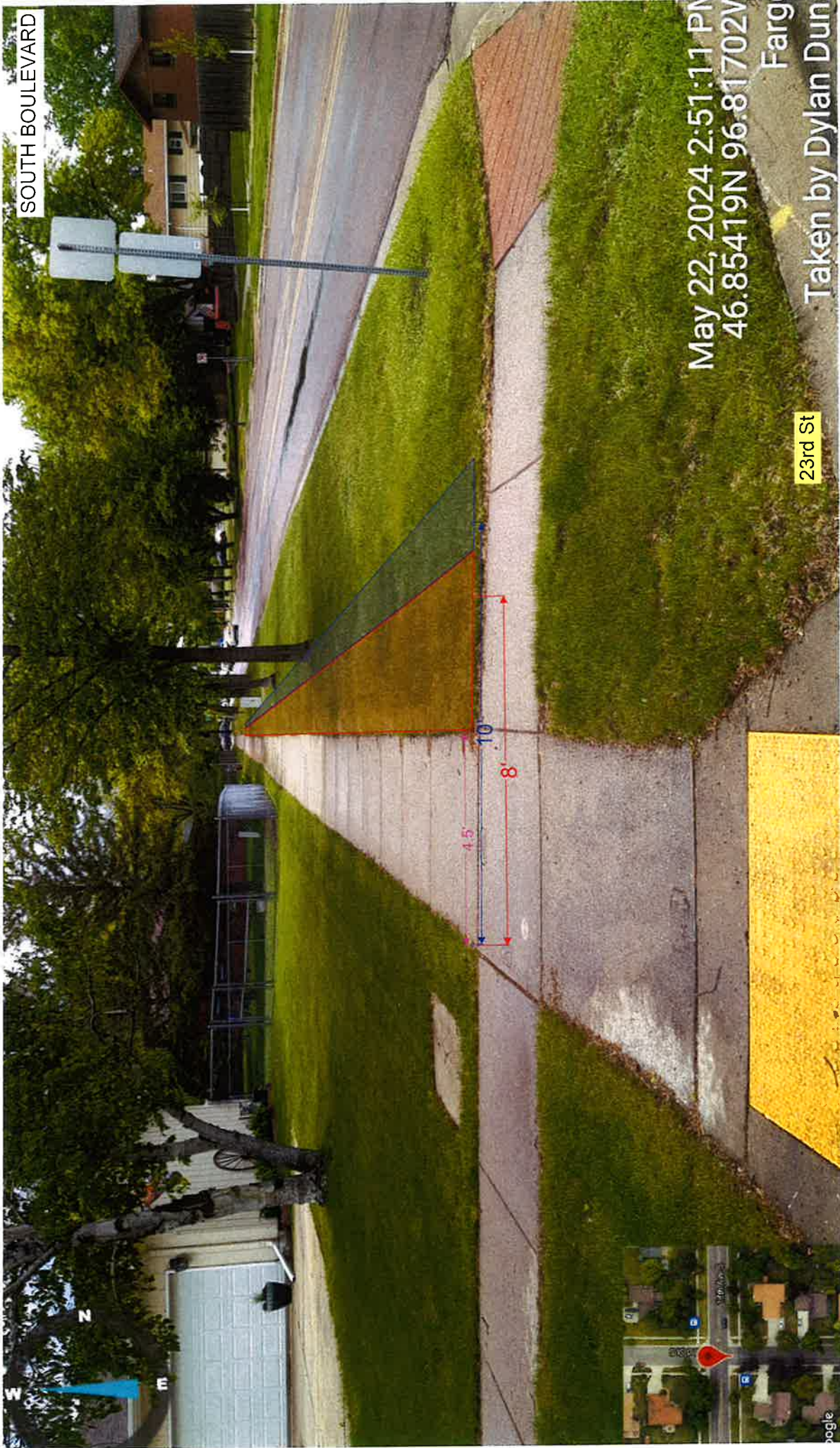
17th St

May 22, 2024 2:43:43 PM
46.85423N 96.80913W

Fargo
Taken by Dylan Dun









SOUTH BOULEVARD

W
N
E

May 22, 2024 2:53:13 PM
46.85416N 96.81834W
Fargo

Prairie Ln

Taken by Dylan Dunn






**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY MAHONEY 
DATE: NOVEMBER 12, 2024
SUBJECT: GROWTH INITIATIVE FUND BOARD

Hari Panjini's term as the City of Fargo's appointee on the Growth Initiative Fund Board of Directors will expire on December 31, 2024. Mr. Panjini is willing to continue his service on the Board and I am therefore recommending his reappointment.

Your favorable consideration of this request will be greatly appreciated.

RECOMMENDED MOTION: To reappoint Hari Panjini to the Growth Initiative Fund Board of Directors for a term ending December 31, 2027.

mmappt24gif




**OFFICE OF
THE MAYOR**

DR. TIM MAHONEY
FARGO CITY HALL
225 Fourth Street North
Fargo, ND 58102
Phone: 701.241.1310 | Fax: 701.476.4136
FargoND.gov

416

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR TIMOTHY J. MAHONEY 
DATE: NOVEMBER 12, 2024
SUBJECT: PLANNING COMMISSION APPOINTMENT

Jennifer Holtz, who serves on the Planning Commission, has moved outside of the Fargo area which deems her ineligible to continue her service on the Board. Her term expires on June 30, 2027.

Michael Betlock has submitted an application indicating his interest in serving on the Commission and I am recommending his appointment. I have attached a copy of his application for your information.

Your favorable consideration of this recommendation is greatly appreciated.

RECOMMENDED MOTION: Approve the appointment of Michael Betlock to fill the unexpired term of Jennifer Holtz on the Planning Commission for a term ending June 30, 2027.

mmappi24plc-2

Kember Anderson

From: noreply@cityoffargo.com
Sent: Tuesday, April 11, 2023 4:25 PM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:
[michael betlock]

Mailing Address:
[REDACTED]

City:
[fargo]

State:
[ND]

Zip:
[58104]

Work Phone:
[REDACTED]

Home Phone:
[REDACTED]

E-mail:
[REDACTED]

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

[Planning Commission]

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

[I recently went through a right-of-way vacation with the city in which I was in attendance for the monthly planning commission meeting.

This meeting sparked my interest in joining the planning commission as I was able to get an insight on the variety of projects put before the board each month. As an owner of a small business, specializing in commercial interior design, here in Fargo; I have a great interest in the beautification of the city. I would love to be involved in the decision process in making that happen.]

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

[4-5]

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

[n/a - this would be a first for me!]

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

[I am currently serving as the President on the NDID (North Dakota Interior Designers) Executive Board. We are a non-profit that promotes special events for our members focused on all things Interior Design as well as the commitment to continuing education for its members, including providing support for members in acquiring professional certifications. I have served on this board for the past 4 years at different levels and I will have some free time as my term as president comes to a close in June.]

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