

FARGO CITY COMMISSION AGENDA
Monday, March 6, 2023 – 5:00 P.M.

Executive Session at 4:30 p.m.

Roll Call.

PLEASE NOTE: The City Commission will convene at 4:30 p.m. and retire into Executive Session for the purpose of attorney consultation regarding pending opioid litigation with Teva, Allergan, CVS, Walgreens and Walmart, to receive its attorneys' advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity, which, to discuss these matters in open meeting will have a negative fiscal effect on the bargaining and/or litigation position of the City. Thus, an Executive Session for these matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2, 5 and 9.

Regular Meeting at 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, February 21, 2023; Special Meeting, February 28, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of an Ordinance Rezoning Certain Parcels of Land Lying in Duane's Pizza Addition; 1st reading, 2/21/23.
- 2. Notification to Red River Properties of the City's intent to exercise the purchase option for the building and land located at 105 25th Street North and 131 24th Street North.
- 3. City of Fargo Resolution Authorizing Officers to Make Deposits and Withdrawals.
- 4. Applications for Games of Chance:
 - a. Essentia Health Fargo Foundation for a raffle on 3/23/23.
 - b. GiGi's Playhouse for a raffle on 3/24/23.
 - c. NDSU Lions Club for a raffle on 3/23/23.
 - d. NDSU Sigma Alpha Professional Agricultural Sorority for a raffle on 3/25/23.
 - e. Veterans Honor Flight of ND/MN for a calendar raffle from 3/7/23 to 3/5/24.
- 5. Negative Final Balancing Change Order No. 3 in the amount of -\$421,111.14 for Improvement District No. PR-22-F1.
- 6. Memorandum of Offer to Landowner for Easements (Temporary Construction Easement) and Permanent Easements (Water Main) with the State of North Dakota and the North

7. Memorandum of Offer to Landowner for Permanent Easement (Sanitary Sewer) with the State of North Dakota and the North Dakota State Board of Higher Education on Behalf of the North Dakota State University of Agriculture and Applied Science (Improvement District No. BN-22-C1).
8. Bid advertisement for Project No. PR-23-F.
9. Bid advertisement for Project No. SR-23-B.
10. Bid advertisement for Project No. UN-23-B.
11. Skyway Mosaic Artwork Project License Agreement with Thomas Schmidt and LesleyAnne Buegel.
12. Amendment to Right of Way Agreement with Bell Bank and Olaf Anderson, Inc.
13. Settlement Agreement and Release; Permanent Easement (Levee and Retaining Wall for Flood Control); Permanent Easement (Storm Sewer); and Easement (Temporary Construction Easement) with Stanton L. Andrist and Jan C. Nelson for property located at 131 South Woodcrest Drive North (Improvement District No. FM-19-C).
14. Create Improvement District No. BR-23-F.
15. Engineering Services with KLJ to provide a MEP Assessment of the Police Department building.
16. Agreement with Richland County Health Department.
17. Agreement for Services with FM Wellness Coalition and North Dakota State University.
18. Amendment to Agreement for Services with Great Outcomes Consulting, LLC (SSP23052).
19. Request to implement the CredibleMind Platform (SSP23053).
20. Variance Acknowledgement and Liability Waiver with Park District of the City of Fargo for property located at 502 1st Avenue South.
21. Cost share for the Growth Plan Consultant Services, as presented (RFP22106).
22. Reject and reissue the proposals for a compact track/wheel loaders and utility work machines with alternative terms (RFP23042A and RFP23042B).
23. Four month lease extension with AT&T to keep wireless equipment on Water Tower No. 1 until 9/30/23.
24. Bid advertisement for Project No. WA2255.
25. Bills.

26. **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).

***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

27. PUBLIC HEARING – Plat of Dakota Air Parts Addition (2505 39 1/2 Avenue North; 3910 and 4020 25th Street North).
28. PUBLIC HEARING – Sewer Repair Assessments for 2022.
29. Recommendations for Federal Aid Transportation Project Applications Urban Grant Program Year 2025 and Urban Regional Roadway Program Year 2027.
30. Recommendation to draft the appropriate Ordinances to establish the parameters for operation of a pedal tour business.
31. Recommendation for appointments to the Arts and Culture Commission.
32. Spring Flood Outlook.
33. Legislative Update.
34. Recommendation to join Governor Burgum, the Chamber and others to grow the City's workforce.
35. Liaison Commissioner Assignment Updates.

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.

(27)

City of Fargo Staff Report			
Title:	Dakota Air Parts Addition	Date: Updated:	11/30/2022 3/2/2023
Location:	2505 39 1/2 Avenue North; 3910 and 4020 25th Street North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lots 1 through 3, Block 1, DDK Addition		
Owner(s)/Applicant:	MACO Leasing, Inc. / Nate Vollmuth, Goldmark Design and Development	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (replat of Lots 1 through 3, Block 1, DDK Addition)		
Status:	City Commission Public Hearing: March 6th, 2023		
Existing		Proposed	
Land Use: Industrial; residential		Land Use: No change proposed	
Zoning: LI, Limited Industrial		Zoning: No change proposed	
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities		Uses Allowed: No change proposed.	
Maximum Lot Coverage Allowed: 55%		Maximum Lot Coverage Allowed: No change	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A major subdivision, to be known as Dakota Air Parts Addition, a replat of Lots 1 through 3, Block 1, DDK Addition <p>The subject property is located at 2505 39 1/2 Avenue North; 3910 and 4020 25th Street North and encompasses approximately 5.86 acres.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), and the Municipal Airport Authority, whose comments are included in this report.</p> <p>Surrounding Zoning Districts and Land Uses:</p> <ul style="list-style-type: none"> • North: LI; excavation contractor and undeveloped; • East: P/I, Public/Institutional; Hector International Airport • South: P/I, Public/Institutional; Hector International Airport • West: AG, Agricultural; residential 			

Area Plans:
The subject property is not covered by a growth plan or area plan. The existing zoning of LI, Limited Industrial is consistent with the "industrial" land use designation of the Hector Airport Master Land Use Plan. This plan is administered by the Airport Authority.
Context
<p>Neighborhood: The subject property is not located in a designated neighborhood</p> <p>Schools: The subject property is located within the Fargo Public School District and is served by McKinley Elementary, Ben Franklin Middle, and Fargo North High schools</p> <p>Parks: Riverwood Park, 4707 County Road 31, is located approximately a mile northeast of the subject property and provide amenities of baseball/softball fields, basketball courts, cricket field and soccer field, a shelter, picnic tables, playground and recreational trails.</p> <p>Pedestrian / Bicycle: There are no trails or shared use paths adjacent to or near the subject property.</p> <p>MATBUS Routes: There are no MATBUS routes near the subject property.</p>
Staff Analysis:
<p><u>MAJOR SUBDIVISION</u></p> <p>This subdivision replats the existing three lots of the DDK Addition into a different three-lot configuration. The plat also dedicates right of way for 25th Street North along the east property frontage and vacates existing access easements. It is this requirement for dedication of right of way that makes this a major subdivision.</p> <p><u>EXISTING RESIDENCE</u></p> <p>The existing residence was built in 1890. When the DDK Addition was created in 2003, the property was rezoned from AG, Agricultural to LI, Limited Industrial, which made the residential dwelling unit a legal non-conforming use. It will continue as a legal non-conforming use under this plat. The lot that this residence is on is not being rezoned to a residential zoning designation as expanded residential land use is considered undesirable due to the close proximity to the airport.</p> <p><u>PROXIMITY AGREEMENT</u></p> <p>A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport. With this agreement, the property owner acknowledges the existence of the airport and the potential for aircraft noise. This agreement is included in the recommendation for approval below. This document will be recorded along with the subdivision plat.</p> <p>Major Subdivision</p> <p>The LDC stipulates that the following criteria is met before a major subdivision plat can be approved</p> <ol style="list-style-type: none"> Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development. <p>The subject property is zoned LI, Limited Industrial. No zone change is proposed. The proposed use of an aircraft parts warehouse is consistent with the LI zoning. This property is not covered by a growth plan or future land use plan. The existing zoning of LI, Limited Industrial is consistent with the "industrial" land use designation of the Hector Airport Master Land Use Plan. This plan is administered by the Airport Authority. 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, Planning staff has received and responded to one inquiry. (Criteria Satisfied)</p>

2. **Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The subject property is zoned LI, Limited Industrial. No zone change is proposed. This property is not covered by a growth plan or future land use plan. The existing zoning of LI, Limited Industrial is consistent with the "industrial" land use designation of the Hector Airport Master Land Use Plan. This plan is administered by the Airport Authority. The proposed use of an aircraft parts warehouse is consistent with the LI zoning. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

3. **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.**

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC). 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)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and move to approve the proposed plat of the **Dakota Air Parts Addition**, including the airport proximity agreement, as outlined in the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0907.C of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 6th, 2022

At the December 6th, 2022 Planning Commission, that Commission, by a vote of 6-0 with three Commissioners absent and two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed plat of the **Dakota Air Parts Addition**, as outlined in the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0907.C of the LDC and all other applicable requirements of the LDC.

(NOTE: The Planning Commission motion did not include the airport proximity agreement as the Planning Commission does not take action on that agreement.)

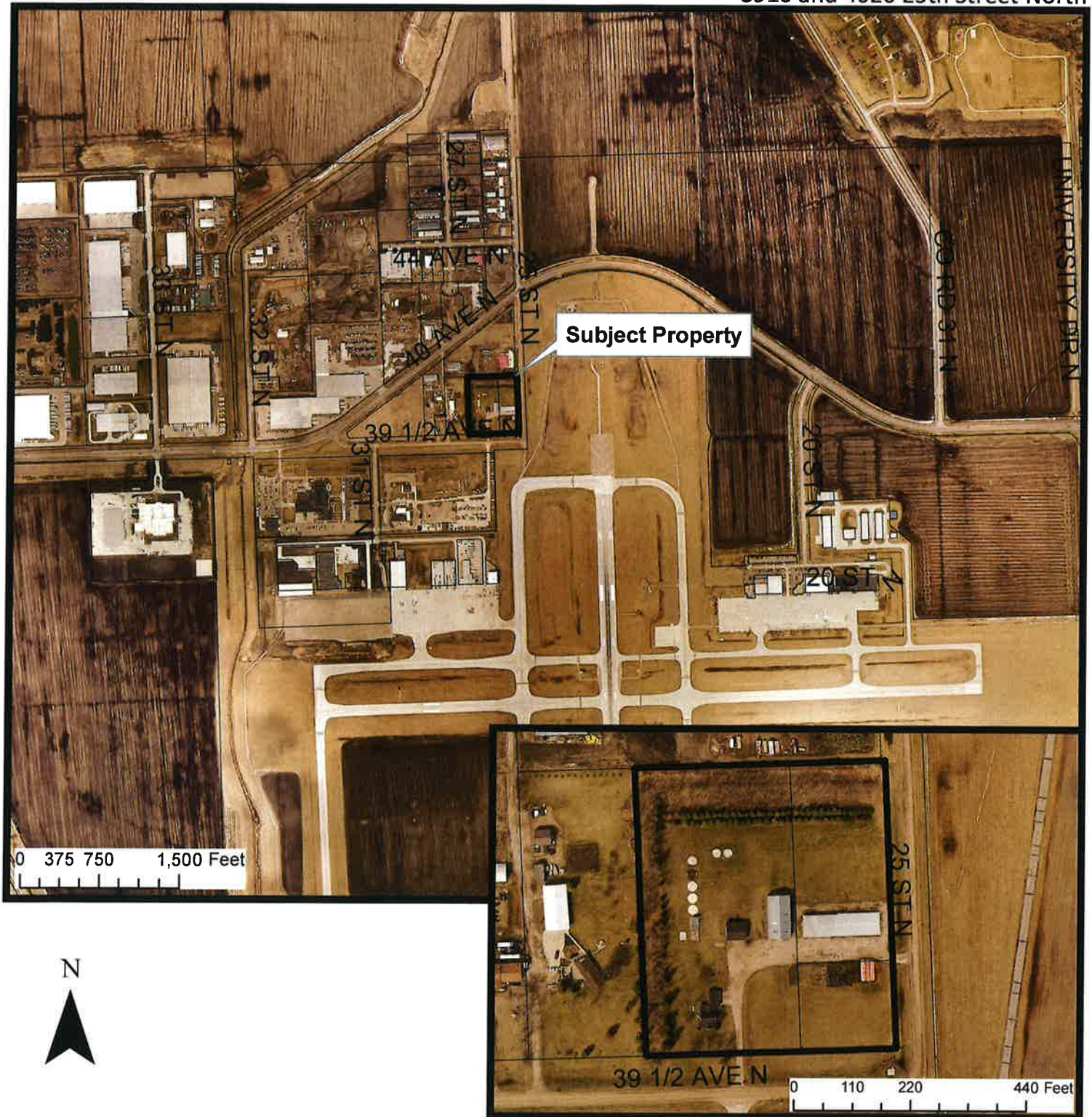
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Airport proximity agreement

Major Subdivision

Dakota Air Parts Addition

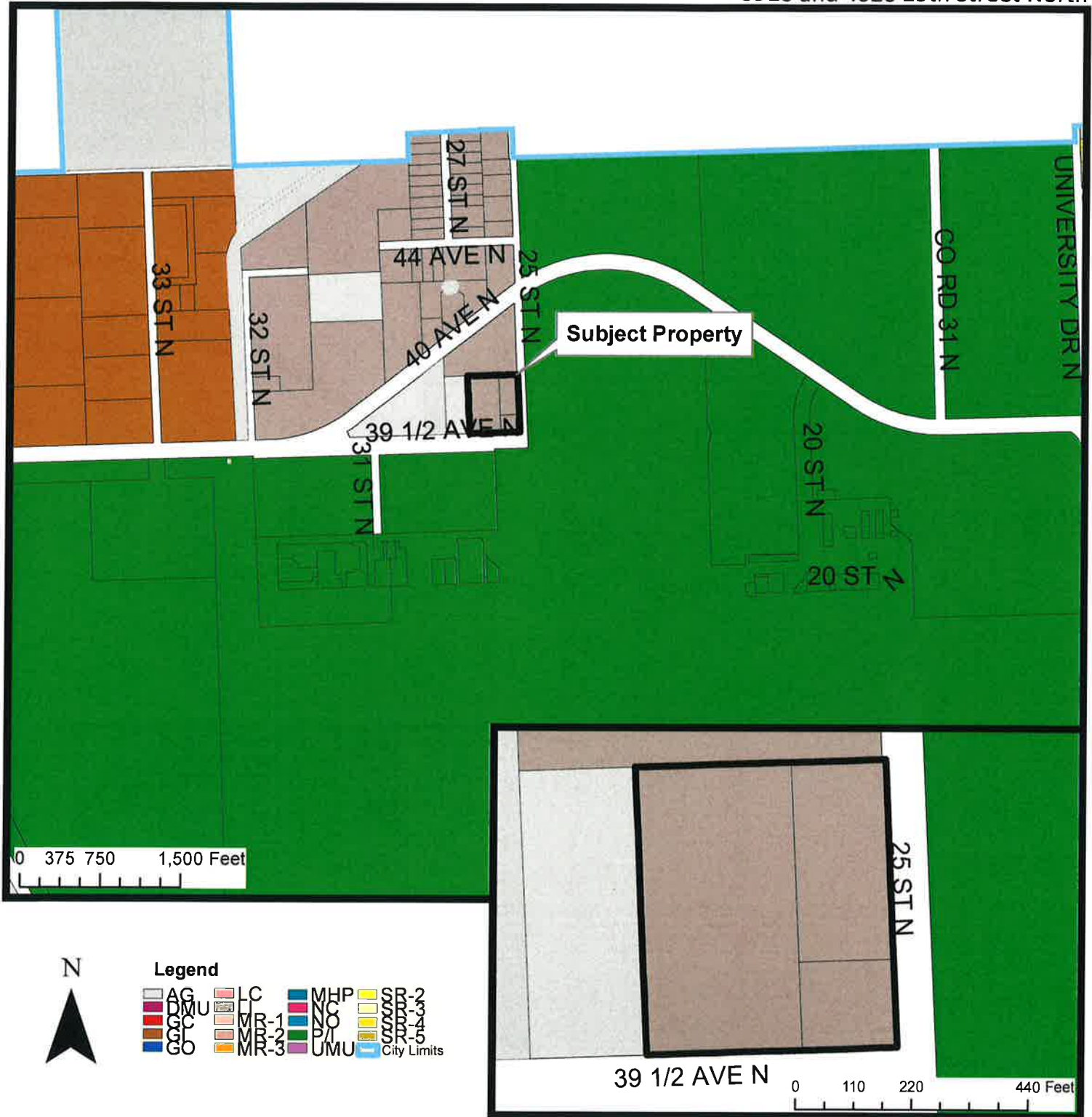
2505 39 1/2 Avenue North;
3910 and 4020 25th Street North



Major Subdivision

Dakota Air Parts Addition

2505 39 1/2 Avenue North;
3910 and 4020 25th Street North



DAKOTA AIR PARTS ADDITION

A REPLAT OF LOTS 1 THRU 3, BLOCK 1 OF DOK ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)



- NOTES**
1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 2. PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE NE ACCORDING TO THE FIRM FIRM MAP INFORMATION (FIRM NUMBER) ACCORDING TO FIRM CONTROL, IN 2021. ELEVATION IN THIS AREA IS 587.50 FEET. INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED APRIL 24, 2021.
 3. SITE BENCHMARK IS THE SOUTHWEST CORNER OF LOT 1, LOCATED APPROXIMATELY 100 FEET WEST OF THE SOUTHWEST CORNER OF LOT 1, LOCATED ON THE SOUTH SIDE OF 39 1/2 AVENUE N.W., APPROXIMATE ELEVATION = 587.50 NAVD 83.

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (8" REBAR CAPED PL-6884)
 - LOT BOUNDARY (SQUARE FEET)
 - EXISTING SECTION LINE
 - EXISTING PROPERTY LINE
 - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BOUNDARY
 - PLAT BOUNDARY
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - EXISTING EASEMENT (TO BE VACATED WITH THE RECORDING OF THIS DOCUMENT)

OWNER'S CERTIFICATE

I, **MEAD & HUNT**, ENGINEERS, P.C., being the duly authorized and duly qualified surveyors, do hereby certify that the foregoing is a true and correct representation of the survey of and subdivision of the above described property, as shown on the plat hereunto attached, and that the same has been located or placed in the ground as shown.

Lot 1 thru 3, Block 1 of DOK ADDITION, according to the recorded plat formed on file and of record in the Office of the County Recorder, Cass County, North Dakota, containing 5.86 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and replatted, and the replat is hereby acknowledged by the undersigned, as being the true and correct representation of the survey of and subdivision of the above described property, as shown on the plat hereunto attached, and that the same has been located or placed in the ground as shown.

OWNER:

MEAD & HUNT

Barb McQueen, CFO

State of North Dakota } SS

County of Cass }

On this 13th day of December, 2021, appeared before me, Barb McQueen, CFO, MEAD & HUNT, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: *[Signature]*

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County of Cass }

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CITY OF FARGO PLANNING COMMISSION APPROVAL
Approved by the City of Fargo Planning Commission on the 12th day of December, 2021.

Rocky Schneider
Planning Commission Chair

State of North Dakota } SS

County of Cass }

On this 12th day of December, 2021, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

State of North Dakota } SS

County of Cass }

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County of Cass }

Mead & Hunt
ENGINEERS, P.C.
Phone: 701-566-6400
meadandhunt.com

PROJECT NO.
4447100-211214.01
SHEET 1 OF 1

AGREEMENT
(Proximity of Airport and Noise Attenuation)

THIS AGREEMENT, Made and entered into this ____ day of _____, 20__, by and between MACO Leasing, Inc., hereinafter referred to as "Owner," and **THE CITY OF FARGO, NORTH DAKOTA**, a municipal corporation, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, Owners are the record owners of a tract of land located in Cass County, North Dakota, said tract being more particularly-described hereinafter; and,

WHEREAS, said tract is within the City of Fargo; and,

WHEREAS, Owners will make a development request of the City for a plat; and

WHEREAS, Owners are willing to execute and to have recorded an agreement wherein Owners recognize the proximity of said facilities as regards all of the property owned or to be owned by Owners hereinafter described and including all other terms mentioned above; and,

NOW, THEREFORE, In consideration of the mutual covenants and agreements hereinafter set forth, **IT IS HEREBY AGREED** as follows:

1. The subject of this Agreement, and the covenant herein, is the Owners' property, situate in the County of Cass and State of North Dakota, depicted by Exhibit "A" attached hereto and more particularly described as:

All of Dakota Air Parts Addition, located in part of the Southeast Quarter of Section 14, Township 140 North, Range 49 West to the City of Fargo, County of Cass and State of North Dakota.

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting, Owners do hereby covenant and agree with the City that said Owners will never institute any suit or action at law or otherwise

against the City, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action or cause of action for damages, costs, loss of service, expenses or compensation for or on account of any damage, loss or injury either to person or property, or both, resulting or which may result by reason of the use of said property in relation to the location and use of Hector International Airport and specifically for damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; also from any vibration generated by said aircraft or from any pollutants or contaminants created from such aircraft usage. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

3. Owner agrees that they will at all times indemnify City, and hold and save the City harmless from and against any and all actions or causes of actions, claims, demands, liability, loss, damage, or expense of whatsoever kind and nature, including counsel or attorneys fees, which the City shall or may at any time sustain or incur by reason or in consequence of the use of said tract of land for any lawful purposes and specifically for any damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runway or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport, or which the City may sustain or incur in connection with any litigation, investigation or other expenditures incident to such use of said tract, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owner agrees to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such lawful use or other use of said tract of land. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

4. Owner agrees that this agreement may be recorded on the above-described property and specifically agrees that the following covenants shall apply to the above-described property:

FAIR DISCLOSURE STATEMENT

Airport -- The tract of land hereby conveyed and legally described lies within the vicinity of Hector International Airport and may be impacted by noise associated with the operations of said airport including noise from the take-off or landing of jet propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; or from any vibration generated or from any pollutants or contaminants created from such aircraft usage. The airport normally operates seven days per week throughout the entire year, and is open for flight operation at all hours. The

present level of operations will continue and expand for the foreseeable future.

The noise rating of this tract, due to airport operations at the above-named airport according to the Noise Evaluation and Land Use Compatibility Study (1990-91) is above 65 in the DNL rating system.

The United States Department of Housing and Urban Development (HUD), Circular 1390.2 of 4 August 1971, Subject: Noise Abatement and Control: Departmental Policy, Implementation Responsibilities, and Standards, as well as any subsequent or replacement provisions established the following external noise exposure standards for the new construction of residential and other noise sensitive utilization:

Airport Environs

Land Zone	Site Suitability Classification
Above 75	Clearly unacceptable
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

1. Clearly unacceptable: The noise exposure at the site is so severe that construction costs to make the indoor environment acceptable for the performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

2. Normally unacceptable: The noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the site and prominent noise sources to make the outdoor environment tolerable.)

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned owners of said tract of land, certifies that they have read the above statement and acknowledge the preexistence of the airport named above and the right of said airport to continue to operate.

In the event Owner does not include the foregoing statement in the purchase agreement or deed, it shall, nonetheless, constitute a covenant and restriction running with the land and shall bind any future owners to recognition of the herein referenced facts.

5. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto and shall constitute a covenant running with the property described hereinbefore.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands the day and year first above written.

OWNER:
MACO Leasing, Inc., a North Dakota corporation

Barb McConn, Chief Financial Officer

STATE OF _____)
) ss.
COUNTY OF _____)

On this ____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **Barb McConn, Chief Financial Officer**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

(signatures continued on next page)

THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
DR. TIMOTHY J. MAHONEY, Mayor

ATTEST:

STEVEN SPRAGUE, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **DR. TIMOTHY J. MAHONEY** and **STEVEN SPRAGUE**, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, NORTH DAKOTA, the municipal corporation described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

Notary Public

(S E A L)

28

NOTICE OF HEARING
ON SEWER REPAIR ASSESSMENTS FOR 2022

The Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing on assessments for Sewer Repair on Monday, March 6, 2023, at 5:15 o'clock p.m. in the City Commission Room, City Hall, Fargo, North Dakota.

Any person aggrieved may appeal from the action of the Board of City Commissioners by filing with the City Auditor, prior to March 6, 2023, a written Notice of Appeal stating therein the grounds upon which the appeal is based. Any person having filed such a Notice may appear before the Board of City Commissioners to present reasons why the action of the Board of City Commissioners should not be confirmed.

City Auditor's Office

(February 22 & March 1, 2023)

Sewer Repair Assessment 2022

29

March 2, 2023

Honorable Board of City
Commissioners
City of Fargo
Fargo, North Dakota

Re: Staff Recommendations for Federal Aid Transportation Project Applications Urban Grant
Program Year 2025 and Urban Regional Roadway Program Year 2027

The NDDOT is soliciting project applications for the Urban Grant Program and the Urban Regional Roadway System. The Urban Grant Program are projects that are located in the Central Business Districts of each of the 11 urban areas in North Dakota. The Urban Regional Roadway System within Fargo is comprised of Main Avenue, 52nd Avenue South east of I-29, 19th Avenue North east of I-29, 12th Avenue North east of I-29 and the combined system of 10th Street and University Drive.

Attached you will find the report of action from the Public Works Project Evaluation Committee for the Urban Regional Roadway applications. Four stretches of roadway were identified as good candidates for the application, which are below:

- South University Drive – 13th Avenue South to 18th Avenue South (full reconstruction)
- Main Avenue – 25th Street to 45th Street (concrete pavement repair (CPR) project)
- 10th Street North – NP Avenue to 4th Avenue North (full reconstruction)
- North University Drive – 19th Avenue North to 7th Avenue North

Reviewing these four candidates, staff recommended applying for the first two projects, South University Drive reconstruction and Main Avenue CPR.

Staff has also identified a potential project for the Urban Grant Program. The project would replace the existing bricks within the intersections on Broadway at 2nd Avenue North, 4th Avenue North, and at 6th Avenue North, as well as updating the ADA ramps on Broadway from Main Avenue to 6th Avenue North. The bricks in the intersections of NP and 1st Avenue North at Broadway were replaced in the 2013 construction season, and they are not in need of replacement at this time. We are estimating a project that will run in the \$4 million dollar range.

Recommended Motion:

Approve submitting a project application to NDDOT for a project to replace of the existing bricks within the intersections on Broadway at 2nd, 4th, and 6th Avenue North, as well as updating the ADA ramps on Broadway from Main Ave to 6th Avenue North.

Concur with the recommendations of PWPEC and approve project applications to NDDOT for a full reconstruction project on South University Drive from 13th Avenue South to 18th Avenue South as well as a concrete pavement repair project on Main Avenue from 25th Street to 45th Street.

Respectfully,



Jeremy M. Gorden, PE, PTOE
Transportation Division Engineer

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: Recommendations 2027 Federal Aid Transportation
Project Applications – Urban Regional Roadway System

Location: Citywide

Date of Hearing: 2/27/2023

Routing

City Commission

PWPEC File

Project File

Date

3/6/2023

X

Jeremy Gorden

The Committee reviewed a communication from Transportation Division Engineer, Jeremy Gorden, regarding Federal Aid Transportation Project Applications for the Urban Regional Roadway System. The four stretches of roadway that have been identified as good candidates for the application are below:

- South University Drive – 13th Avenue South to 18th Avenue South (full reconstruction)
- Main Avenue – 25th Street to 45th Street (concrete pavement repair (CPR) project)
- 10th Street North – NP Avenue to 4th Avenue North (full reconstruction)
- North University Drive – 19th Avenue North to 7th Avenue North

Reviewing these four candidates, it is staff's recommendation to apply for the first two projects, South University Drive reconstruction and Main Avenue CPR. These funds would be expended in the year 2027. We are still working on the project cost estimates, but the South University Drive project will run in the ballpark of \$25M and the Main Avenue project will run in the \$10M-\$12M range.

On a motion by Ben Dow, seconded by Mark Williams, the Committee voted to recommend approval of submitting project applications to NDDOT for a full reconstruction project on South University Drive from 13th Avenue South to 18th Avenue South as well as a concrete pavement repair project on Main Avenue from 25th Street to 45th Street.

RECOMMENDED MOTION

Concur with the recommendations of PWPEC and approve project applications to NDDOT for a full reconstruction project on South University Drive from 13th Avenue South to 18th Avenue South as well as a concrete pavement repair project on Main Avenue from 25th Street to 45th Street.

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)

Yes No

N/A

N/A

N/A

COMMITTEE

Tim Mahoney, Mayor

Nicole Crutchfield, Director of Planning

Steve Dirksen, Fire Chief

Michael Redlinger, City Administrator

Ben Dow, Director of Operations

Steve Sprague, City Auditor

Brenda Derrig, City Engineer

Terri Gayhart, Finance Director

Present	Yes	No	Unanimous
<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"/>	Mark Williams
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Erickson
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bruce Grubb
<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:



Brenda E. Derrig, P.E.
City Engineer

Memorandum

To: Members of PWPEC

From: Jeremy M. Gorden, PE, PTOE
Division Engineer - Transportation

Date: February 24, 2023

Re: Staff Recommendations for Federal Aid Transportation Project Applications
Urban Regional Roadway System – Year 2027

Background:

The NDDOT is soliciting project applications for the Urban Regional Roadway System, which in Fargo is comprised of Main Avenue, 52nd Avenue South east of I-29, 19th Avenue North east of I-29, 12th Avenue North east of I-29 and the combined system of 10th Street and University Drive. We have identified four stretches of roadway that would be good candidates, and two of them are stretches that we should apply for. These funds would be expended in the year 2027.

The four stretches that we identified were:

South University Drive – 13th Avenue South to 18th Avenue South – a full reconstruction.

Main Avenue – 25th Street to 45th Street – a concrete pavement repair project.

10th Street North – NP Avenue to 4th Avenue North – a full reconstruction.

North University Drive – 19th Avenue North down to 7th Avenue North.

We plan on moving forward the first two projects to an application. We plan to put this item on the March 6th City Commission agenda, which in turn will get us on the Metro COG TTC meeting on March 9. We are still working on the project cost estimates, but the first project will run in the ballpark of \$25M, and the Main Avenue project will run in the \$10M to \$12M range.

I have attached the solicitation letter from the NDDOT as well as a map of the City showing these routes and the year that they were constructed. I look forward to a good discussion on the matter.

Recommended Motion:

Approve submitting project applications to NDDOT for a full reconstruction project on South University Drive from 13th Avenue South to 18th Avenue South, as well as a concrete pavement repair project on Main Ave from 25th Street to 45th Street.

JMG/klb
Attachments



February 8, 2023

FMCOG

RE: FISCAL YEAR 2027 URBAN REGIONAL PROGRAM SOLICITATION

The North Dakota Department of Transportation (NDDOT) is soliciting for Urban Regional system projects for federal fiscal year **2027**. This solicitation is part of the planning cycle for the 2024-2027 STIP. The amount of federal funding that will be available for future projects is difficult to predict. Like you, we will be awaiting passage of a new infrastructure bill beginning with fiscal year 2027.

All requested projects will be reviewed closely to justify the use of federal aid. There is a possibility that not all projects will be funded or will receive the requested amount of federal aid. To accommodate unknown funding levels, the urban program needs to have enough projects planned, while remaining flexible in the event funding levels are different than projected.

Please review the enclosed checklist and submit all required documents to the Local Government Division by close of business on March 31, 2023. It is preferred that requests be submitted via email to smhanson@nd.gov or via MFT site.

If you have questions, please feel free to give me a call at 701-328-4469.

With gratitude,

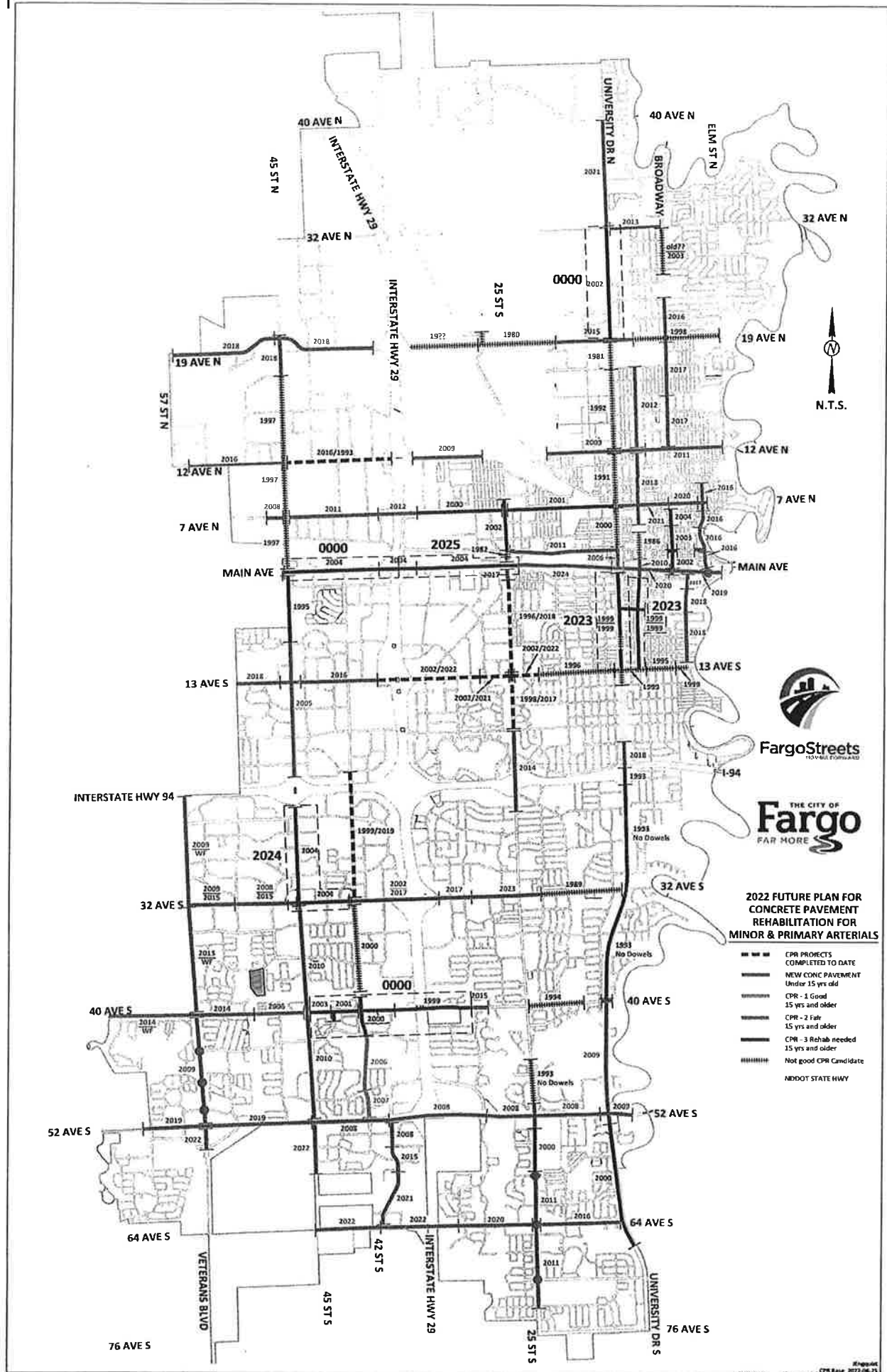
A handwritten signature in dark ink, appearing to read "Stacey M. Hanson".

Stacey M. Hanson, P.E.
Assistant Local Government Engineer

38/smh

Enclosures

c: Aaron Murra, District Engineer





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: Fargo Pedal Tours Presentation

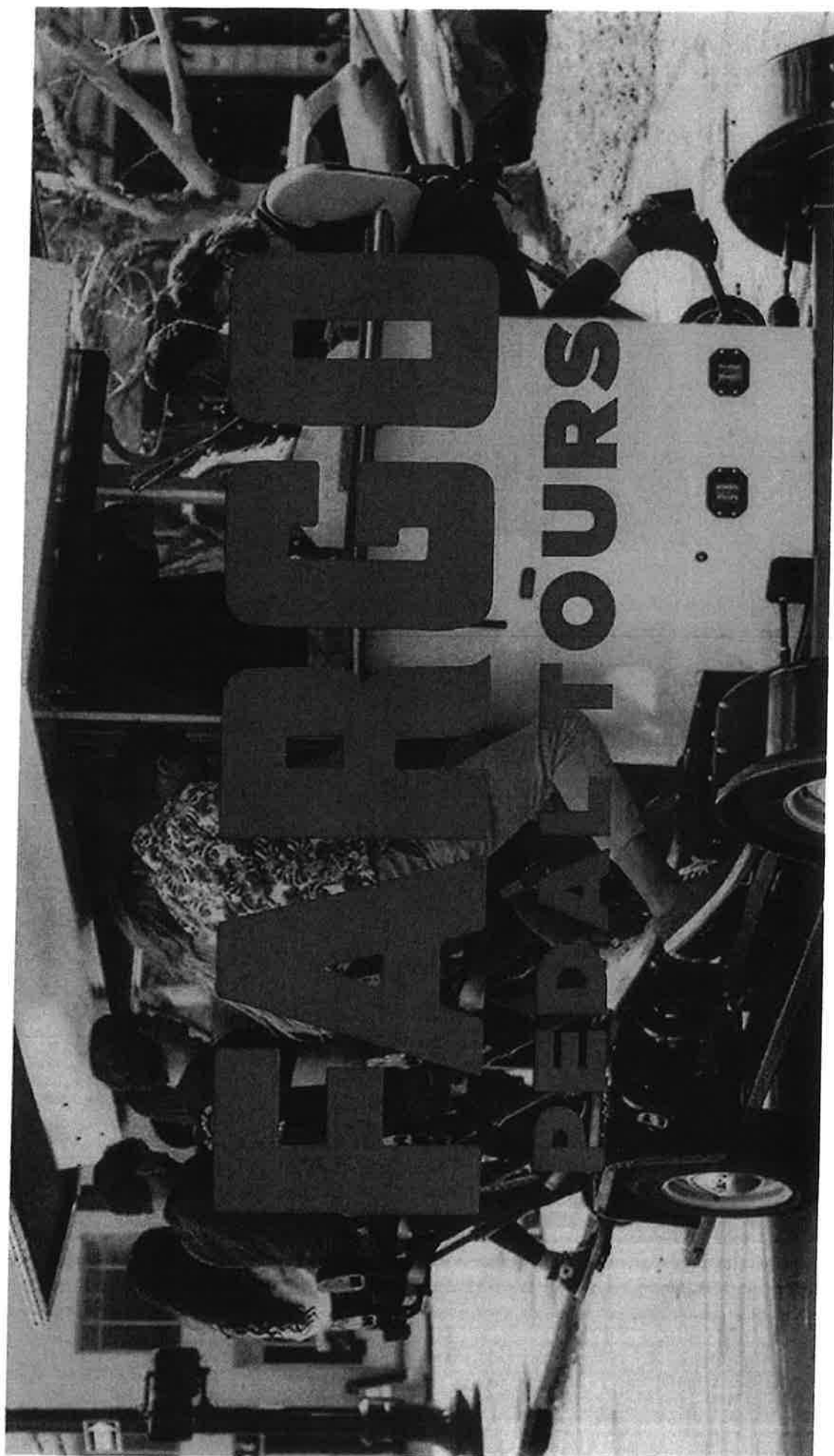
DATE: February 24, 2023

The Liquor Control Board recently viewed a presentation from Fargo Pedal Tours. The company would like to begin operations in Fargo this spring; however, the City should establish an ordinance setting the parameters of operation prior to the start of operations.

Fargo Pedal Tours would like to make a short presentation and answer any questions the City Commission might have.

Recommended Motion:

Move to direct the City Attorney to draft the appropriate ordinances to establish the parameters of operations for a pedal tour business.

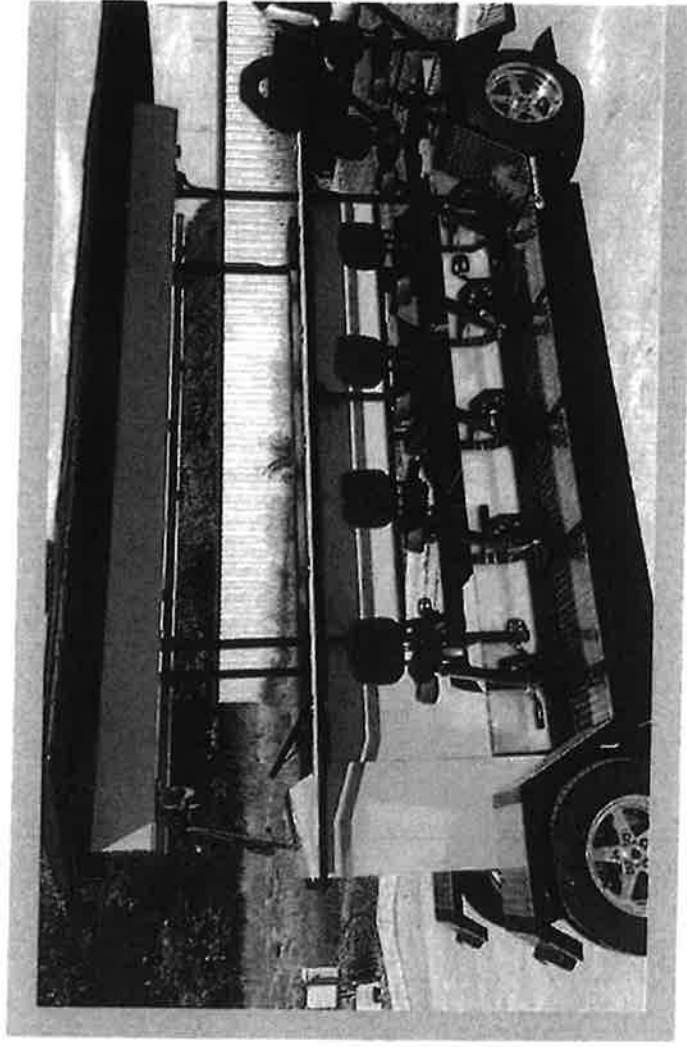


THE VISION

- First conceived as a history tour of homes, landmarks in downtown & the core neighborhoods.
- Evolved to create a unique, family friendly experience through a pedal-powered trolley offering open air tours of the downtown Fargo area.

WHAT IS IT?

- Pedal bike with seating for 10 pedaling patrons and 4 riding passengers.
- All seats have seatbacks and belts. The bike has a bar top with cupholders.

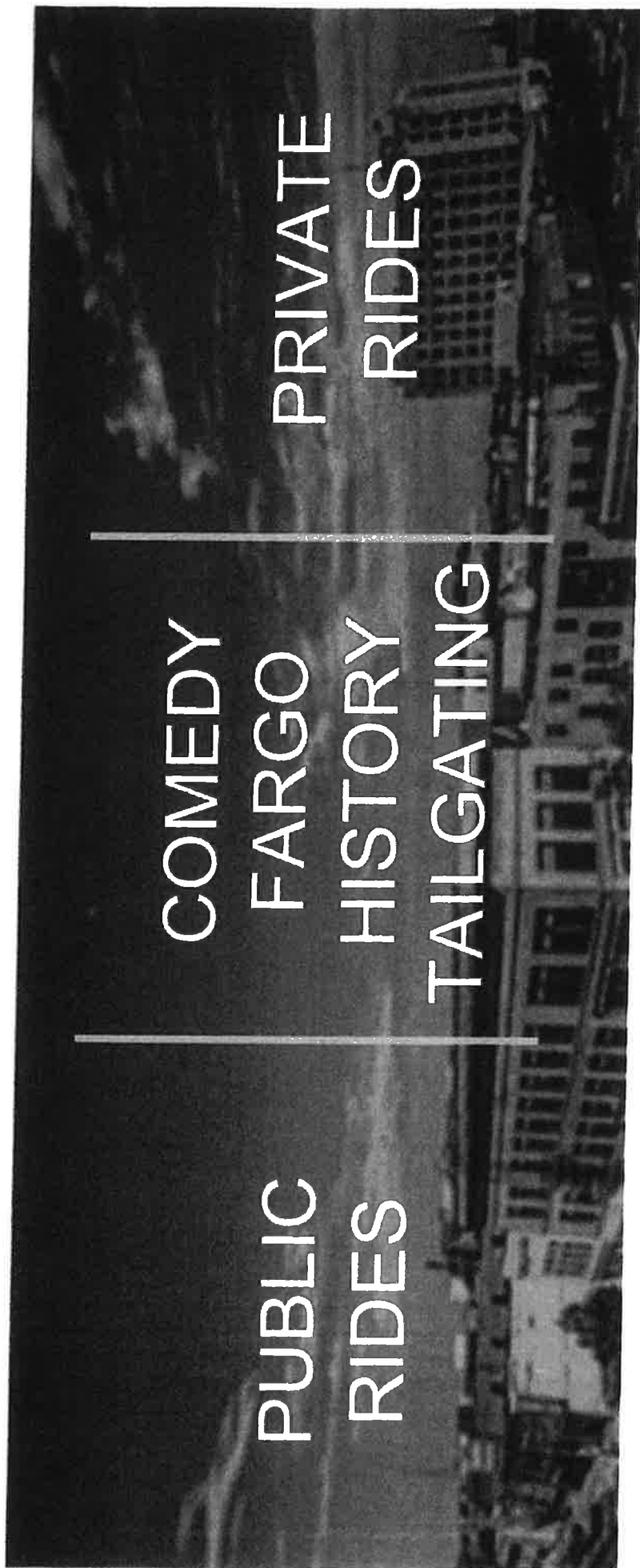


THE EXPERIENCES

PUBLIC
RIDES

COMEDY
FARGO
HISTORY
TAILGATING

PRIVATE
RIDES



SAFETY

The safety of our riders is our first priority.

Riders will be required to remain seated when the bike is in motion and our pilots will be mindful to not impede the flow of traffic.

HOURS/SEASON

**We plan to offer bookings and tours
seven days a week.**

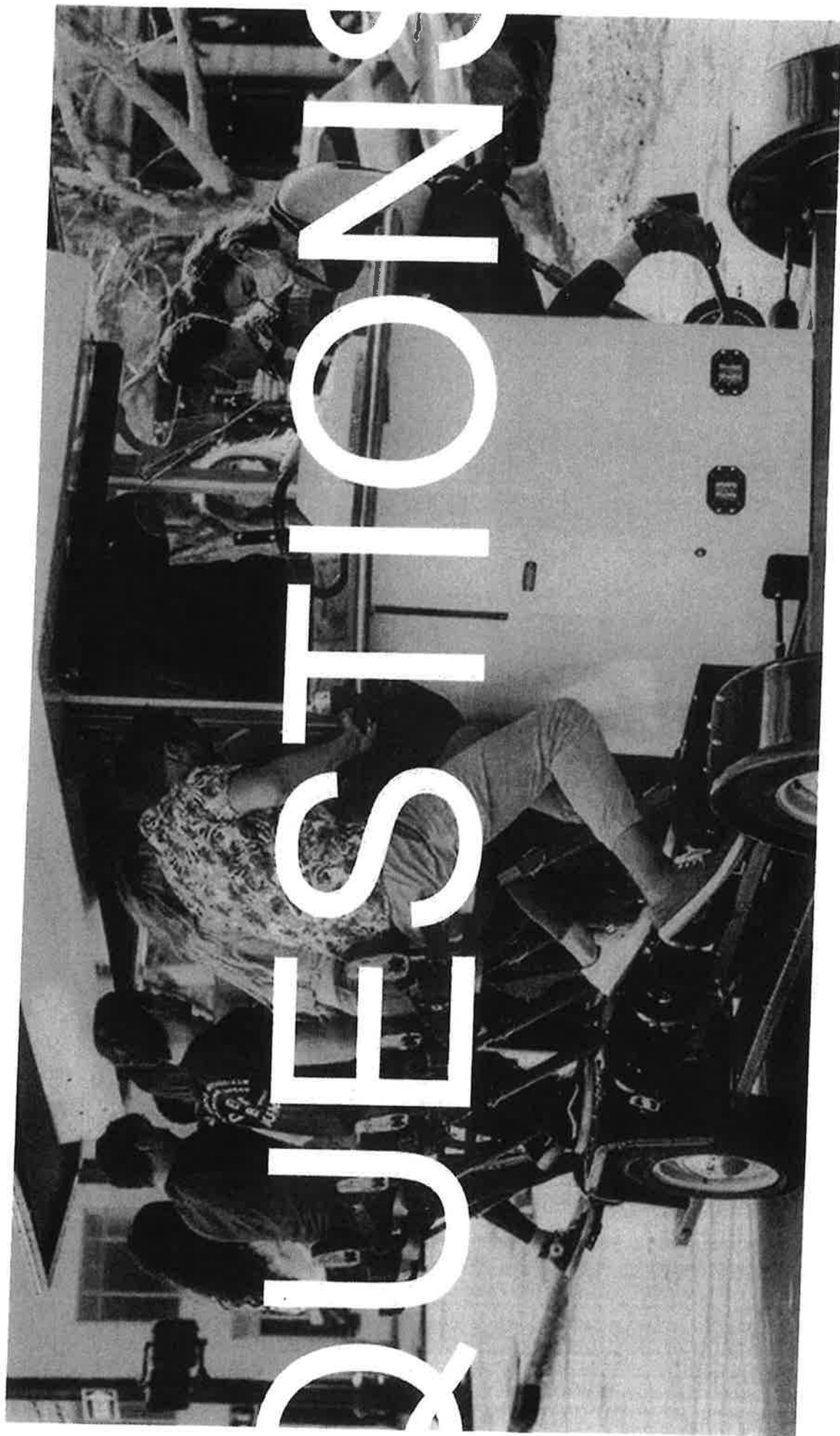
**Times may vary, however all tours will conclude
one-hour after sunset. We hope to operate at least
6-8 calendar months out of the year.**

ROUTES

Routes will be contained to areas north of Interstate 94, east of University Drive, and south of 19th Avenue North. We plan to contain our routes to streets where slower traffic is anticipated.

TIMELINE

We plan to make a nearly six-figure investment in the business and order the bike later this month to be operational by Spring 2023.



(31)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: MARCH 6, 2023

SUBJECT: ARTS AND CULTURE COMMISSION APPOINTMENTS

The terms of Tracy Walvatne, Tracy Jordre and Deb Williams on the Arts and Culture Commission expired on June 1, 2022.

Ms. Walvatne, Ms. Jordre and Ms. Williams are willing to continue their service on that Board and I am recommending they be reappointed for three-year terms ending June 1, 2025.

In addition, there is a vacancy that exists on the Board due to the resignation of Denise Kolpack. Her term would have expired on June 1, 2024.

I have attached the web application for Anna Johnson who has expressed interest in serving on the Board and I am, therefore, recommending her appointment to fill the unexpired term of Ms. Kolpack for a term ending June 1, 2024.

Your favorable consideration of these recommendations is greatly appreciated.

RECOMMENDED MOTION: To approve the appointment of Anna Johnson to fill the unexpired term of Denise Kolpack on the Arts and Culture Commission for a term ending June 1, 2024 and the reappointment of Tracy Walvatne, Tracy Jordre and Deb Williams to the Arts and Culture Commission for three-year terms ending June 1, 2025.

Kember Anderson

From: noreply@cityoffargo.com
Sent: Friday, July 03, 2020 7:27 AM
To: Commissions Applications
Subject: New Form Submission: Getting involved in government

Name:

[Anna Johnson]

Mailing Address:

[REDACTED]

City:

[Fargo]

State:

[North Dakota]

Zip:

[58103]

Work Phone:

[BLANK]

Home Phone:

[REDACTED]

E-mail:

[REDACTED]

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

[Arts & Culture Commission]

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

[As a active member of art community I think I have a good idea what our community wants and needs for the arts in fm.]

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

[10]

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

[I am currently on the Native American Commission.]

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

[I have been a professional artist with the community for the past 10 years. I have my BFA from NDSU. I also worked for Matbus as safety supervisor hiring and training the bus drivers.]

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

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John Strand, City Commissioner

Fargo City Hall

225 4th Street North

Fargo, ND 58102-4817

Phone: 701.715.3269 | Fax: 701.476.4136

Email: JStrand@FargoND.gov

www.FargoND.gov

M E M O R A N D U M

TO: BOARD OF CITY COMMISSIONERS

FROM: CITY COMMISSIONER JOHN STRAND

DATE: MARCH 6, 2023

SUBJECT: LEGISLATIVE WORKFORCE PRIORITIES

"With more than 30,000 open jobs and the nation's second-lowest unemployment rate at 2.3%, North Dakota must take a comprehensive approach to solving our workforce shortage," ND Governor Doug Burgum admonished in a March 1st opinion piece published in The Fargo Forum.

On January 24th, FMWF Chamber of Commerce President Shannon Full asked the House Human Services Committee to oppose two House Bills regarding Trans youth in athletic events. "These pieces of legislation are potentially detrimental to our state, possessing a plethora of adverse effects, including a loss of economic stimulation in the hospitality and tourism industry, and impeding our state's ability to create a robust business friendly climate," Full's letter stated. "The state of North Dakota is competing on a global scale for tourism, economic development, and workforce attraction. If enacted, policies such as these not only impact our state's brand but also hinders our ability to attract and retain companies and individuals."

On February 6th, the Fargo Human Rights Commission issued a unanimous statement opposing the large number of homophobic and transphobic bills before the 2023 Legislature.

"We know that the State of North Dakota prides itself on being an inviting and welcoming community that opposes discrimination. We believe these bills individually and collectively are contrary to this goal," the HRC said.

"Across the state, with help wanted signs in the windows of businesses large and small, our citizens and communities are feeling the effects of North Dakota's No. 1 barrier to economic growth — the workforce shortage," Gov. Burgum's March 1st letter to the editor stated.

As a community, Fargo strives to be welcoming. That value has served us well as we have seen our community grow and prosper through good times and bad. One of the greatest challenges before us now is the growing and persistent workforce shortage. We need talented people who want to come to Fargo and North Dakota. We are concerned a large number of legislative bills targeting marginalized community members will do the exact opposite and potentially will be detrimental to our state.

RECOMMENDED MOTION: The City of Fargo joins Governor Burgum, the FMWF Chamber of Commerce and many others in this call to urgently and successfully grow our workforce. Further, we join the Fargo Human Rights Commission opposing legislation targeting marginalized and at-risk community members, thereby narrowing our pool of people otherwise available to fill our thousands of vacant jobs in North Dakota.